Moving Beyond Youth Prisons:
Lessons from New York City's Implementation of Close to Home

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Executive Summary

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

Fast forward twenty years, and things in New York looked dramatically different. By 2016, **New York City no longer sent any youth from its Family Court to state-operated youth prisons.[2]** Today, only around 100

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

New York City youth are placed from Family Court into any kind of residential facility, about a dozen of whom are in a locked facility.[3] Not only are there dramatically fewer youth in residential placements, but those who do get placed now go to smaller, more home-like settings that attend to public safety without mirroring the punitive, correctional approaches embodied by previous youth prisons.

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

Close to Home (C2H), the initiative that transferred the care and custody of all New York City youth adjudicated as juvenile delinquents from the State to the City, was embedded in a set of reforms that involved policing, detention, and developments in science and evidence-based interventions. While the astronomical costs of the system played an important role, the commitment by key stakeholders to create a developmentally-appropriate system without sacrificing public safety and adhering to a shared set of principles and values were key to the system's transformation.

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

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

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

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

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

of civil rights violations by the State Division for Youth (DFY), which oversaw the state's youth prisons, surfaced.

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

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

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

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

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

- Make the cost and current state of youth prisons visible to key political leaders
- Establish a blueprint for change
- Identify clear champions to navigate the legislative process
- Work with advocates to press forward the legislative process

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

- Construct policy to assure permanent support for the new system

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

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

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

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

Even with all of the planning that went into putting Close to Home in place, the real test came with implementation. **Chapter 4: Implement and Monitor the New System** describes what it took to get C2H "off the ground," focusing on the key areas of training, rollout and monitoring, and measuring success.

Staff training included internal training of ACS and DOP staff in new tools and approaches and external training of staff of provider agencies in evidence-based approaches, policies, and procedures. To assure some consistency in their approach, ACS convened the providers on a regular basis to both get their input on various policies, practices, and regulations, as well as to exchange information about how they were setting up their facilities. In addition, several facilities were operating with the Missouri Model, and received training and coaching from the Missouri Youth Services Institute to ensure consistency and fidelity to the approach. Despite these efforts, there were problems with provider readiness since many of the procured providers were more child welfare-focused and had little experience with juvenile justice, especially placement. Given that the Limited Secure Placement (LSP) sites were not scheduled to open until the following year, the Non-Secure Placement (NSP) providers had no options for transferring youth to sites that were more secure. The result was a high rate of AWOLS during the initial months of implementation.

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

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

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

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

Indicator 1: Changes in the Use of Placement and Community-Based Services: Declines in placement pre-dated C2H, due in part to declining crime and detention reform. Placements continued to decline after the introduction of C2H. Between 2012 and 2016, the number of youth from New York City who were placed out of home declined by 68 percent,[5] compared to a 20 percent reduction for the rest of NYS. By 2016, no New York City Family Court JD placements went to state-operated secure facilities.[6]

Indicator 2: Changes in Facility Experience and Practices: The initial challenges of implementation notwithstanding, ACS's oversight and monitoring of C2H residences showed improvements in facility

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

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

operation and environment. The number of AWOLs (youth who were Absent Without Leave) continued to decline, falling from a high of more than 1,000 Incidents in Year 1 to 136 in 2016 (NYC ACS 2017).[7]

Indicator 3: Focus on Youth Development, Family Engagement, and Education: Supporting positive youth development is a core goal of C2H. Key youth development indicators include education and family reunification. The findings for these metrics are encouraging: 91 percent of C2H youth passed their academic classes (2016-2017 School Year), 82 percent of youth transitioned from C2H to a parent, other family member, or guardian (2016), and 91 percent of youth who transitioned from C2H enrolled with community-based programs (2016).

Indicator 4: Impact on Public Safety: To date, there are no longitudinal data showing recidivism rates of youth in C2H.[8] However, initial measures suggest that the initiative has not jeopardized public safety. Since C2H began, juvenile arrest rates have declined at an accelerated rate. In the four years preceding C2H (2008-2012), juvenile arrests in New York City declined by 24 percent, while in the four years since C2H implementation began (2012-2016), they declined by 52 percent. Moreover, between 2012 and 2016, youth arrests in New York City decreased by 28.5 percent *more* than in the rest of the state during this same period (52 percent versus 41 percent), which did not pursue C2H. Finally, readmissions to C2H and violations of aftercare conditions have been limited. Of the 836 young people released from C2H placement between 2014 and 2016, 64 (or 7.6 percent) had their aftercare revoked for violations of the terms of their release, such as a new arrest (Szanyi, & Soler 2018).

Indicator 5: Impact on Racial Disparities: Reducing racial disparities remains elusive for the C2H initiative. ACS' most recent annual report showed that 90 percent of C2H alternative-to-placement and residential admissions were youth of color (60 percent black and 30 percent Latino) compared to their overall representation in the NYC population of roughly 40 percent. Further, all youth placed into limited secure C2H facilities in 2018 were African American or Latino youth (NYC ACS 2018 (b)).

The C2H experience shows the need for other jurisdictions to:

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

Nearly seven years after its passage, C2H has become an accepted and appreciated part of New York City's juvenile justice system, one that other jurisdictions are now looking to emulate. **Chapter 5: Adapting the System to Meet New Challenges** describes the new opportunities and challenges C2H faces moving forward. Chief among these are the loss of state funding, and the challenge of incorporating older youth in C2H, following changes in state law that place most 16- and 17-year old youth in the juvenile justice system. New approaches in educational programming should also be explored, to help youth maintain the gains made while in a C2H educational setting in his or her community school. C2H will also need to build more robust data

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

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

collection, and evaluation and research capacity to capture long-term outcomes for youth who go through C2H. Research and evaluation should be both quantitative and qualitative. Evaluation of C2H effectiveness is more than just collecting information about these data points: it requires a framework that looks at the effectiveness of this (or any other justice) intervention within the context of social and economic structural conditions.

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

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

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

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

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

Glossary

Many terms used in this report are specific to New York State and City's juvenile justice system. This glossary is intended to help readers understand this precise language and provide context for the changes that occurred.

Aftercare: Aftercare refers to services and supports offered to youth after they complete the formal requirements of a juvenile justice residential program. In the case of C2H residential programs, aftercare encompasses continued supervision by ACS' contractors after release from the residential program and provision of evidence-based/informed interventions to ensure a youth's successful transition home.

Alternative to Detention (ATD): Programs that can be used by the court in lieu of holding a youth in a pre-trial detention facility. ATD programs help to ensure that the youth returns to court and refrains from delinquency during the pendency of the case.

Alternative-to-Placement (ATP): Program options that may be used by a Family Court judge in lieu of out-of-home placement. There are a number of ATP programs in NYC, some dating back to the late 1980s. ACS expanded ATP options prior to C2H through the Juvenile Justice Initiative (JJI). The Department of Probation (DOP) created the Esperanza ATP in 2003, with additional ATPs introduced in 2012.

Detention: The practice of temporarily holding youth in a secure or non-secure facility, pending a court hearing, similar to jail in the adult context.

Disposition: The outcomes a judge can order following a determination that a youth is found guilty of committing a crime; this is often referred to as a youth being "adjudicated delinquent." In New York, there are wide range of dispositions, such as a case being dismissed and youth being placed outside of the home.

Juvenile Delinquent (JD): A youth between the ages of 7 and 17 who is found by the Family Court to have committed an act that would constitute a crime if committed by an adult. At the time that C2H was introduced, the upper age limit for a JD was 16. In 2017, New York State passed legislation, "Raise the Age," that will raise the upper age limit of Family Court jurisdiction to 18 effective October 1, 2019.

Juvenile Offender (JO): A youth who committed a crime while under the age of 16 and was tried and convicted in the criminal (adult) court, rather than the Family Court, due to the severity of the offense.

OCFS custody: Prior to Close to Home, when a youth was ordered to an out-of-home placement, they were placed under the care of the Office of Children and Family Services (OCFS), the state agency overseeing juvenile justice, which typically resulted in placement at a private facility contracted by the state or a state-operated facility.

Out-of-Home (or Residential) Placement: A disposition imposed in Family Court, following a delinquency adjudication for youth considered inappropriate for a dismissal, conditional discharge, probation or an ATP; outside of New York, this can also be referred to as "commitment." The out-of-home placement options include placement in a facility under contract to a local department of social services (DSS) or placement with the NYS Office of Children and Family Services (OCFS). After C2H, "delinquent" youth from New York City were no longer placed with OCFS for non-secure or limited secure placements (See more in Chapter 3, Close to Home by the Numbers). The Family Court now places such youth under the care and custody of ACS, the

City's child welfare/juvenile justice department, which then determines a C2H facility for placement. Placement options vary by security level:

> **Secure Placement Facility:** These facilities provide the most controlled and restrictive residential programs. They are generally reserved for JOs and JDs with the most serious felony cases, known as designated felonies. The facilities are surrounded by barbed wire and have secure hardware for internal doors. While Family Court judges may place JDs in OCFS secure facilities, in practice that rarely, if ever happens. As of 2016, there were no New York City Family Court placements in OCFS secure facilities.

> **Limited Secure Placement Facility (LSP):** The LSP facilities operated by OCFS for those counties outside of New York City are somewhat less restrictive than secure facilities. Beginning in 2015, youth in New York City who were sent to LSP no longer went to OCFS facilities and were assigned to one of the C2H facilities. While many of them look less institutional and "adult-like" than state-run facilities, they still have different security features, such as 24/7 control rooms, sally port entrances, and additional locking mechanisms. LSPs are typically small, with between 10-18 beds and are located in, or within 25 miles of, New York City.

> **Non-Secure Placement Facility (NSP):** OCFS has smaller, NSP facilities that do not have perimeter fencing, and more closely home-like settings, typically ranging in size from 22 to 50 beds. New York City youth eligible for NSP go to a C2H residence, typically a small, home-like facility with 6 - 13 beds in a city neighborhood.

Probation: The court determines that a delinquent youth is in need of guidance, training, or other assistance, and sentences him or her to probation supervision. Under probation, the youth remains in the community but must meet certain conditions, such as completion of community service or participation in an alternative to residential placement (ATP) program. If the terms of probation are violated, probation may be revoked and the court may consider imposing stricter sanctions. The period of supervision for juveniles can last up to two years.

Risk Assessment Instruments: Tools used to guide detention or placement decisions. Detention risk assessment instruments (RAI) include criteria found to be associated with likelihood of re-arrest and returning to court. They are used to guide decision-making by the court as to whether the youth is eligible for release home, release to an alternative to detention (ATD) program, a non-secure detention facility or secure detention. Similarly, risk assessment tools can be used to guide juvenile sentencing – (level of) out-of-home placement, probation or ATP. Empirically-validated RAIs have been effective in limiting the inappropriate use of secure detention and the overuse of out-of-home placement.

Introduction

In the mid-1990s, New York's youth prison system looked similar to those of other states. Approximately 3,800 youth annually convicted of crimes in juvenile court (also known as Family Court) and sentenced to serve time went to one of the nearly three dozen distant facilities, run either by the New York State Office of Children and Family Services (OCFS) or one of its contracted private providers, that dotted the state's many upstate communities (Sickmund et al. 2017; New York State (NYS) Office of the State Comptroller 2001). These youth prisons, staffed predominantly by local residents from white, rural communities were largely populated by poor youth of color from the state's urban areas, primarily New York City (NYC). Upon returning home from these placements, they often felt disconnected from their families and communities. Unsurprisingly, their outcomes following release were not good – a study indicated that by age 28, 71 percent of boys released from state juvenile placement spend some time in an adult jail or prison (Coleman, Do Han Kim & Therese 2009).

Fast forward twenty years, and things in New York looked dramatically different. By 2016, New York City no longer sent *any* youth from its Family Court to state-operated youth prisons.

This development, in and of itself, may not have been a significant outcome, particularly if these youth were just moved to local youth prisons. Instead, the vast majority of New York City youth were returned to supportive services in their communities, and those who did go to an out-of-home placement went to smaller, more home-like settings that attended to public safety, without the look and feel of adult prisons. In short, C2H was not purely an initiative that transferred custody for youth from one jurisdiction to another, but rather, a complete reimagining of the City's youth justice system.

What exactly happened in these intervening years? In just over a decade, how did the largest city in the country go from sending thousands of kids from Family Court to faraway youth prisons upstate to completely eschewing state youth prisons and instead placing significantly fewer youth in these more rehabilitative facilities, close to their families and communities?

A combination of factors – including changes in the understanding of adolescent development, a decline in both adult and juvenile crime, and the resulting shift in public sentiment all contributed to the decline in youth prison placements in New York City. While a full examination of these factors is beyond the scope of this report, it is important to pay attention to this context, particularly in relation to crime trends. The decline in crime began in 1990 and continues unabated to this day.[9] It persisted through changes in policing tactics from "broken windows" and an end to the notorious "stop and frisk" policing. As a result, there were fewer young people brought into the system and the public was no longer wracked by fear of being victimized. The declining numbers of young people in the juvenile justice system made it possible to contemplate treatment interventions that would rely less on incarceration. The smaller numbers placed in OCFS facilities meant that the costs per youth went up, as most incarceration costs are fixed and do not shift dramatically with incarceration declines. By 2011, the year before Close to Home was implemented, the cost of placing a youth

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[9] The violent crime rate in New York City in 1990 was 2,383.6 per 100,000; by 2014 (most recent data available from the Uniform Crime Report) the rate had dropped to 596.7 per 100,000 (U.S. Department of Justice, Federal Bureau of Investigation. (2019).

into state custody had reached over $250,000 per year per youth, a cost that was both unsustainable and loudly protested (NYS DCJS 2012).

Within the context of this changing environment, a key development occurred in March 2012, when the New York State (NYS) Legislature passed, and Governor Andrew Cuomo signed, legislation creating the Close to Home Initiative (C2H). The new law transferred the custody of children found guilty of committing a crime (referred to as "adjudicated delinquent") and sentenced by a Family Court judge to prison (also known as "disposed to placement" or "placed") from OCFS to the New York City Administration for Children's Services (ACS).[10]

C2H ushered in a range of changes intended to support young people and limit the use of incarceration. Central to this shift was a significant expansion of community-based, non-residential alternative options and the establishment of small, home-like facilities to house youth sentenced to an out-of-home placement. The premise of this approach was both simple and powerful: by helping youth involved in the juvenile justice system stay "close to home" and remain connected to their families, schools, and communities, they would more easily transition back into their lives after release, ideally making it easier to become successful, productive adults.

As states and localities nationwide grapple with how to end the use of punitive youth prisons, C2H provides one example of how a jurisdiction—New York City—made such a seismic system change. At the heart of its success is the story of how different agencies and organizations responsible for and concerned with juvenile justice came together to change their philosophy and operations, with the twin goals of both providing better outcomes for youth, families and communities and enhancing public safety.

This report provides an inside look at how New York City undertook its massive deinstitutionalization effort. Specifically, it outlines who was involved in the process, what key steps enabled its development, and what important takeaways may be gleaned from this experience by other jurisdictions. The report begins with a brief review of the historical context that set the stage for Close to Home. Chapter 1 then takes a closer look at some of the precursors of reform happening in New York City and State about 10 years before its passage. Chapter 2 reviews the precipitating factors that led to the passage of the Close to Home legislation, as well as key points for negotiation. Chapters 3 and 4 delve deeply into how Close to Home was designed, implemented, and monitored, with a breakdown of various parts of the initiative, the roll-out process, and challenges faced in getting things off the ground. The final chapter focuses on how Close to Home is adapting to current and future challenges. By sharing New York City's story of C2H in this way, it is our intent to guide other jurisdictions as they embark on their own reform processes and adopt approaches that will best fit their local contexts.

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[10] As will be discussed subsequently in this report, through Close to Home, New York City has jurisdiction over young people placed in non-secure or limited secure facilities through its Family Courts. New York State retains custody of youth tried as adults sent to secure placement facilities through its adult, criminal courts. Unless otherwise indicated, references to youth placed in New York City C2H residences refer to non-secure and/or limited secure placements. Pursuant to New York State Social Services Law Section 404, Juvenile justice services close to home initiative, "youth adjudicated as JDs can no longer be placed into OCFS secure custody from NYC's Family Court."

Methodology

The methods used in this study include interviews with key stakeholders, review of juvenile justice data, review of material and documents pertinent to the planning and implementation of Close to Home, and review of literature on juvenile justice reform efforts.

We conducted interviews with 24 key stakeholders involved in the planning, negotiation and implementation of Close to Home. The individuals interviewed included past or present officials from the following state and city government agencies: the New York City Administration for Childrens' Services (ACS), the New York City Department of Probation (DOP), the New York City Mayor's Office of Criminal Justice, the New York State Office of Children and Family Services (OCFS) and the New York State Division of Criminal Justice Services (DCJS). We also interviewed advocates and TA providers who work on juvenile justice reform and helped bring C2H to fruition, as well as different C2H providers. In several cases, we asked those interviewed to review a draft of the report for accuracy and to offer additional information.

The literature and document review included research on juvenile justice reform efforts generally as well as studies and information about New York City, New York State and C2H reforms. Key documents include C2H annual reports produced by ACS, as well as recent C2H reports issued by Butts, Negredo and Elkin (2015) and Szanyi and Soler (2018). The data reviewed and analyzed include Close to Home and other juvenile justice outcome data from city and state sources, such as the New York City Police Department (NYPD), ACS, DCJS, DOP, and OCFS. The different agencies and organizations sometime reported data differently, particularly with respect to time periods: some sources reported information by Calendar Year (CY) and others used a Fiscal Year (FY) framework. C2H was closely watched by media outlets, particularly those in New York City, and these sources were considered as well.

Finally, this report benefited from a pre-publication release of certain aspects of the report. A brief paper was presented in concert with a forum held in March 2018. The forum was attended by 75 people, most of whom had been involved in the planning and implementation of C2H. The panel presentation that was part of the forum included youth, public officials and C2H providers. The conversations that were part of the forum also provided insights for this case study.

Background: Close to Home in a Historical Context

The evolution of New York's youth justice system largely tracks with, and in some cases presaged, what was happening in the field of youth justice nationally. Below are some key historical developments that helped shape some of the trends in juvenile institutionalization in New York.

New York's earliest youth prison: Starting with the New York House of Refuge, which was widely seen as the nation's first youth prison when it was created in 1824, this facility was eventually moved to Randall's Island, isolated from the City neighborhoods where children's families lived. While there was an effort to engage in rehabilitation, by and large, children inside this and other so-called "reform schools" faced poor conditions, and abuse was common (Rothman 1980, McCarthy et al. 2016).

Growing adultification of the system. Even as there had been a recognition of the need to treat youth differently, particularly following the introduction of separate juvenile courts at the turn of the 20th century, the US juvenile justice system decidedly took a more punitive turn in the 1970s. Many states adopted a tough-on-crime stance and made significant statutory changes that transformed the treatment of youth in conflict with the law. New York passed the first and one of the harshest laws, the Juvenile Offender (JO) Law, in 1978. The JO law allowed youth as young as 13 to be tried as adults if charged with certain violent felony offenses (Schwartz 1980).

Meanwhile, inside juvenile institutions, harsh and deadly conditions became the norm. In New York, allegations of civil rights violations by the State Division for Youth (DFY), which oversaw the state's youth prisons, surfaced. As early as 1970, a class action lawsuit brought by the Juvenile Rights Division of the Legal Aid Society asserted that DFY violated the Eighth and Fourteenth Amendments of youth in its custody by using isolation, hand and feet restraints, and tranquilizing drugs to control and punish undesirable behavior (Pena v. New York State Division for Youth, 419 F. Supp. 203 (S.D.N.Y. 1976)).

The introduction of the "super-predator". This retributive framework continued for two decades, accelerating after the introduction of the term "super-predator" by Princeton University professor John DiIulio. According to DiIulio, "the black kids who inspire fear seem not merely unrecognizable but alien." Indeed, the super-predator epithet helped foster images of youth of color as dangerous and out-of-control (Dorfman & Schiraldi 2001). Between 1975 and 1995, the number of youths who were incarcerated rose by 45 percent (Annie E. Casey Foundation 2013; Smith 1999).

Increasing calls to reform juvenile justice systems. By the mid-1990s and through the early 2000s, there was growing resistance to the punitive approach to youth in custody, spanning over three decades. Bolstered by research on the science of adolescent brain development (Steinberg 2009) and support from the philanthropic community, an increasing number of advocates, directly-impacted youth and families, and creative government leaders in New York City and elsewhere began pushing for new reforms. These reforms included the expanded use of community-based programs instead of custody and the redesign of facilities in some states (see more in Chapter 1).

Harsh and deadly conditions of confinement in New York youth prisons. Yet, despite this backdrop of reform, conditions for youth in New York's state-run youth prisons remained abysmal. In 2006, a Human Rights Watch report highlighted the horrific conditions of confinement for girls in several of New York's state youth prisons, documenting cases of sexual abuse and excessive use of restraints and force (Lewis 2006). Later

that year, Darryl Thompson, a 15-year old black boy from the Bronx serving time at the Tryon Boys' Residential facility, was pinned and restrained face down by two staff members, following the loss of his recreational privileges. Minutes later, he stopped breathing and later died at a nearby hospital (Feldman 2007).

News of Thompson's death quickly spread, and by 2007, the state's juvenile justice system was in a full-blown crisis, as public outrage over facility conditions grew.[11] Early that year, following the election of Governor Eliot Spitzer, Gladys Carrión was appointed to oversee OCFS and made juvenile justice reform the centerpiece of her agenda. Within months of her taking office, the U.S. Department of Justice's Civil Rights Division (DOJ) began an investigation into the conditions at four Office of Children and Family Services facilities, including the Tryon Residential Center where Darryl was housed (U.S. Department of Justice 2009). In 2010, OCFS entered a consent decree with DOJ.

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[11] See for example: New York Times Editorial Board. 2008 (Aug. 27). Why Did Darryl Die?; Feldman, C. 2007 (Feb.21) Johnstown: Teenager's Death Ruled a Homicide. New York Times; Gonnerman, J. 2010 (Jan. 24). The Lost Boys of Tryon. New York Magazine; Hammond, B. 2010 (Nov 23). Andrew Cuomo tours the belly of the beast: Tryon youth prison is a textbook case of N.Y. dysfunction. The New York Post.

Chapter 1: Build the Foundation for Change

As policymakers and practitioners consider how to start the process of deinstitutionalizing their systems, New York City's experience points to the value of undertaking substantial incremental reforms, punctuated by watershed approaches, to establish the infrastructure needed to support large-scale transformations, and capitalizing on opportune moments. In the decade before C2H's passage, New York City's efforts were centered on reducing the number of youth entering the juvenile justice system and establishing new community capacity to serve delinquent youth close to home. Simultaneously, the New York State OCFS was dramatically downsizing and transforming its state-operated youth prison system, following reports of violence and abuse in its facilities (See **Background: Close to Home in a Historical Context**). Together, these parallel reform processes paved the way for a new conversation about how to approach young people found guilty of committing crimes. They also provided a prototype for system collaboration, bringing together representatives from government agencies, the advocacy community, local providers, and local communities to work together to achieve a common purpose.

Key City Efforts

- Beginning in the mid-1990s, New York City experienced a remarkable decline in juvenile crime, mirroring similar trends occurring around the country (Butterfield 1996). According to those interviewed, this drop in crime helped provide both the space and "political breathing room" for policymakers, practitioners, and advocates to pursue reforms that reduced the overall number of youth in the system who entered state custody and created expanded community capacity to serve youth outside of secure facilities. These efforts ultimately laid much of the groundwork for Close to Home, as it became harder to justify sending such a small number of youth to state facilities, particularly ones that were producing such poor outcomes.

- In 2003, dismayed by the high rates of recidivism resulting from detention and placement, NYC Department of Probation (DOP) Commissioner Martin Horn created Project Zero with the stated goal of reducing city commitments to state youth prisons to zero.[12] Project Zero promoted objective decision-making within the court and expanding options to provide youth with community-based supports. To address the first, the agency developed the Probation Assessment Tool (PAT),[13] an instrument designed to assist probation officers in making dispositional recommendations to the court. Separately, and in partnership with the Vera Institute of Justice (Vera), a NYC-based justice research and policy organization, DOP developed Esperanza, which provided home-based counseling for youth who would otherwise be sent to prison, as well as Enhanced Probation Supervision, for youth who needed closer monitoring. Data from Project Zero showed that it reduced youth incarceration by 38

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[12] See Morais, B. (2008, July 7). *Close-To-Home Treatment For Youths Gains.* Available at: https://citylimits.org/2008/07/07/close-to-home-treatment-for-youths-gains-notice/

[13] The PAT was eventually replaced by the Youth Level of Service/Case Management Inventory (YLS-CMI).

percent between 2006 and 2009 and demonstrated higher rates of youth completing their probation sentences (Schiraldi, Schindler, & Goliday 2011).

- In 2006, the Mayor's Office of Criminal Justice partnered with Vera to develop and implement an empirically-based risk assessment instrument (RAI) to guide detention decision-making while simultaneously creating a network of alternative to detention programs.[14] Given the large numbers of youth who were detained pre-trial and the negative impacts associated with even a short stay in confinement, the RAI was seen as a way to promote more objective, rational decision-making about which youth posed either a risk of flight or re-arrest—the primary reasons for holding a youth in detention under statute.[15] Completed by a Probation intake officer, the RAI assigns points, based on a youth's history of involvement in the juvenile justice system (including warrants, prior arrests, adjudications, and probation) and level of school attendance to calculate a youth's risk of failure to appear (FTA) in court and their risk of re-arrest. The final score is then used to place youth in one of three categories – low-risk, mid-risk, or high-risk. This information was then shared with Family Court judges to assist in their decision-making about whether or not to detain a youth during the pendency of the case. Piloted in Brooklyn and Queens in 2007, the RAI was rolled out citywide in 2008 (Fratello, Salsich, & Mogulescu 2011).

  The use of the RAI reduced the use of detention without an increase in crime. Youth scoring low-risk were released to parents, youth scoring mid-risk were often recommended for alternative-to-detention programs,[16] and youth who scored as high risk were detained. Following the adoption of the RAI, the City's detention admissions decreased by 28 percent, without jeopardizing public safety (Fratello, Salsich & Ferone 2014).

- In the early 2000s, the widespread criticism of OCFS facilities also led Family Court judges to rely more on private agencies for the placement of youth adjudicated delinquent. This too became problematic based on ACS data that showed that youth who were initially placed in private facilities were transferred at high rates to state-run facilities, and experienced both longer lengths of stay and high rates of recidivism (White, Hemphill, & Hurley 2009).[17] Partially in response to these issues, in February 2007, the City's Administration for Children's Services (ACS) embarked on an ambitious effort to reduce the placement of youth adjudicated as JDs in private as well as state-run facilities, creating the Juvenile

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[14] Risk assessment tools are broadly sorted into two categories: actuarial models based on empirical testing and consensus models based on the judgements of professionals with experience in the field (see more in the Glossary).

[15] New York State Executive Law § 530 and N.Y. Fam. Ct. Act § 320.5 (3)

[16] Through an RFP process, the City contracted with not-for-profit organizations to provide ATD programs for "mid-range" youth. These organizations provided after school programming, community monitoring and reminders about court appearances.

[17] Information about outcomes of children placed with private agencies is scant, leading the State's Juvenile Justice Advisory Group (2010) to call them an "invisible population" (p. 16). However, a DCJS study (Frederick 1999) indicated that recidivism rates of youth released from private residential centers were as high as the rates shown for young people leaving state-run facilities. A Child Welfare Report (Hurley 2009) noted that in 2007, nearly 30 percent of all juvenile delinquents initially placed with private agency facilities centers were transferred to OCFS facilities, for reasons as diverse as breaking rules, lack of services or unmanageable behavior. Finally, a New York City Independent Budget Office report (2008) found that the length of stay of youth placed with private agencies was about six months longer than that of youth placed with OCFS.

Justice Initiative (JJI). JJI harnessed seasoned child welfare providers to employ evidence-based programs for youth who were placement-bound at disposition, as well as to support youth returning home after State OCFS placement. Services are provided in a youth's home, using one of the approved therapeutic interventions.[18] Programming typically lasts four to 12 months. In the first three years of implementation, JJI reduced placements by 37 percent (Busching 2011).

- In 2010, DOP Commissioner Vincent Schiraldi initiated efforts to increase diversion of youth referred by the police and to reduce probation violations that often resulted in placement of youth in OCFS facilities. "Adjustments" – or diversion of youth from prosecution in Family Court – increased while probation violations decreased, further reducing placements of youth in OCFS facilities (New York City Department of Probation 2013).

These different efforts enabled stakeholders within the City to work with others outside of their agencies, which helped establish a sense of trust and gave them opportunities to observe and modify policies and practices together that effectively reduced incarceration without jeopardizing public safety.

Key State Efforts

- For decades, New York City was the driving force behind youth who entered OCFS-operated prisons. As late as 2007, 57 percent of all youth admissions to OCFS facilities came from the five boroughs (NYS OCFS 2008). These trends slowly began to shift, as New York City invested in efforts to reduce the number of youth in its juvenile justice system and serve them in non-residential programs. Coupled with the public scrutiny following Darryl Thompson's death at the Tryon Residential Center in 2006, questions were raised about the wisdom of maintaining a state youth prison system that was underutilized, costly, and abusive to the children it housed.

Recognizing these challenges, OCFS Commissioner Gladys Carrión, Esq. began working to reform the system. These efforts included both "outside" strategies and "inside" strategies that propelled a window of political opportunity to shrink the size of the state's youth prison system and pilot new, rehabilitative approaches for working with youth in need of placement.

- In 2008, confronting major challenges within the state's juvenile justice system, Commissioner Carrión worked behind the scenes with the Governor's office to establish the Task Force on Transforming Juvenile Justice in New York State. The Task Force, chaired by John Jay College President Jeremy Travis, included representatives from an array of state and local agencies, the judiciary, advocacy organizations, service providers, and family members. Specifically, the group was asked to develop a strategic blueprint to reimagine the state's youth justice system, based on a review of current system functioning, youth needs, and available community resources, alongside best practices demonstrated elsewhere. The Task Force's December 2009 report, which came just a few months after the results of DOJ's ongoing investigation were made public (See **Leveraging the US Department of Justice**

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[18] The models utilized are Multisystemic Therapy (MST) and Functional Family Therapy (FFT), both of which are delivered in the youth's home. JJI also uses Multidimensional Treatment Foster Care (MTFC) which provides six to nine months of care in a specially trained foster home, after which the child is returned home with services. Finally, JJI developed its own evidenced-informed approach, "Blue Sky," which combined elements of MST, FFT and MTFC.

Investigation and Settlement for Reform), provided the clearest picture yet of what was happening to youth under the state's care. The report stated that: "New York's juvenile justice system is failing in its mission to nurture and care for young people in state custody. The state's punitive, correctional approach has damaged the future prospects of these young people, wasted millions of taxpayer dollars, and violated the fundamental principles of positive youth development." (Task Force 2009, p. 8). Among the report's leading recommendations were to reduce the use of institutional placement, downsize or close underutilized facilities, and reinvest in communities." (Task Force 2009, p.12). Although it did not go so far as to recommend a full deinstitutionalization of city youth, the report helped build support for proposed youth prison closures and accelerate the desire for reform in New York City.

Leveraging the US Department of Justice Investigation and Settlement for Reform

Like many other states around the country, New York's state-operated youth prisons came under investigation by the U.S. Department of Justice's Civil Rights Division in 2008. This investigation followed a lawsuit brought by the Legal Aid Society, prompted by harsh conditions of confinement. DOJ investigators reviewed what was happening at four OCFS facilities, focusing on whether youth were adequately protected from harm and examining specific allegations of sexual misconduct and unreasonable use of restraints. Based on a review of policies and regulations, as well as interviews with youth, staff, administrators, and experts, investigators issued a scathing findings letter to Governor David Paterson, noting that:

> *"…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 fistfight 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." (US Department of Justice 2009, p. 5)*

DOJ also cited OCFS for its lack of mental health and substance abuse treatment services for youth in its residential care and custody. Investigators concluded that conditions in these facilities amounted to a violation of residents' constitutional rights.

While many state commissioners may have seen such a development as problematic, Commissioner Carrión capitalized on DOJ's findings to sound the alarm about the problems in OCFS-operated facilities. Not surprisingly, judges became more reluctant to send youth to state custody and became more willing to explore other options for youth who, in their view, required out-of-home placement. Meanwhile, the State and OCFS quickly agreed to a settlement with DOJ, which was viewed positively by advocates, and began taking steps to address the problems. Among the changes required under the settlement were limits on the use of physical restraints, the

provision of psychiatric care, and the creation of a new division to investigate allegations of abuse and excessive force.

These conditions and litigation were also used by city leaders to argue for a watershed shift away from state youth prisons to a system completely realigned to the city. In 2010, several years before the passage of Close to Home, ACS Commissioner John Mattingly and Probation Commissioner Vincent Schiraldi laid the theoretical and practical groundwork for it in an Albany Times-Union op-ed piece, writing:

> *California and Detroit have returned young people who were formerly confined in state facilities to effective programs close to home, realigning dollars from the state to the counties. These changes successfully reduced incarceration without increasing crime.*
>
> *We are anxious to work with the governor, Commissioner Carrión and state policy makers to complete the job by continuing to close unnecessary facilities. But it is absolutely essential for the state to reallocate savings to local governments so they can create the kinds of programs that will improve youth outcomes and thereby make our neighborhoods safer. (Mattingly and Schiraldi, 2010)*

A few months later, New York City Mayor Michael Bloomberg reiterated these concerns and called for a complete return of city youth from OCFS to city custody, and the debate over Close to Home began (Buettner, 2010; See Chapter 2 for more discussion).

- Realizing the uphill battle she faced in pushing for reform in her first year, Commissioner Carrión launched an innovative strategic communications and advocacy campaign called *Empty Beds, Wasted Dollars* in late 2008. This campaign helped generate the political will and public pressure required to transform the juvenile justice system. By highlighting the number of existing prisons operating with so few youth, along with how expensive those facilities were to maintain, Carrión neutralized the staunch opposition to closures from upstate Republican legislators with youth prisons located in their districts and the labor unions that represented state facility workers. In a few years, the *Empty Beds, Wasted Dollars* campaign generated more than 300 newspaper, magazine, television, radio and online story and op-ed placements, raising awareness about the state of the current system and its cost among taxpayers. In conjunction with pressure from state and local advocates, OCFS leveraged its political capital, closing or downsizing over two dozen facilities during Commissioner Carrión's 7-year tenure. (See more in **Advocates' Role in the Closure of New York State's Prisons**.) She also changed the overall philosophy of the agency from one of custody and control to one focused on understanding and healing trauma.[19]

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[19] OCFS adopted the Sanctuary Model® developed by Sandra L. Bloom, M.D, within its facilities. For more information, see: http://www.sanctuaryweb.com/TheSanctuaryModel.aspx

Advocates' Role in the Closure of New York State's Youth Prisons

Advocacy was crucial in reducing New York's use of youth prisons. Advocates had historically worked to reduce institutionalization of youth, garner funding for alternatives to placement and detention, and close OCFS facilities and city detention facilities. This work was with, and sometimes in opposition to, government agencies and personnel. Below is a brief look at the different roles that advocates played in helping to close youth prisons. .

Documenting and communicating problems publicly. Advocates helped document problems in OCFS facilities, as exemplified by the Human Rights Watch report (Lewis 2006), which outlined horrific treatment and abuse of girls. Additionally, the lawsuit brought by the Legal Aid Society of New York placed considerable pressure on State and City government to make changes to address the harmful and unconstitutional conditions in facilities. Advocates were also valuable in testifying at hearings and active participants on various Task Forces and committees examining the state of the current system, voicing positions that public officials were not always able to take.

Strategizing with agency officials. The Correctional Association's (CA) Juvenile Justice Project, one of the state's leading youth justice advocacy organization at the time, partnered with OCFS to launch the *Empty Beds, Wasted Dollars* campaign in 2008. The CA coordinated and communicated closely with OCFS on all aspects of the campaign, which involved an "inside-outside strategy" to push for closure of six youth prisons in 2008 and the closure/ downsizing of an additional 11 youth prisons in 2009. Using vital information and data from OCFS, the CA and other community stakeholders made a clear and compelling case that New York State was wasting millions of dollars on youth prisons that were virtually empty. This message was later underscored when both Governor-elect Cuomo and Mayor Bloomberg visited empty facilities in 2010 (see more in Chapter 2). OCFS also allowed news crews to film inside the under-capacity youth prisons and highlight system waste. The Children's Defense Fund's New York office was a key ally of the CA during these efforts.

Organizing and coordinating key partners. The CA and CDF also coordinated a coalition of 50 organizations, called the Juvenile Justice Coalition. The Coalition held lobby days and press conferences at the State Capitol to support prison closures. The Coalition's statewide reach was critical in garnering support for the closing of OCFS facilities, most of which were located in upstate New York. The CA also worked on a communications strategy to lift up the effectiveness of community-based alternatives to incarceration.

Raising the voices of youth in the system. Advocacy groups were also essential in partnering with and raising up the voices of young people and parents who had been directly impacted by youth incarceration and training them to advocate and lead the reform efforts. The CA's youth leadership training program prepared young people to become media spokespeople and to meet with legislators and policymakers in support of closing youth prisons and re-investing in alternatives. ATI organizations recruited and trained young people in their programs to testify before state and city committees. Some also participated in meetings with communities and on the Dispositional Reform Steering Committee, which led the City's efforts to develop Close to Home (see Chapter 3).

- In 2010, based on the Task Force's recommendations and simultaneous with city efforts to pass Close to Home, OCFS initiated a new effort to reimagine what state custody could look like. With support from the Vera of Institute of Justice and the Missouri Youth Services Institute, the agency piloted a community-based, graduated continuum of placement options—both residential and non-residential—that would be close to youths' homes. OCFS selected Brooklyn for the pilot, due to the high number of Brooklyn youth placed in state custody and the agency's strong human and capital resources in the borough. Dubbed "Brooklyn for Brooklyn", the initiative was modeled programmatically on the Missouri model of care, premised on the need for strong partnership with youths' families and communities. At the core of the initiative was the complete overhaul and revamping of the existing Brooklyn Residential Center (BRC), an OCFS group home in Crown Heights, to serve up to 20 boys at any given time in a more rehabilitative environment that is conducive to positive youth development. While promising, B4B was eventually shut down once Close to Home was passed, with the State later selling the facility to NYC to be used for C2H (Butts, Negredo, L. & Elkin, 2015).

Key Takeaways for Other Jurisdictions

- **Incremental, focused steps can be helpful when punctuated by calls for watershed reforms.** Close to Home reflects the accumulation of many steps taken over a number of years, interspersed with several defining moments like the Task Force's report and city's clarion call for the transfer of all youth from state to city custody. The incremental steps focused on criticizing the tenets of the youth prison model; reducing out-of-home placements; creating models for smaller, community-based residences; reducing costs; and grounding interventions in evidence-based/evidence-informed practices.
- **Seize moments of crisis as an opportunity for change.** The tragic death of Daryl Thompson and the DOJ's scathing findings propelled the City and State to take action. To the extent that other jurisdictions may experience similar ordeals, it is important to leverage these tragic circumstances to promote major leaps forward in reform efforts that move beyond incremental steps.
- **Advocates can help push reform.** In both New York City and New York State, advocates were important voices in pressing for changes. The strategic engagement of advocates was key to building momentum for closing youth prisons and involving different voices, including those of youth and families, in that process.

Chapter 2: Leverage Local and State Context to Push for Legislation

As in many jurisdictions, legislation was a key tool for driving the transformation of New York's youth justice system beyond what could be done through administrative changes alone. That said, several coinciding factors helped shape and precipitate the groundswell needed to push for, and ultimately pass, the Close to Home bill in 2012.

Declining crime rates. Like many places across the country, New York City saw continuing declines in its crime rate beginning in the 1990s and continuing through the 2000s. The decline in crime occurred for both youth and adults, and importantly, included declining rates of violent crime. In combination with ongoing efforts at the City and State level, this trend contributed to the drop in youth entering state prisons.

As noted earlier, the decline in crime impacted public opinion and shifted the public discourse from one focused almost entirely on punishment to a more nuanced discussion of underlying contributors to the criminal/delinquent behavior of youth (e.g., adolescent brain development) and what types of interventions could actually help reduce such behavior (i.e., evidence-based and promising interventions) (National Academy of Sciences, 2013).

With fewer young people coming into the system, it became possible, if not imperative for fiscal reasons, to consider alternative approaches including community-based programming, in-home therapeutic interventions, and realignment from state-run institutions to smaller, group-home residences in the communities from which most youth come.

High costs of youth prisons. With the decline in youth going to OCFS facilities, the high cost of placement became a key concern for City officials, particularly after the 2008 recession. In 2010, the City paid $62 million for youth sent to OCFS facilities – significantly, more money than it had spent in 2000, despite a two-thirds reduction in the number of NYC youth sent to OCFS facilities (NYC Office of the Mayor 2010). Between 2002 and 2011, the number of youth from NYC who were placed with OCFS dropped by 62 percent, but the daily per-youth costs rose by 150 percent to over $250,000 per youth per year (Butts, Negredo & Elkin 2015). The significant increase in costs occurred due to how the State calculated the rates charged to the City and counties for youth in its care. Essentially, the State divided its total costs for maintaining the system – including empty or near-empty facilities that were fully staffed – by the number of youth in care, resulting in an inflated cost per youth, even as the number of youth went down each year. Angered by these costs, the City filed a lawsuit to prevent New York State from charging for costs that it deemed as wasteful and extraneous to the "care, maintenance, and supervision" of its youth.[20]

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[20] Under state statute, the City and State equally split the cost of sending youth to state-operated facilities. State regulation mandated that the rate calculated for such care must be based upon "the services actually provided in the preceding calendar year." However, the City charged that the State was including many impermissible costs – idle staff, empty beds and dormant facilities. As the City's lawsuit asserted, such costs should not be included in the rates because they were not for services actually provided for the care, maintenance and supervision of New York City youth in State facilities. The lawsuit sought to compel the Office of Children and Family Services to recalculate the rates in a manner that eliminated these improper charges. See Buettner R. 2010, December 22. Bloomberg Makes Proposal on Youth Prisons. The New York Times.; See also Mayor Bloomberg Proposes Overhaul of the New York State Juvenile Justice System To Improve Public Safety, Break the Cycle of Crime, and Save Taxpayers Millions. 2010, December 21. New York City Office of the Mayor.

Political will. As OCFS was planning its strategic communications campaign, Commissioner Carrión's office also sent then-Attorney General Andrew Cuomo regular briefing memos on the transformation of juvenile justice. Having been prepared on this issue, Cuomo visited Tryon following his election as Governor in late 2010, which had been the site of Daryl Thompson's death in 2006. The visit motivated him to speak out about the state of OCFS' facilities in his first "State of the State" address in 2011, noting:

> *You have juvenile justice facilities today where we have young people who are incarcerated in these state programs who are receiving . . . treatment that has already been proven to be ineffective; recidivism rates in the 90 percentile. The cost to the taxpayer is exorbitant. For one child, over $200,000 per year. The reason we continue to keep these children in these programs that aren't serving them but are bilking the taxpayers is that we don't want to lose the state jobs that we would lose if we closed the facilities. I understand, I understand, the importance of keeping jobs. I understand the importance of keeping jobs especially in upstate New York. I also understand that that does not justify the burden on the taxpayer and the violation of civil rights of the young person who is in a program that they don't need where they're not being treated, hundreds of miles from their home just to save state jobs. An incarceration program is not an employment program. . . ."*

Similarly, Mayor Michael Bloomberg made a highly-publicized visit to the nearly-empty Finger Lakes Facility in Tompkins County, where he and others[21] met with young men housed there. Following the visit, the Mayor noted:

> *The facilities run by the State are relics of a bygone era, when troubled city kids were stripped from their families and shipped to detention centers in remote rural areas. We know there is a better way to help these kids get their lives back on track, while also saving taxpayers millions of dollars. We simply cannot continue to support a system that has some of the highest recidivism rates in the country. New York City should be allowed to use these resources to further develop its juvenile justice program, which already has had success in helping young people turn their lives around and better protecting the community (NYC Office of the Mayor 2010).*

Soon after this visit, Mayor Bloomberg strongly advocated for the complete transfer of all New York City youth in state facilities to city care – the basic underpinning of what would later become Close to Home. Responding to the Mayor's announcement, City officials launched the Dispositional Reform Steering Committee (DRSC) to develop a vision for a new, locally-operated system and oversee its planning and implementation. Chaired jointly by the ACS Commissioner, Ronald Richter, and DOP Commissioner, Vincent Schiraldi, the DSRC included agency representatives and members of the advocacy community. Service providers, including some youth participants, were also invited to participate on DRSC subcommittees.[22] (For additional discussion of the DSRC, see Chapter 3.)

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[21] Others on the delegation to the Finger Lakes facility included Reverend Al Sharpton, Deputy Mayor Linda Gibbs and Criminal Justice Coordinator John Feinblatt.

[22] Youth participation was minimal as meetings were scheduled during school hours.

How Advocates and Providers Pressed for Close to Home

Even as all of the stars appeared to be aligning to bring New York City youth back home, it was still crucial to have the voices of advocates and providers pressing this message. While some groups demurred over C2H,[23] the Citizens' Committee for Children (CCC) stepped in to organize advocacy on behalf of the bold realignment it represented. CCC coordinated its messaging and advocacy with City officials and were a strong lobbying force for C2H in Albany. The organization also helped to bring other community partners to lobby their representatives in support of C2H.

Separately, service providers also spoke out on behalf of Close to Home, including: the Center for Community Alternatives, the Alternatives to Incarceration/Re-entry Consortium, and the Council of Family and Child Caring Agencies (COFCCA), which represented the state's residential providers. These efforts included speaking with senior government staff, elected officials, police, staff, youth, and families about how community-based programs could ensure public safety and best serve youth, particularly when it came to residential facilities. One service provider interviewed commented that this combination of messages was powerful and effective tool in achieving the dramatic transformation of New York's juvenile justice system and allowed the city to implement C2H in a remarkably expedited timetable.

Given this backdrop, the stage was now set to develop a new approach for serving New York City youth. Despite the consensus among political leaders that the status quo was not sustainable, creating a viable alternative remained a complicated process, colored by a range of competing interests. These interests included: the unions, many of whose employees staffed the youth prisons that would be significantly downsized following Close to Home; upstate legislators, who represented many of the communities where OCFS facilities were located; and advocates, with a mix of concerns over deplorable conditions and high costs of OCFS facilities on the one hand and apprehension about whether New York City was equipped to serve youth in custody.

Beyond these specific interests, there were also operational questions about how Close to Home would be put into place, including:

- How much lead time was required for the City to take over custody of youth?
- Should the jurisdiction of youth eligible for different security levels of placement (i.e., non-secure and limited secure) be phased in over a set period of time, or transferred to the City at once?
- What could be done to reduce unnecessary commitments into placement, particularly for probation violations and program failures?

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[23] Differences between some advocates, including the CA, and the Bloomberg Administration over issues such as "stop and frisk" and school consolidation created a trust vacuum that left many reluctant to support a realignment of youth corrections from state to city hands.

- How much State funding would be made available for the City to implement C2H?[24]

Upstate, Downstate: The Politics of Close to Home

While New York is often seen as a bastion for youth justice reform, the politics of passing state legislation remain tricky. For several decades, the State Legislature was divided by party and region, with the Senate housing a Republican majority dominated by legislators from upstate New York and the Assembly favoring a Democratic majority that is largely from New York City. This political dichotomy helps outline the partisan and regional differences that affect the legislative process, particularly legislation about criminal justice matters. Like many other states that have one or two large urban centers in an otherwise rural and suburban landscape, legislation that proposes to reform/ameliorate harsh criminal justice laws were seen in New York as "downstate" issues, and of little interest, if not opposed, by "upstate" New Yorkers. This opposition partly stems from the fact that corrections remains a source of jobs for this economically distressed region (Schoenfeld 2011; Greene & Mauer 2010; Porter 2012).

This upstate-downstate dichotomy played itself out following the enactment of C2H, as Cuomo administration officials attempted, but ultimately failed, to spread C2H statewide, due to opposition from upstate policymakers.[25] Since Carrión left the helm of OCFS in 2014, no further OCFS facilities have closed despite a sharp decline in the population of youth held in them.

Ultimately, the bill's key negotiators resolved these questions and addressed them in key provisions in the bill, summarized below.

Phase-in of custody transfer from State to City. Some state officials thought that realignment should proceed slowly, relying on the more gradual placement decisions by courts and not include the transfer of NYC youth already in OCFS custody. Individuals interviewed for this study who were at the time state-level officials, attributed the reasons for arguing to delay the C2H implementation were due to concerns that the City was not fully prepared. By contrast, others expressed concern about the costs of simultaneously operating two systems, particularly given that unless the transfers happened, the State would be unable to close additional OCFS

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[24] Non-secure placement is used for youth who are deemed not to be appropriate for a community-based alternative, but who present relatively low risks, while limited secure placement is used for youth who present higher risks. LSP programs have lower youth to staff ratios (3:1) and employ physical security mechanisms (e.g., a perimeter fence), while NSP programs rely on staff security and a youth to staff ratio of 6:1.

[25] Policymakers were largely concerned with the state's commitment to long term funding of this type of approach.

facilities. Further, city officials wanted to at least start, if not fully complete, the transfer of youth from the state to the city while Mayor Bloomberg was still in office so that it did not get derailed by the next administration.

Ultimately, the final legislation stated that the City would assume responsibility for youth eligible for non-secure placement effective September 1, 2012 (five months after the budget passed), and responsibility for youth designated for limited secure placement would be phased in on April 1, 2013, just a few months before Mayor Bloomberg left office. Meanwhile, the State would retain custody of youth placed in secure facilities.[26]

Funding C2H. Historically, funding for the placement of youth adjudicated delinquent was a responsibility shared equally between the state and localities, and this general framework was continued in the Close to Home legislation. The initial legislation included a state appropriation of up to $41.4 million dollars annually. The other half of the costs were largely a city responsibility.[27]

Oversight and monitoring of implementation. The legislation was quite proscriptive with respect to oversight. Prior to implementation, ACS was required to develop detailed plans for non-secure and limited secure facilities for review and approval by OCFS. The plans were to address issues ranging from staffing, cultural competency and reduction of disproportionate minority contact as well as services to meet the needs of youth. These included educational, health, substance use and mental health needs of youth as well as services for gay, lesbian, bisexual and transgender youth. The plan also was expected to address transitional services when youth left C2H facilities. Separately, DOP was required to use a validated risk assessment instrument as part of its pre-dispositional assessment. Finally, the legislation also required public hearings on the initiative with more extensive consultation required before the City implemented the limited secure facilities.

ACS was responsible for the day-to-day oversight of its contract agencies and Probation for the expanded alternatives to placement. The legislation required ACS to provide OCFS with an annual report on C2H implementation, including on-site inspections of facilities. OCFS also created a specific entity to monitor C2H called the Office of Close to Home Oversight and System Improvement and the Office of the Ombudsman was significantly involved in ensuring that youth concerns were heard (NYS OCFS 2014).

Sunset provisions. The legislation enacted in 2012 authorized Close to Home for a three-year period, after which time the original legislation would "sunset" and continuation of the initiative would require new legislation. The articulated intent of the sunset provision was to permit an assessment of how the C2H initiative was working and adjust or even suspend the program if necessary. Ultimately, while the legislation was renewed in the 2018 Legislative session, no State funding was included for C2H. As of April 2018, NYC was solely responsible for funding C2H (see Chapter 5 for a longer discussion.).[28]

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[26] According to the most recent data available from OCFS, in 2016, there were 51 New York youth placed in OCFS facilities; all placements were in secure facilities. None of these youth were placed by the family court. Rather, 47 were adjudicated in adult court as Juvenile Offenders and four youth were placed in secure facilities as a result of parole violations (NYS OCFS 2017).

[27] A small amount of federal funding was/is in the mix.

[28] This was a contentious budget item, discussed later in this report.

Key Takeaways for Other Jurisdictions

For jurisdictions considering how to navigate the politics of deinstitutionalization, New York's experience offers some important takeaways.

- **Make the cost and current state of youth prisons visible to key political leaders.** Political support and leadership at the local and state level is vitally important. The visits to different, empty state-run facilities by Governor Cuomo and then-mayor Michael Bloomberg in quick succession helped put into clear focus the need to make drastic changes to current practice, especially given how youth were being treated and the wasteful squandering of public dollars.

- **Be proactive in establishing a blueprint for change.** Reports by the City's DSRC and the State's Task Force on Transforming Juvenile Justice provided a rationale and vision of what a new system could look like. Many of these ideas and recommendations were later incorporated into the C2H initiative.

- **Identify clear champions to navigate the legislative process.** Even as there seemed to be consensus to press for change, the legislative process to pass Close to Home was not straightforward. Thankfully, city officials, including Deputy Mayor Gibbs and Department Commissioners, as well as their counterparts on the State level, like Deputy Secretary for Public Safety Elizabeth Glazer, coalesced in their support of C2H, which ultimately paved the way for its passage.

- **Advocates can be important allies in the legislative process.** Once again, advocates were crucial in pressing for the legislation that would ultimately become Close to Home. They were important messengers and proponents of the proposal, with both government and elected officials, as well as within communities themselves.

- **Construct policy to assure permanent support for the new system:** The passage of Close to Home in the form of legislation was an important way to ensure that the new approach to realign youth and resources to the City would be sustainable over the long term. Even though the State eliminated its funding for C2H in the 2018 budget process, the legislation itself was left unchanged.

Chapter 3: Design a New System

Close to Home was a massive system reorganization that required a herculean level of planning and collaboration to implement and execute. Stakeholders interviewed for this report noted that the five-month timeframe between the legislation's passage in March and the scheduled opening of the City's non-secure placement facilities on September 1st was daunting.[29] That said, many people we spoke with noted the political exigency of a pending change in city administrations, which made it imperative to "strike while the iron was hot" and complete the first phase of C2H by this date. A few interviewees commented on the importance of garnering buy-in from key state officials, including then-Commissioner of OCFS, Gladys Carrión, and the Deputy Secretary for Public Safety, Elizabeth Glazer, who both enabled the City to move forward in short order. The process was also boosted in late 2013, when Carrión was appointed by Mayor Bill de Blasio to head the City's Administration of Children's Services, which was responsible for much of the system required to make Close to Home a reality.

As jurisdictions nationwide look for real-life examples of how deinstitutionalization has worked in other places, this chapter lays out a series of steps that describe who was involved in designing New York City's new system and what the different elements looked like. At the end, key takeaways for other jurisdictions are also noted, which may be instructive in their own future planning.

Involve a broad group of stakeholders in the reform design process. Given the numerous entities involved in the youth justice system, the City convened the Dispositional Reform Steering Committee (DSRC) to guide C2H planning, approximately 18 months before passage of the legislation. The DSRC was charged with both designing a comprehensive continuum of non-residential and residential options for youth and revamping policies and practices for youth at disposition. The Committee, chaired by ACS Commissioner Ronald Richter, and DOP Commissioner Vincent Schiraldi, included a diverse set of members, who were split into four different subcommittees:

1. Data (chaired by Michele Sviridoff, Criminal Justice Coordinator's Office);
2. Residential Care (co-chaired by Dawn Saffayeh and Laurence Busching, previously senior administrators at ACS);
3. Community-Based Interventions (chaired by Ana Bermudez, then-DOP Deputy Commissioner for Juvenile Operations); and
4. Education (co-chaired by Family Court Supervising Judge Monica Drinane and the NYC Department of Education (DOE) District 79 Superintendent Timothy Lisante, who oversees alternative schools.)

Each subcommittee met regularly over the course of a 1-year period, submitting final recommendations at the end of this process. Staff from the Annie E. Casey Foundation, John Jay College of Criminal Justice, and the Vera Institute of Justice provided technical assistance to the DSRC (See more in **How Advocates and Technical Assistance Providers Supported Planning and Implementation**.) According to

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[29] After Mayor Bloomberg announced his intention to seek a full realignment of youth corrections to the city in 2010, the city proposed legislation to do so and established the Dispositional Reform Steering Committee to begin planning for this eventuality. Since C2H did not pass in that legislative session, but rather in the 2012 session, city leaders had more than a year to plan for its expected passage, but only 5 months to actually implement those plans from C2H's passage April 2012 to initial implementation in September 2012.

numerous stakeholders interviewed for this report, involving different stakeholders early in the planning process was crucial to maintaining their ongoing commitment and buy-in.

How Advocates and Technical Assistance Providers Supported Planning and Implementation

Throughout the development and implementation of Close to Home, advocates and technical assistance providers were included in the process. For example, representatives of CCC and the Justice for Families Alliance were members of the City's Dispositional Reform Steering Committee, as was the Legal Aid Society of New York. Separately, C2H benefitted tremendously from support and expertise provided by the John Jay College of Criminal Justice, the Vera Institute of Justice, and the Annie E. Casey Foundation itself, all of whom had a hand in key activities to support the reform process. The Casey Foundation in particular helped to shape the agenda and direction of the DRSC, conducting a comprehensive data analysis of youth in the system to help with population forecasting, meeting with key agency officials, and assisting in the creation and adjustment of the Structured Decision-making Grid (see more later in this chapter). Taken together, the efforts of both groups were significant in ensuring that the reform planning went smoothly.

Review promising practices to clarify your vision. In 2011, two groups of NYC youth justice stakeholders visited Wayne County (Detroit), Michigan, after learning that the county had reduced its commitments to the state corrections system from over 700 to just two (National Association of Counties, 2014). Vincent Schiraldi, DSRC co-chair and formerly head of DC's youth corrections system, persuaded the Mayor and other key officials to consider employing a similar approach in New York City. (See further discussion in **How Wayne County Influenced Close to Home**.) Separately, many DSRC members (including Schiraldi and Richter) were familiar with Missouri's acclaimed approach to serving youth in custody and had visited the state's facilities, which eschewed punishment in favor of more home-like settings that aimed to support youth in making a successful transition home. DSRC members also visited a day program in South Florida and ROCA in Massachusetts, both of which influenced the development of future alternatives. Having a clear sense of how to approach system reform and observing different programs and practices proved crucial in giving NYC stakeholders a common vision of the different types of capacity (both community-based and residential) that they wanted to have under Close to Home.

How Wayne County Influenced Close to Home

In 1999, Wayne County (Detroit), Michigan officials found themselves in similar straights as New York City officials, paying for 50 percent of the costs of a state-run youth prison model that was producing brutality, poor outcomes and high costs (Wayne County Department of Children and Families, 2011). Over a period of more than a decade, Wayne judges, probation and county officials gradually reduced the number of youth in state care from 731 to near-zero. Aware of this remarkable realignment of state youth corrections to Wayne County, DOP Commissioner Vincent Schiraldi and key staff organized a trip with City and State Officials to Wayne County in 2011. A range of high-ranking City and State officials, including Gibbs and Glazer who were the Mayor's and Governor's chief C2H negotiators, respectively, as well as members of the judiciary, and representatives from OCFS, prosecution, defense, probation and youth corrections travelled to Detroit for a full day of presentations and interactions with their Wayne County counterparts. A subsequent visit for advocates was also underwritten by the Casey Foundation to allow advocates to experience Wayne County's realigned model firsthand. Although Wayne County's approach occurred administratively, rather than legislatively, and contained elements that New York City did not borrow, seeing how a major city completely took over youth corrections and was able to place formerly incarcerated youth into community programs buoyed the City's realignment efforts and softened some state resistance to the bold approach.

For more information, see National Associations of Counties. (2014). County Leadership in Juvenile Justice Reform: Wayne County Michigan. Washington, D.C.: NACO; and Wayne County Department of Children and Families (2011). Comprehensive Statistical Report Through Fiscal Year 2012, Juvenile Justice Services Wayne County Care Management System. Wayne County, MI: DCF.

Understand the current population. Although creating a more comprehensive continuum of supports and services within the community was a key focal point of the DSRC, questions remained about how it would be structured to meet the needs of youth who were currently in the system. To that end, the DSRC undertook a population forecasting process to help guide a discussion around who should and who should not be in the system (See **Following the Numbers** for more detail). Many former members of the DSRC's Community-Based Interventions subcommittee interviewed for this report saw this planning phase as an important opportunity to address gaps in the city's existing array of alternative-to-placement programs, which had inevitably led to unnecessary placements of youth. For example, youth who were not a significant risk to public safety were often entering placement facilities, simply because they did not meet the program eligibility criteria, had a different set of needs than the family therapy and evidence-based models available via JJI, Esperanza and other long-standing programs, or lacked viable family resources that could support them.

Additionally, DOP was concerned with the high rates of placement for youth who violated terms of probation. Data from DOP showed that 45 percent of all JD out-of-home placements were due to probation violations (NYC Department of Probation, 2012). With support from the Annie E. Casey Foundation, DOP was able to

look at its data to identify the neighborhoods with the highest concentration of youth assessed as high-risk and estimate the numbers of youth who might benefit from new program models. Ultimately, these presentations of data not only helped answer specific questions, but also enabled stakeholders to have deeper conversations about how they envisioned serving youth in the system.

Following the Numbers

The DSRC engaged in a forecasting process to determine the number of young people who would need to be placed in different settings, including both non-secure and limited secure facilities. Having no precedent for such a massive reform and with so many elements changing simultaneously, this was a challenging endeavor. Would judges put more youth into placement now that they were closer, more rehabilitative, and less brutal? Would Probation officers adhere to the tools being introduced to help guide their dispositional recommendations (see next page) or seek to override its recommendations? Would system stakeholders be supportive of the newly expanded placement alternatives, or would they distrust them and argue for placement anyway?

Despite forecasts indicating the need for fewer beds in the new, realigned system and a recognition that many youth entering placement were there for probation violations, less serious offenses and with less serious risk profiles than would have resulted in placement with its new decision-making tools, the City opted to procure the same number of beds as youth currently in non-secure placement. It quickly became obvious that nowhere near that number of beds were needed, and ACS terminated contracts with some private non-profit organizations providing residential services. Had the City constructed residential facilities to replace OCFS placement beds and filled them with civil-service protected staff, downsizing would likely have been far more difficult to achieve and resources might have continued to flow to under-utilized facilities, as was the case at the state level. Instead, procurement enabled the City to shed under-performing providers relatively easily. Most importantly, young people were not unnecessarily being taken out of their homes and could be served within their own communities.

Establish a clear process to guide dispositional decision-making. In New York, as in most jurisdictions, Probation officers play an important role in guiding a judge's sentencing decision about whether to remove a youth from their home or keep that youth in the community. While DOP's Project Zero in 2003 had introduced the Probation Assessment Tool to make this process more objective, concerns existed about its predictive accuracy for risk, scoring disparities for boys, and whether probation officers were adhering to the PATs guidance. In addition, the CBI subcommittee found that both risk and current offense severity should be considered in making dispositional recommendations to the court (Ferone, Salsich, & Fratello, 2014).

These findings propelled the CBI subcommittee to propose two new and related instruments to include in probation's juvenile practice:

- **The Youth Level of Service/Case Management Inventory (YLS/CMI).** The YLS/CMI is an instrument designed to assess a young person's criminogenic needs and overall risk of reoffending. Studies in a variety of settings have shown that it can forecast group outcomes important at this stage of juvenile justice system processing—mainly, long-term recidivism (National Academy of Sciences, 2013).
- **Structured Decision-Making (SDM) Grid.** This instrument provides a process for making dispositional recommendations. The city's SDM grid allows probation officers to select the most appropriate sentencing option for a young person based on both the assessed risk of reoffending (the YLS score) and the current offense. The results from the SDM grid corresponded to different options, including probation, community-based programs, and residential out-of-home placement. DOP received support from the Casey Foundation to help simulate how the use of the SDM grid would impact current cases and shared this data with the committee to help adjust and tweak the instrument. As a result, many youth who might otherwise have been placed now met the criteria for a non-residential community-based option.[30]

Emphasize community-based programming within the new system. While much of the attention on Close to Home focused on the residential side, establishing a broader and more diverse array of community-based programs was critical to the reform process. In interviews with DSRC members, several noted a desire to move beyond the family-focused interventions that defined the City's earlier ATPs, like Esperanza and JJI, because they did not suit every youth. Interviewees also expressed a concern that more youth might be placed under C2H once distant and brutal OCFS facilities were replaced by local facilities run by non-profit organizations.

Importantly, outside of just addressing system gaps, the new program models were also developed with input from youth, community members, and staff working directly with young people. Youth expressed a desire to find programming that would help them become more employable and support them as they entered young adulthood. Staff recognized that young people could benefit from adult support that extended beyond their parents. And finally, community input called attention to the value of including restorative justice elements in programming (See **How the Close to Home Continuum was Structured** for additional information on the different programs).

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[30] A copy of the Structured Decision-Making Grid can be found on the Columbia Justice Lab website.

How the Close to Home Continuum was Structured[I]

The continuum aimed to give judges and probation officers "an expanded toolbox" for supporting youth and families, both at home and in their communities, and minimizing the use of placement.[II] Many of the new ATP programs were funded by a new funding stream called the Supervision and Treatment Services for Juveniles Program (STSJP), which provided fiscal incentives to counties and New York City for services across the continuum from prevention to reentry, focusing on those that could reduce detention usage and out-of-home placement.

- At the lowest end of the continuum were sentences for youth who scored low risk and who were adjudicated delinquent for lower level offenses that essentially amounted to little or no formal supervision in the community.

- The next step up included different levels of Probation supervision, which would vary in intensity, based on risk of re-offense and offense severity. Accordingly, Probation officers supervising higher-risk/severity clients would have smaller caseloads, enabling them to provide more intensive supervision and support. Meanwhile, youth who posed a low risk to public safety would have a lower level of supervision (and shorter supervision terms), with probation officers carrying a larger caseload. DOP could adjust its level of supervision, based on a youth's risk, offense severity and performance. Furthermore, at all three levels of probation supervision would be more intensive on the front end and decrease as a young person demonstrated progress, thereby incentivizing them to meet the terms of their sentence.

- For youth who required intensive support beyond regular probation (and who otherwise would have been placed, but for the existence of a community program), a new set of ATP programs were created. These programs could be accessed when a Probation Officer or judge recommended an alternative-to-placement. The new programs, which were implemented by not-for-profit organizations contracted with DOP, included:

    o **Advocate, Intervene, Mentor (AIM):** AIM focuses on mentoring and advocacy, enlisting an advocate/mentor from within the young person's own community to engage him or her for at least seven hours over the course of a week. In addition, case planning is conducted via family team conferences. A probation officer is part of this team and continues to work with the youth and family after the advocacy/mentoring phase is completed. The average duration of the program is six months.

    o **Every Child Has an Opportunity to Excel and Succeed** (ECHOES): ECHOES is an intensive level of probation with meetings four times per week, including Saturdays. Participants

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[I] Source: New York City Administration for Children's Services and Department of Probation. (2012). Re-envisioning Juvenile Justice in New York City: A Report from the NYC Dispositional Reform Steering Committee. New York: New York Administration for Children's Services and Department of Probation.

[II] A copy of the continuum, as noted in the final DSRC report, can be found on the Columbia Justice Lab website.

work with specialized probation officers (POs) and a nonprofit community-based organization (CBO) to develop the skills they need to successfully transition to adulthood. There are three goals: to create a positive personal relationship with an adult (the PO) in a life coaching model; to increase social and emotional competencies; and to gain employment skills. The PO facilitates individual counseling, group sessions, and connections to outreach services, while the CBO provides employment opportunities and externships, including stipends, and wraparound services, as needed. Average program duration is one year.

- o **Pathways to Excellence, Achievement, and Knowledge (PEAK):** DOP also established PEAK, a day or evening school-based program targeting youth who were disconnected from school through truancy or suspension or disruptive while in school. This program was developed based on a visit to another similar program in Florida, known as the Associated Marine Institutes (AMI). The programming, which focused on education, was followed by a level of probation that was determined prior to completion. While officials initially felt strongly about trying to replicate the model, interviews with DOP officials for this report indicated that PEAK was eventually discontinued, in part because of challenges in the collaboration between the schools, DOP, and the providers, and also due to the significant wane in the numbers of youth in the system.

The Probation Department created a new formal Probation-ATP team to operate these programs. Additionally, ACS continued to operate its JJI program (See Chapter 1 for a discussion of JJI).

Data shared by Probation provided a breakdown of supervision intakes[III] in FY 2018 for the different levels of probation and the two ATPs still in operation, which showed 162 Level 1 intakes, 183 Level 2 intakes, 190 Level 3 intakes, 63 ATP – AIM intakes, and 28 ATP – ECHOES intakes.

- Lastly was the creation of new residential facilities close to or within the city itself, which would be overseen by ACS. These facilities would replace OCFS' non-secure and limited secure facilities, which largely looked and felt like adult prisons for youth in upstate communities (see next section and Key Elements of C2H Residential Programming for additional detail).

[III] Intakes do not necessarily reflect a total number of unique youth. For example, a Level 3 intake could have previously also been a Level 1 intake in the same year if there was a violation of probation filed and sustained.

Establish local residential capacity. Confronted by the horrific conditions in OCFS' facilities, the DSRC's Residential Subcommittee created a set of principles to guide the City's approach to residential placement. Additionally, all locally-operated facilities would be placed close to New York City, or within the five boroughs. Importantly, facilities were to be contracted, managed, and overseen by ACS, which stakeholders noted had significant implications for both the philosophy and approach used to help youth. Below are some of the most important items with which New York City grappled, which may help other jurisdictions as they implement similar reforms.

- **Residential program design.** A key focal point for ACS was determining how best to create non-secure and limited secure placement facilities that would still provide safety and security, without embodying the correctional, punitive approach found in typical youth prisons (including those previously operated by OCFS). To that end, DSRC members and ACS reviewed practices in other places, including Missouri, which is often-cited as a model of how systems can approach custody in a rehabilitative, nurturing setting (See discussion below on **The Missouri Model**). Drawing on this model, as well as the guiding principles outlined above, ACS created a vision for facilities that would be small and home-like, and emphasized the importance of relationships in promoting safety. Additionally, the overall design included a strong focus on education, family engagement, and aftercare.

The Missouri Model

Widely considered a leader in juvenile correction reforms, Missouri's Division of Youth Services (MDYS) has caught the attention of policymakers nationwide through its rehabilitation-centered model for caring for youth placed in state custody. Implementing practices that match their principles, DYS focuses on: placing youth in comfortable and welcoming facilities that are geographically close to home; including youth in creating individualized treatment plans that are group-based; relying on physical restraint as a last resort; emphasizing reentry; and, ensuring staff are invested in youth through intensive training programs. Since its implementation the Missouri model's innovative and rehabilitative approach has been credited with decreasing re-incarceration rates among youth as well as developing an effective blueprint for other states to emulate, winning DYS the respected Kennedy School of Government's Innovations in Government Award in 2008.

For more information on the Missouri model, see for example: Mendel 2010; National Research Council 2003; Scott, E. S. 2009.

Key Elements of C2H Residential Programming

C2H residential programming includes three key elements, which are discussed in more detail below.

Education: Conversations with stakeholders indicated a strong emphasis on planning around education for youth in ACS custody. Because OCFS facility schools were not state-accredited, youth had not always received credits that could be transferred back to their home schools once they left custody. Thus, the Education Subcommittee articulated core principles to guide the development of educational services connected to C2H, including: addressing educational and behavioral needs; using evidence-based, developmentally-appropriate services and approaches; and setting expectations that the education of youth in C2H be viewed as the shared responsibility of the Department of Education and C2H provider agencies (NYC ACS/NYC DOP 2012). Notably, youth in C2H are taught from the same curriculum used by all of the City's schools to transfer students' credits more easily to their home school upon release. During the C2H planning phase, DOE decided to transport youth in NSP residences to one of two special DOE schools, "Passages,"[I] while youth in LSP facilities would receive on-site schooling from DOE teachers.[II] Interviews with stakeholders indicate that the educational services provided to youth in C2H placements have been effective. Data provided by the New York City Department of Education show that in the 2017-2018 school year, 84 percent of LSP high school students passed their courses, and only 7 percent dropped out of school once discharged from their C2H placement.

Family engagement: Given its moniker, Close to Home's focus on family engagement was important. In its plan to OCFS, the City noted that family engagement would encompass regular home visits, visits by family members at the facility, and ongoing involvement of the family as youth progressed in the program.[III] Stakeholders viewed this kind of engagement as especially critical, given the relatively short duration of placement. In 2017, the median length of stay in a C2H residence was between 6 and 8 months (NYC ACS 2017).

To promote effective family reunification following release, ACS hired Placement and Permanency Specialists (PPS) to work with the NSP provider, the DOE, community programs and the youth and family. Within 30 days of placement, staff from the C2H providers are expected to visit the home to which the youth is planning to return (parent, guardian, foster family, or kinship family) to assess family circumstances and concerns or barriers that need to be addressed to ensure positive reunification. The PPS monitors the home visits made by youth during their stay in C2H placement.

In 2016, ACS introduced Family Team Conferencing (FTC) to the family engagement and reunification work. Family Team Conferencing is an evidenced-based practice that brings together family, significant others and professionals (the PPS) to develop a plan to strengthen family capacity and supports that will sustain family reunification over the long term. The Family Team Conferences address issues of safety and the well-being of

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[I] One Passages school is located in the Bronx and the other is in Brooklyn.
[II] There are a small number of youth in NSP facilities who attend their home (neighborhood) schools.
[III] This includes involving families in pro social activities and achievements of the youth through performances, art shows and other celebratory events.

the child and family. Each C2H facility now has a Family Engagement Conference Facilitator (FECF) assigned who facilitates the meetings. Regularly scheduled FTC meetings take place at key points during placement (e.g., at initial placement; pre-release from placement), as well as if and when problems arise (e.g., AWOL incident, rearrest). As noted later in this report, the majority of youth released from a C2H placement were reunited with a parent or another family member. One individual interviewed for this report noted how important FTCs have become within the C2H paradigm, stating that "nothing is done without the families now" and that they are central to all of the providers' work with youth.

Release planning and aftercare: Finally, Close to Home also links youth leaving C2H placements to community-based aftercare programs overseen by ACS. Prior to release, youth develop and sign a formal plan, which details services and expectations (i.e., conditions of release, which can include an acknowledgement that release status may be revoked for noncompliance with community release conditions). ACS uses revocation to residential status as a last resort, if other methods of intervention and reengagement are not successful. In its 2016-2017 Annual Report, ACS indicated that only 21 (5 percent) of the 222 youth released in that year were revoked.

As noted earlier, youth are enrolled in a community school before leaving the C2H residence to limit educational disruptions. To promote continuity of care, providers of NSP and LSP placement now contract with ACS to provide aftercare to youth leaving their facilities; this was partially in response to challenges that arose initially from separating aftercare from the residential placement function, which meant youth were under the care of a new provider agency after discharge. Stakeholders realized that keeping youth and parents connected to an organization and staff with whom they had become familiar offers smoother a transition home. In 2016, ACS had five such contracts; some but not all, were with C2H residential providers.[IV] Aftercare services focus on ensuring healthy family relations and functioning through the use of evidence-based/evidence-informed models, such as Functional Family Therapy.

Close to Home by the Numbers

Overview of Non-Secure and Limited Secure Placement

NYC's Administration for Children's Services (ACS) contracts with seven providers to operate 29 Close to Home sites for Non-Secure placement (NSP) and Limited Secure placement (LSP). These facilities replace the state-run institutions to which youth who were adjudicated delinquent in Family Court previously went. NSP facilities are small and home-like, while LSP facilities tend to look and feel more like group homes. Facilities are located across four of the City's five boroughs (all except Manhattan) and in Westchester County.

For NSP sites, bed capacity ranges from 6 to 13. Young people in NSP attend school offsite at locations with the New York City Department of Education and the Greenburgh Eleven Union Free School District (Westchester). For LSP sites, bed capacity ranges from 6 to 18. In general, while LSP facilities remain homelike in appearance, they are more restrictive, with features such as 24/7 control rooms, sally port entrances, and

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[IV] ACS is exploring the possibility of having aftercare services for all youth leaving NSP placements provided by the NSP provider. See Szanyi & Soler (2018).

additional locking mechanisms. Young people in LSP attend New York City Department of Education schools onsite. Both NSP and LSP have specialized facilities that serve youth with developmental disabilities, substance use issues, or those with a history of arson.

According to ACS data for FY 2018, there were 154 total admissions to C2H residential programs. Among youth in C2H residential programs, 132 youth were in non-secure placement and 22 youth were in a limited secure facility. The average daily population (ADP) in NSP facilities in 2017 was 119, and the ADP in LSP was 21. (NYC ACS 2018 b). Following a recent request for data from ACS, officials reported that these numbers were even lower: a one-day count from mid-February 2019 noted that there were 107 youth in Close to Home, with just 12 youth in LSP facilities and 95 youth in NSP facilities.

Demographics

In terms of demographics, in FY 2018 86 percent of youth in NSP were boys and 15 percent were girls; 64 percent were Black/African American, 29 percent Latino/Hispanic, 2 percent white, 1 percent Asian/Pacific Islander and 4 percent were other/unknown (NYC ACS 2018 b).

Of youth admitted to LSP facilities in FY 2017, 73 percent were boys and 27 percent were girls. With respect to racial/ethnic characteristics, 91 percent were Black/African American, 9 percent were Latino/Hispanic. There were no white, Asian or other youth placed in LSP (NYC ACS 2018 b).

Movement Between Facilities and Security Levels

In certain instances, youth sent to C2H residential placement can move between facilities and security levels. Administrative transfers can occur for youth whose placement designation was initially unspecified, while a court order is required to modify the placement of youth that came into C2H with a specific designation. Figure 1 highlights the transfers and modifications:

Figure 1: C2H Security Level Transfers & Modifications in FY 2018[V]

Movement Type	Number
NSP to LSP Transfers	11
LSP to NSP Transfers	4
NSP to [OCFS] Secure Transfers	0
LSP to [OCFS] Secure Transfers	0
NSP to LSP Modifications	5
LSP to NSP Modifications	2

Source: NYC ACS (2018 (b))

[V] A formal modification for youth with specified NSP or LSP designations requires legal court order. However, the term transfer is used for youth who come to ACS with an unspecified placement designation; the movement among security levels do not require a court order.

Provider procurement and siting. Even before the bill's passage, ACS had started to explore how to put C2H facilities online. ACS decided that it would contract with providers, rather than provide services itself, which would make it easier to expand and contract the system over time. In 2011, while city and state officials were negotiating and lobbying for C2H's passage, ACS reached out to its residential providers to discuss with them the possibility of housing youth placed locally via a C2H approach. When the legislation passed in April 2012, to procure beds quickly, ACS used a more streamlined "negotiated acquisition" process, rather than engage in a fully competitive RFP process.[31] This approach enabled ACS to complete the contracting process in roughly five months, significantly less time than it might otherwise have taken.

A core requirement noted in the final contract required prospective C2H providers to accept all referrals of youth who fit the criteria for NSP or LSP placement, including those providers who served youth with special needs (e.g., mental health). Specifically, ACS' C2H plan stated, "*An NSP provider may not refuse to accept a youth into placement, but may request a review of the decision to place a youth in its care.*"[32] This "no-reject" policy was significant, given that previously, private providers were given the option to interview and select youth they wanted to work with, resulting in limited options for youth with high needs.

Importantly, the C2H legislation passed by the State Legislature included a provision allowing city leaders to open C2H facilities without the Uniform Land Use Review Process (ULURP). ULURP is a community approval process that requires hearings and can make siting difficult, depending on the nature of what is being proposed to be built. According to stakeholders, this provision, along with the small and homelike ambiance of C2H contracted facilities, helped ease the burden of identifying where the facilities would be located.

Gathering community input. Another important, but sensitive and time-consuming task was organizing and holding public hearings to give communities information about C2H and hear their concerns. The C2H legislation required community forums to be held in each borough. According to an individual involved in many of these hearings, the initial borough-wide meetings, which set out the broad contours of C2H, were positively received by the civic leaders and other public officials who attended. This constituency endorsed the concept of C2H, and specifically supported the need to have youth from New York City transferred to small home-like facilities in or near to their own neighborhoods. For the most part, these initial borough-wide meetings were reaching citizens who were quite aware of the terrible conditions in OCFS facilities. Questions tended to focus on "big-picture" issues such as understanding the differences between the non-secure and limited secure placement facilities.

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[31] A negotiated acquisition process is a procurement method that allows a New York City agency to contract for goods and services without going through the more complicated and time-consuming Request for Competitive Proposal process. A negotiated acquisition must comport with rules established by the City's Procurement Policy Board (PPB). The most common justifications for a negotiated acquisition are time sensitive situations, a limited number of suppliers of the goods or services and a clear and convincing need to extend a contract beyond its time limit.

[32] A copy of the full solicitation for NSP providers can be found on the Columbia Justice Lab website.

The second set of public hearings were held in the communities where the non-secure homes were to be located. These hearings were more contentious, largely due to the NIMBY (Not in My Backyard) concerns centering on public safety and property values. While there were instances cited by stakeholders interviewed for this report where residents were upset that they did not have a chance to vote on the placement of C2H facilities, most noted that the meetings proceeded without rancor.

Key Takeaways for Other Jurisdictions

- **Have a clear vision of your future system.** While Close to Home benefitted from prior reform work, it was a significant departure from the prior system. Implementing this kind of shift was only possible thanks to strong agreement among different stakeholders about what their ultimate goals were, which was to keep youth close to home and out of facilities whenever possible. This strong youth development-oriented vision guided decisions about how to build a continuum of responses to delinquency, grounded in respect for maintaining family and community connections. To that end, much of the emphasis in Close to Home was on the community side, and not just on the residential side.

  That said, it is also true that different stakeholders interviewed for this report noted that initially, ACS contracted for far more beds than it would ultimately use. According to former ACS officials, there was still significant concern about having insufficient capacity when first designing C2H, especially if crime trends shifted or judges increased utilization of the closer, less harmful and more rehabilitative local placement facilities. Ultimately, those fears were unfounded and the City has continued to see significant declines in both the number of juvenile arrests (which has continued to decline) and the number of youth who are in placement, which remains at fewer than 150 young people on an average day.

- **Consider which agency(ies) should house and oversee key parts of the system.** Given the ultimate vision driving the system, it was important to consider which agencies would have primary responsibility for administering Close to Home, since that shapes how youth are viewed and treated. One current official interviewed for this report commented on the foresight to give ACS primary responsibility over the C2H residential facilities, given that the agency's overall philosophy was much more aligned with the notion of protecting and supporting youth in the way envisioned by Close to Home. While this remains a work in progress overall, others also noted that the agency's child welfare orientation enabled it to more readily access different funding sources, such as Title IV-E funds or State preventive dollars, and to consider the needs of dually-involved youth more effectively.

- **Learn from other jurisdictions.** While New York City leaders benefitted from different site visits to think about reform, including Wayne County, MI, not every example applied perfectly. For example, PEAK, one of the new alternative programs developed by Probation, was ultimately discontinued, even though stakeholders were excited about bringing it to New York City. Different factors can impact what happens in a specific jurisdiction; that said, this should not discourage learning or innovation and testing as a way to improve upon and adapt different elements.

- **Support from advocates and other entities during planning and implementation can be helpful.** Systems change is complicated, particularly when it involves so many different people and perspectives. New York City's ability to engage different advocacy groups and TA providers helped the entire effort move more smoothly.

- **Listen to the numbers.** When building a new system, it is important to start the process of downsizing with a thorough analysis of why a jurisdiction places youth out of home. At the heart of this work is a need to right-size your system to fit your analysis, not to fit the historically over-placed environment from which the system is trying to evolve. Having a clear-eyed view of how the system should operate – for example, wanting youth who are high risk and high severity to be in placement, making sure that low risk, low severity youth receive a light touch, and providing youth with moderate level offenses and risk scores in-home services – should dictate the system's design and funding. Otherwise, jurisdictions run the risk of having resources determine where youth are placed, as opposed to resources following the youth where they ought to be. This is especially important when considering the construction of new facilities, which cannot be as easily defunded and shuttered as the C2H programs were.

- **Include key constituencies in reform discussions.** System change is not easy, particularly when it involves upending a model used for decades. While most stakeholders interviewed for this report agreed that Close to Home was a change that was better than what had previously existed, there remained significant questions and fear about how it would be implemented. As such, it was critical that the City engaged different voices in the process, including youth and families, community leaders, advocates, state officials and elected officials. Although these efforts could have been more robust, it was still important to have different venues and approaches for hearing critiques and comments about the proposals moving forward.

Chapter 4: Implement and Monitor the New System

Even with all of the planning that went into putting Close to Home in place, the real test would come with implementation. This chapter shifts its attention to what it took to get C2H "off the ground," focusing on three key areas: Training and Outreach, Roll-Out and Monitoring, and Measuring Success. Each area includes important steps in the process, along with the key takeaways and lessons learned for other jurisdictions.

Area 1: Staffing, Training, and Outreach

As the City prepared to launch Close to Home, it was necessary to have the right staff in place to take on the new responsibilities, train them about specific changes, and make sure that these changes were appropriately communicated to other stakeholders. Below are some examples of how this occurred in different ways.

Hire and train agency staff. Because Close to Home changed so many aspects of the system, from dispositional processes to intake for youth now placed in ACS custody, there were numerous efforts put into place to train staff, particularly at DOP and ACS. As noted earlier, among the many changes made included the introduction of a different structured decision-making process, which DOP would manage. To that end, DOP engaged in a large-scale training of all of its Probation officers to review how the various tools would work, including the YLS/CMI and the SDM grid (See Chapter 3 for a more detailed discussion of the SDM grid and the tools). As needed, officials also conducted "booster" trainings to help reinforce key practices and approaches. Specific trainings were developed around case planning for all staff, which covered a range of areas connected to the YLS, including topics like education, employment, and family. Additionally, DOP also convened a small group of hand-picked staff and supervisors from across the five boroughs, who were tasked with determining and planning the implementation of key practice innovations.

Meanwhile, at ACS, which had to create facilities to replace state-run institutions, administrators had to hire and train a large number of people who would be responsible for the day-to-day supervision and operation of the 24 hour/7 day a week residential programs. According to a former ACS supervisor, ACS had just begun to expand its juvenile justice capacity within the recently-created Division of Youth and Family Justice (DYFJ) when C2H began and did not have sufficient executive-level staff to meet all of the development and oversight work required for the new initiative. Early on in the process, there was an awareness that the agency had largely focused on child welfare prior to Close to Home, and many staff were not familiar with juvenile justice system requirements.[33] To ensure an agency-wide understanding of the juvenile justice system, one of the ACS Deputy Commissioners organized visits to the City's secure detention facilities.

Hire and train provider staff. C2H's success ultimately rested with the not-for-profit agencies that would be operating the NSP and LSP facilities. All told, providers had to hire hundreds of staff within a short timeframe, which was an arduous process.

From the beginning, C2H was more than just about shifting the location of youth to new facilities in the City; it was a change in philosophy that emphasized therapeutic interventions, positive youth development approaches, respectful engagement with families and connections to the communities in which these residences would be

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[33] ACS introduced the Juvenile Justice Initiative in 2007 and assumed responsibility for the New York City Division for Youth in 2010.

located. To assure some consistency in their approach, ACS convened the providers on a regular basis to both get their input on various policies, practices, and regulations, as well as to exchange information about how they were setting up their facilities. In addition, several facilities were operating with the Missouri Model, and received training and coaching from the Missouri Youth Services Institute to ensure consistency and fidelity to the approach.[34]

While these efforts were promising, OCFS' first-year review of C2H and various stakeholders noted that ACS had overestimated its provider readiness, based on their past work with children in the child welfare system or the operation of non-secure detention facilities.[35] According to one individual involved in the early implementation, the particularities of the juvenile justice system were not fully appreciated or recognized in program design. Specifically, the monitoring role that courts play in cases of youth whose cases were pending was not a factor for youth once they were adjudicated and placed in a facility. The absence of a juvenile justice "hammer" – or even an equivalent alternative placement to which youth could be transferred – was challenging for providers. This lack of experience most clearly manifested itself in high rates of AWOLs during the initial months of implementation (See discussion in **Addressing AWOLs** later in this chapter). According to both OCFS and city officials, two contracts were ended and a third contractor voluntarily gave up its contract (NYS OCFS 2014; Sapien 2015).

Conduct outreach and education with other stakeholders. Prior to and at the start of Close to Home, City officials were engaged in a widespread effort to communicate with various constituencies about the new processes and programs that were to be established. These conversations included presentations to various system stakeholders, such as Corporation Counsel (prosecution), Legal Aid Society (public defenders), judges, mental health providers, and others. For example, then-DOP Deputy Commissioner Ana Bermúdez and her staff created a "bench book" describing the SDM grid, the RAI, and the newly available continuum of alternatives to placement and trained Family Court stakeholders in each borough about the new dispositional process. Additionally, both ACS and DOP co-chaired the Juvenile Justice Advisory Committee (JJAC), which was the new iteration of the original DSRC that created the vision for C2H. The JJAC became a venue for sharing information about the Close to Home roll-out.

Key Takeaways for Your Jurisdiction

- **Education and training are essential and should be ongoing.** System change is only as good as the people tasked with implementing reform. In New York City, there were many layers of training that were needed to ensure that everyone understood the operation and requirements of the juvenile justice system, the needs of youth and families in the system, and evidence-based interventions and approaches.

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[34] MYSI was an organization founded by Mark Steward, one of the original creators of the Missouri Model, to help other replicate this approach.

[35] Non-Secure Detention (NSD) are group home detention facilities operated by DYFJ or by not-for-profit providers under contract to DYFJ. Youth can be remanded to NSD by a judge while their case is pending.

Area 2: Initiative Roll-Out and Monitoring

Given the magnitude of changes that the City was taking on, having a strategy to ensure that the roll-out would happen successfully was critical. What follows are some of the approaches taken by the City to put the initiative into place and track progress over time.

Consider "phasing in" changes over time. As noted in Chapter 2, the final C2H legislation phased the initiative in over time. Phase 1, which included the opening of non-secure placement facilities, would be ready on September 1, 2012 (five months after the budget passed), while Phase 2, which included limited secure placement, would begin on April 1, 2013.

The City was able to meet the ambitious September 1 goal for opening the NSP facilities, but not without some serious challenges in the first year. To start, transferring youth from OCFS to ACS custody was not easy, especially given how disruptive changes in placement can be for youth. Additionally, delays in court processing and the opening of all of the facilities, as well as the aftermath of Super Storm Sandy lengthened the time it took to transfer all youth, which was finally completed in June 2013.

Separately, ACS faced significant challenges in the day-to-day operations of its NSP facilities. In the first year of C2H, 662 AWOLs (youth who were Absent Without Leave from C2H group homes) that lasted at least 24 hours were recorded.

The high rate of AWOLS that occurred in the first few months of C2H triggered an immediate effort by City Hall, ACS and providers to understand and address reasons and circumstances for this problem. To their credit, the myriad stakeholders involved in C2H managed these setbacks through rapid and transparent responses and by not losing sight of the ultimate goal of the initiative (See more in **Addressing AWOLs**). However, these experiences ultimately delayed the start of Phase II,[36] with the LSP facilities opening in 2015, not 2013 as originally planned. That said, the lessons learned from the initial rollout of C2H made for a smoother opening of LSP residences: there were only three AWOL incidents among LSP facilities in the 2016-2017 year (NYC ACS 2018 a).

Establish venues to review and troubleshoot implementation challenges. During the first two years of Close to Home, the City engaged in an ongoing effort to review how specific parts of the implementation process were working and devise solutions. Among these efforts was DOP's convening of borough implementation teams on a quarterly basis, which included a wide array of local justice stakeholders to review data related to the newly-introduced structured decision-making process. DOP used these meetings to:

- Share aggregate data from the YLS and SDM Grid on all cases citywide about who was entering the system (in terms of their key characteristics, such as risk level and charge severity);
- Review the impact the tools had on decision-making (such as the frequency of dispositions being issued); and

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[36] Other reasons for the delay in the opening of LSP facilities were delays in securing necessary approvals and delays in the completing the renovations to the facilities.

- Examine adherence rates between the SDM grid, DOP's recommendation, and final disposition from the judge.

These meetings proved valuable in securing greater buy-in for DOP's efforts and helped ensure that the recommendation process was more transparent, reliable, and flexible.

Addressing AWOLS

One of the most intriguing and valuable lessons learned in the study of C2H came as a result of a crisis – the high numbers of AWOLs and even arrests of youth who were in NSP facilities right after the initiative launched. However, unlike many reform efforts—where support often erodes at the first sign of trouble—a "conspiracy of good will" prevailed among the agencies, City Hall, advocates, and even judges, making it possible for ACS and the providers to forthrightly confront the challenges.

So what was done, exactly? Because one of the contributing factors identified was the lack of residential options that would provide a higher level of care and custody (since the LSP facilities had not yet been phased in), ACS and its providers improvised a temporary solution. Children's Village, one of the not-for-profit NSP providers, opened a separate facility to be used as a "time out" for youth manifesting behavioral problems. This proved to be effective: the youth sent to the "time out" facility were there for a short time and then returned to their NSP program or in some cases, even home.

From the outset, what was helpful was the fact that the problem was acknowledged, and everyone involved wanted to help resolve the issue. This was true from the leadership level, as noted with the monthly meetings convened by the Deputy Mayor for Human Services, Linda Gibbs; from the advocates' perspective, who continued to show support for C2H; and certainly, among ACS staff and its providers, who provided additional training to staff who were negatively viewed following the public outcries about the AWOLs. One provider described how he used data to remind staff that while the negative incidents were not to be ignored, the data showed these problems to be anomalies. Learning from mistakes and refocusing on the purpose and goals of C2H kept the initiative from being undermined by "one bad narrative." Similarly, while judges were clearly concerned about AWOLs and criticized the lack of timely notice in some cases, they also seemed to recognize that these problems were mostly isolated to the earliest days of C2H and addressed quickly.

In the wake of the AWOLs, ACS stepped up its monitoring of NSP facilities and created a transparent set of measures to review performance. Specifically, ACS began tracking AWOLs, assaults and altercations, use of restraints (physical and mechanical), and contraband by organizational provider and by specific site.[37] ACS also conducts on-site monitoring and

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[37] Some providers operate more than one site.

document reviews that consider such issues as facility maintenance, staffing, program structure (implementation of therapeutic intervention), and school engagement, among others. Responses to problems vary according to the nature and severity of deficiency identified and include training, development and implementation of a corrective action plan, heightened monitoring status and termination of contract. In the first year, ACS terminated contracts with two of its NSP providers due to dissatisfaction with their performance.

There were immediate improvements even during Year 1. NYS' OCFS report on the first year of C2H (September 2012-August 2013) (NYS OCFS 2014) showed that the Year 1 third quarter had the highest rate of AWOLs (calculated per 100 care days) of 2.4; the next quarter (June-August 2013), the rate had dropped to 1.4 per 100 care days.[38] This reflected the work by providers and ACS and technical assistance from OCFS to immediately address problems. Tracking of youth continued to improve through an increase in the number of counts of youth conducted each day and closer collaboration with the Police Department to secure the return of youth who went AWOL. This initial experience with addressing AWOLs eased the transition of getting limited secure placement facilities online in November 2015.

Separately, DOP also monitored alternative-to-placement program usage in the first year of implementation. As a result of these efforts, the agency was able to identify some key issues that became a focal point of future discussions among City workgroups. These issues included the fact that: 1) not all youth recommended for an ATP were always successfully matched to a program, due to strict eligibility and exclusionary criteria; 2) parents and families expressed some hesitancy to participate in alternative programming, particularly those who were wary about being connected to ACS; and 3) limited information was available on outcomes of youth recommended to ATPs and whether they successfully completed these programs.

This information enabled the City to understand the gaps in its continuum of services and how they could be filled in the future. In particular, there was interest in programs that could connect young people to adults other than their parents and could also enhance connections to school and work. This knowledge has helped fuel new efforts to develop additional programs within DOP (see Chapter 5).

Key Takeaways for Other Jurisdictions

- **Combine a sense of urgency with taking time to implement things the right way.** Some New York-specific factors pushed for a very short time frame to open C2H.[39] Without sacrificing the momentum for change and realignment, the C2H experience suggests that the time needed to

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[38] The number per care days provides a consistent measure of the rate of AWOLS during the first year start up. The number of AWOLS peaked in the third quarter (March – May 2013) at 450 but by the fourth quarter (June-August 2013) had decreased to 237 (NYS OCFS 2014).

[39] These included the prohibitive costs of operating two systems – state and local- if C2H was rolled out more slowly and the desire to get the new initiative going before the change in City administration.

implement things the right way should not be underestimated. Jurisdictions should allow for the time needed to hire and train qualified staff, and develop and familiarize staff with policies and procedures.

- **Be transparent about challenges and make adjustments.** In the early days of C2H, City officials were clear about the challenges that were coming up and addressing them head-on. Importantly, many of the individuals interviewed for this report agreed that a key reason this was possible was because there was a common desire to see the initiative succeed (both among insiders and outsiders) and strong communication vehicles like the Dispositional Reform Steering Committee and Deputy Mayor Gibbs' meetings to allow for sharing of information and joint problem solving. That said, the City really emphasized bringing different voices to the table to push and question what it was doing, which helped to troubleshoot challenges and resulted in a better process.

- **Give reforms time to work.** Close to Home was not without its challenges when it first began. That said, it was critical that stakeholders remained invested and committed to reform, recognizing that they should not necessarily "throw the baby out with the bath water," at the sight of initial problems. This mentality enabled the City to innovate new solutions, such as with the problem of AWOLs, and limit future issues with LSP.

Area 3: Measuring Success

Understanding the impact of Close to Home is a critical part of knowing whether it was successful in achieving its goals. What follows is a brief review of different data points to assess C2H's progress in moving the system towards its primary goal of better supporting youth close to home and in their own communities. These data include: 1) changes in the use of placement and community programs, 2) changes in facility experiences and practices (such as AWOLs or restraints), 3) focus on youth development, family engagement, and education, 4) impact on public safety, and 5) impact on racial disparities. While the data discussed here begin to paint a picture of how far the City's youth justice transformation went, it is also worth noting that the City did not necessarily have one overarching set of outcomes and benchmarks to guide its work from the beginning.

Indicator 1: Changes in the Use of Placement and Community-Based Services

Thanks to a wide-ranging set of reforms grounded in the science of adolescent brain development and a shift towards positive youth development, New York City had already started to see declines in youth who were being incarcerated. Between 2012 and 2016, detention reform in New York City resulted in a 37 percent decline in youth detention (compared to a 31 percent decrease in the rest of the state). As seen in Figure 2, between 2012 and 2016, the number of youth from New York City who were placed out of home declined by 68 percent, compared to a 20 percent reduction for the rest of NYS. By 2016, there were no New York City Family Court JD placements to state-operated secure facilities. Moreover, out-of-home placements continued to decline. [40]

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

Figure 2: Placements in New York City and the Rest of the State 2012-2016
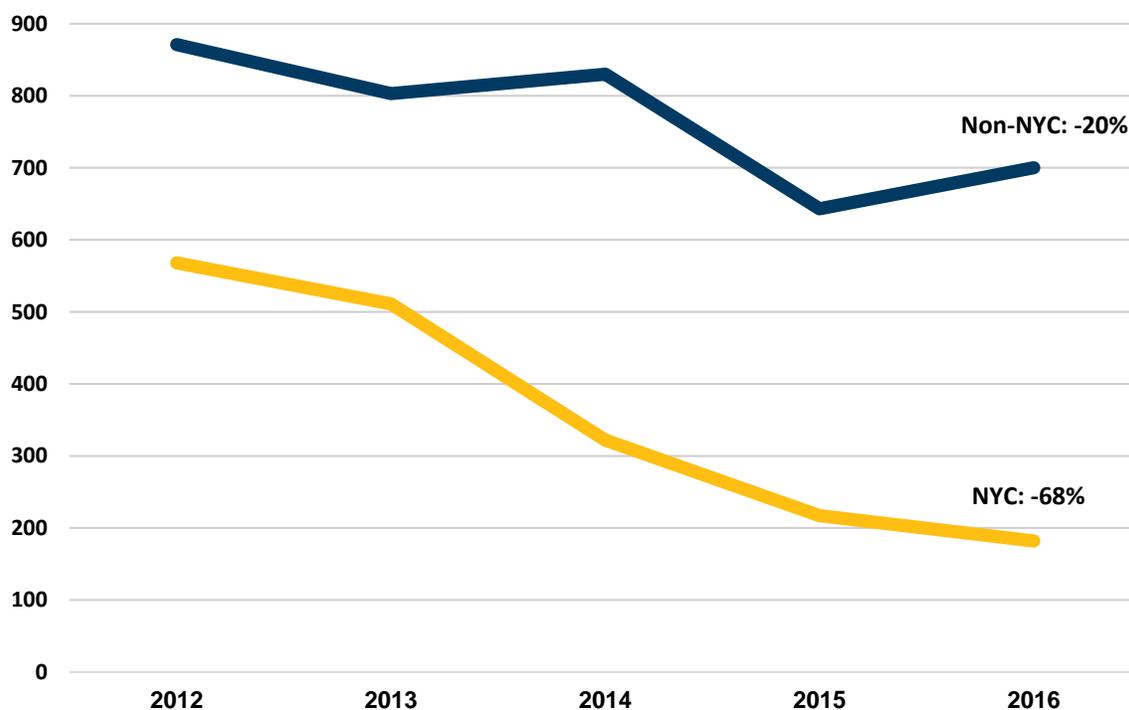

(Source: NYS Division of Criminal Justice Services, Office of Justice Research and Performance)

During this time, it appears that the dispositional process changes and the expanded continuum of care was indeed displacing youth from placements. According to a report by the New York City Independent Budget Office (Hanna 2016), placement as a percent of dispositions declined by 1.7 percent between 2012 and 2015.[41] Alternatives to placement options as a percent of dispositions increased over that same time period. The use of alternative to placement programs went from 33.4 percent of dispositions in 2012 to 35.4 percent in 2015, while the use of probation rose as a percentage of dispositions and placement declined during the same time period (see Figure 1 above). Separately, data from the Department of Probation indicated that the utilization rate for AIM, one of its new alternative programs, steadily increased from 2 percent to 98 percent between July 2012 and October 2013 (NYC Department of Probation, 2013). While more recent data tracking the use of alternatives were not available at the time of publication, it is notable that the aforementioned trends occurred in light of the fact that fewer low-level cases were coming into the system, resulting in a higher ratio of felony arrests (New York State Division of Criminal Justice Services, 2018). Consequently, it is plausible to make the case that C2H did go beyond being just a transfer of jurisdictional responsibilities over placement; rather, it created a broader continuum of responses that shifted reliance from residential settings to in-home and community-based placements supervised by probation and supported by ATPs.

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[41] In 2012, placements numbered 525 or 19.8 percent of total dispositions; in 2015, they numbered 292 or 18.1 percent of dispositions (Hanna 2016).

Indicator 2: Changes in Facility Experience and Practices

As described earlier in this chapter, the first year of C2H was a bumpy one, particularly for ACS, given the significant expansion of its responsibilities to include oversight of residential placement. Figure 3 highlights the percentage changes in some key areas, including AWOLs, total assaults and altercations, restraints, and contraband. Over two years, ACS saw improvement in each area, particularly around AWOLs. The number of AWOLS has continued to decline, falling from a high of more than 1,000 Incidents in Year 1 to 136 in 2016 (NYC ACS 2017).[42] Figure 3 also notes a 41 percent reduction in the number of youth absconding between 2014 and 2016.

Figure 3: Management Performance Measures: Percent Change 2014 – 2016
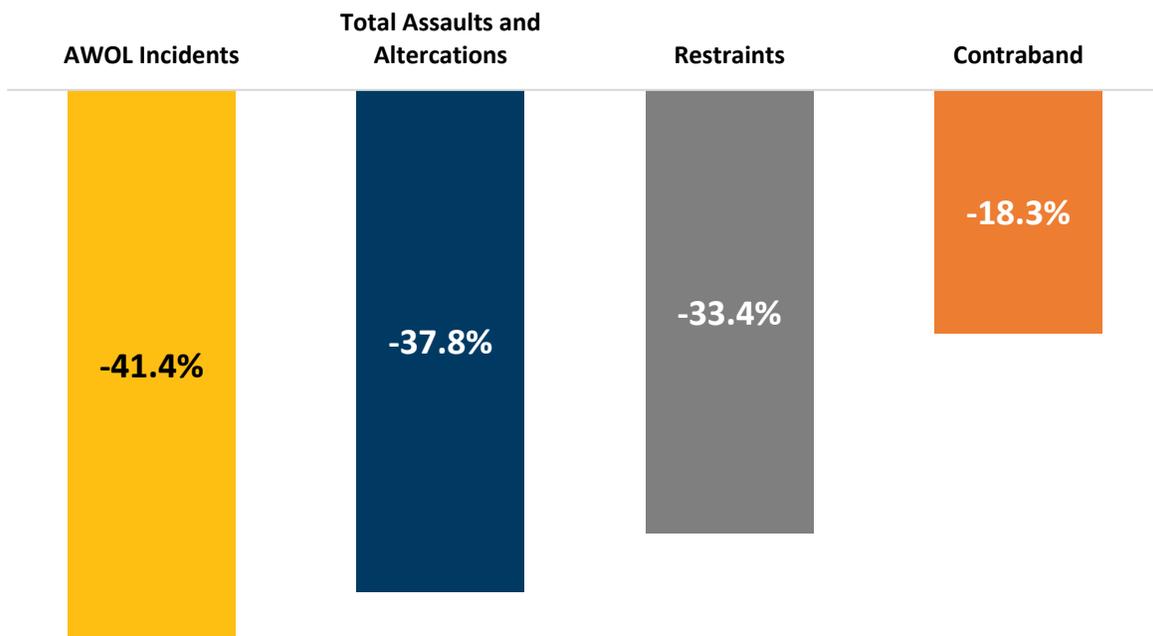
(Source: NYC Administration for Children's Services, 2018 and Close to Home Annual Report, 2016-17)

Indicator 3: Focus on Youth Development, Family Engagement, and Education

C2H relies on a knowledge base and tools developed over recent decades to create environments and programs that are beneficial for youth.

Key youth development indicators include education and family reunification. As shown in Figure 4, 91 percent of C2H youth passed their academic classes (2016-2017 School Year), 82 percent of youth transitioned from

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

C2H to a parent, other family member or guardian (2016), and 91 percent of youth who transitioned from C2H were enrolled with community-based programs (2016).

Other indicators that suggest progress in pro-social behaviors on the part of youth in C2H include participation/completion of community-based aftercare. According to an ACS report on C2H activities in 2016-2017, 91 percent of youth were enrolled in community programs, with 67 percent of those completing the program and with continuing involvement on the part of the remaining youth (NYC ACS 2018).

Figure 4: Close to Home Outcomes Through a Youth Development Lens

Education: NYC DOE Passages Academy (2016-2017 school year)
- Average of 9.3 credits earned
- Passed 91 percent of their classes
- 93 percent of C2H middle school students promoted at least one grade level
- Almost half of C2H students who took NYS Regents passed
- 80% of C2H students with a disability who took a Regents exam passed

Family
- 76 percent of youth transitioned to parent; 5 percent to other family member; and 1 percent to guardian

Engagement in pro-social activities
- 91 percent of youth who transitioned from C2H were enrolled with community-based programs.

(Source: NYC Administration for Children's Services, 2018 and Close to Home Annual Report, 2016-17)

Indicator 4: Impact on Public Safety

To date, there are no longitudinal data showing recidivism rates of youth who have been placed in C2H.[43] However, initial measures suggest that the initiative has not jeopardized public safety. While it would be beyond the scope of this analysis to suggest that C2H has caused the steadily declining arrest rates of NYC youth, it is abundantly clear that it has not prevented it. In fact, since C2H began, juvenile arrest rates have declined at an accelerated rate. In the four years preceding C2H, juvenile arrests in New York City declined by 24 percent. In the four years following the introduction of C2H in 2012, youth arrests in New York City decreased by 52 percent (See Figure 5 below). Moreover, as Figure 6 shows, the City's drop in total juvenile arrests was 28.5

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

percent more than the rest of the state (52 percent in New York City, versus 41 percent in the rest of the state, where C2H was not implemented).[44]

Figure 5: Decline in Juvenile Arrests Before and After C2H

2008-2012

2012-2016

-24.0%

-52.3%
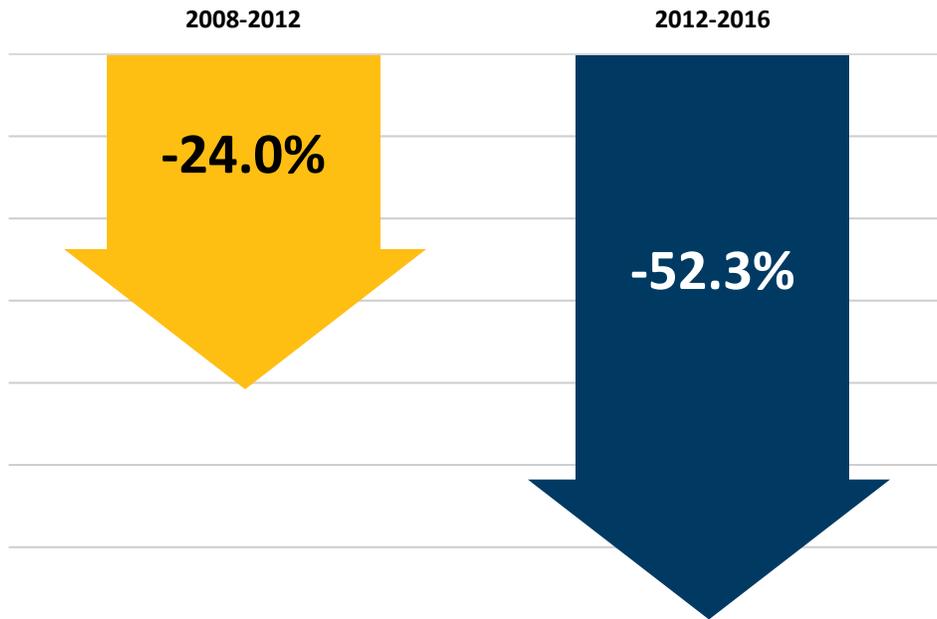
(Source: New York City Police Department (NYPD) and DCJS Uniform Crime Reporting (UCR) System

Figure 6: Juvenile Arrests New York City and Rest of State - 2012-2016

Non-NYC: -40.7%

NYC: -52.3%

| 12000 |
| 10000 |
| 8000 |
| 6000 |
| 4000 |
| 2000 |
| 0 |

2012 2013 2014 2015 2016
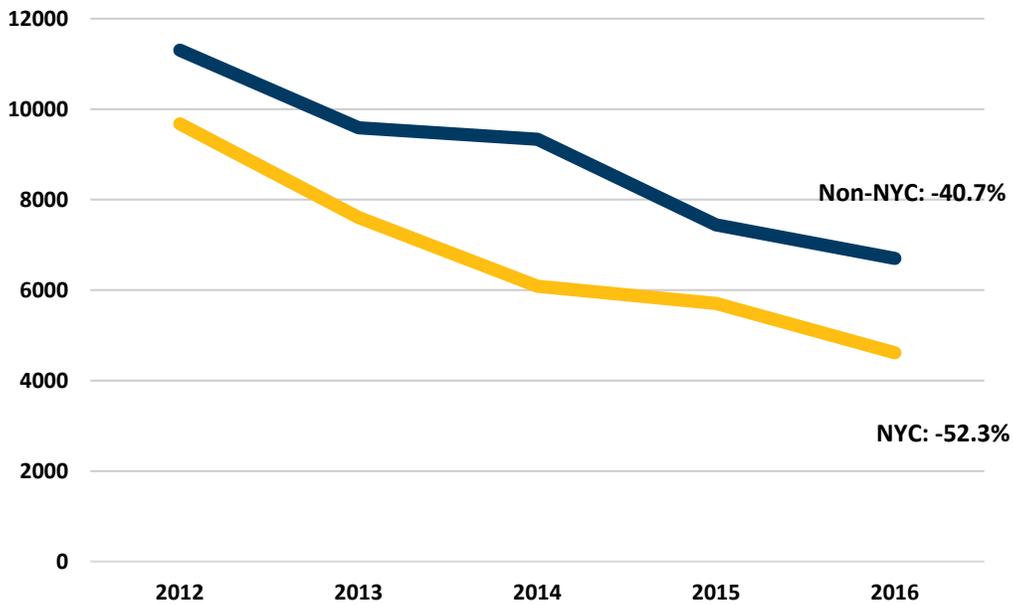
(Source: New York City Police Department (NYPD) and DCJS Uniform Crime Reporting (UCR) System)

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[44] Recent data shared by ACS indicates that between 2017 and 2018, juvenile arrests declined by 21 percent. Breakdowns by age category include: 21 percent decline for youth under 16 years old, 41 percent decline for 16 year olds, and 43 percent decline for 17.

Finally, readmissions to C2H and violations of aftercare conditions have been limited. ACS reports that 14 percent or 36 youth admitted to a C2H residence in 2016 had previously been placed in a C2H facility (ACS 2018). Of the 836 young people released from C2H placement between 2014 and 2016, 64 or 7.6 percent had their aftercare revoked for violations of the terms of their release, such as a new arrest (Szanyi, & Soler 2018).

Indicator 5: Impact on Racial Disparities

The reduction of racial disparities remains elusive for the C2H initiative. ACS' most recent annual report showed that 90 percent of C2H alternative to placement and residential admissions were kids of color (60 percent black and 30 percent Latino) compared to their overall representation in the NYC population of roughly 40 percent. Further, 100 percent of youth placed into limited secure C2H facilities in 2018 were African American or Latino youth (NYC ACS 2018 (b)).

Key Takeaways for Other Jurisdictions

- **Create an overarching set of measures to track progress toward achieving the reform vision.** New York City in particular has strong data collection capacity and resources. However, agencies did not always use the same metrics or the same time frames for data collection. As new jurisdictions look to rethink their own systems, it is helpful to design a common set of measures to track progress in achieving the system reforms. The measures should be grounded in the values governing the reform efforts, both system-level impacts, such as numbers of youth in placement and costs, and youth development indicators, such as educational achievements, engagement with future employment, and sustained connections to a positive, caring adult. Public safety indicators such as recidivism (e.g., arrests, re incarceration) and type of crime or delinquency, are other important metrics to track. Finally, qualitative data capturing youth and family experiences with the programs can provide rich and nuanced information not captured by quantitative data.

- **Data collection efforts and measures should break down all outcomes by numerous categories, including race and gender.** New York's experience with Close to Home shows that even as progress is made, certain populations can get left behind. Thus, while the volume of placement admissions has been reduced, the proportion of youth of color in placement as compared to white youth remains very high. Jurisdictions looking to tackle system reform with a focus on equity should make sure to look specifically at how certain trends relate to different youth, including those of color, girls, and LGBTQ youth. Only by isolating outcomes by these characteristics can we ensure that all youth benefit from system reforms.

- **Report data publicly to promote accountability.** Jurisdictions looking to build on New York's experience should publicly report key data on a regular basis that helps both system stakeholders and the public assess how well the initiative is meeting its goals.

Chapter 5: Adapting the System to Meet New Challenges

Nearly seven years after its passage, C2H has become an accepted and appreciated part of New York City's juvenile justice system, one that other jurisdictions are now looking to emulate. It has largely remained true to the design envisioned by local officials, eschewing the antiquated youth prison model, using empirically-based tools as a guide for making dispositional decisions, employing a continuum of options based on the principle of the least restrictive alternative and family and community engagement. There are no longer any New York City youth adjudicated as JDs in New York State-run juvenile institutions. Perhaps C2H's most remarkable achievement is the fact that the nation's largest city has entirely opted out of the youth prison model for youth in its Family Court.

That said, the journey continues. In recent years, Close to Home has faced new challenges and opportunities, which have pushed the initiative to evolve in different ways.

Loss of State funding. In the 2018 -2019 budget cycle, the C2H legislation was reauthorized, but the State budget did not include continued funding to support the initiative, despite vigorous advocacy by City Officials and advocates and stated support of C2H by Governor Cuomo. As a result, C2H lost about 40 percent of its funding (state share). Fortunately, NYC closed this gap with $30.5 million in city funds, but it is not certain that the City will able to remain the sole funder of C2H in future years.

Expanding C2H to incorporate Raise the Age. The loss of funding comes at a time when the C2H population may expand as a result of the Raise the Age legislation that transfers the adjudication of most 16- and 17-year-olds to Family Court. As of October 2018, most 16-year old adolescents will be treated in the juvenile justice/Family Court system followed by 17-year olds in 2019. C2H programs will have to absorb these young people and provide them with developmentally-appropriate services. However, because juvenile arrests and detention continues to decline, those involved with C2H believe that there is sufficient capacity to welcome this new population.

Addressing educational challenges. While youth make educational progress while in C2H educational programs, preliminary information suggests that these gains dissipate once youth return to their home schools. While in C2H, youth get tremendous support from teachers and other adults, often in small classroom settings. Sadly, this type of support is not typical for a mainstream school and so young people disengage. Finding ways to address this issue will require resources beyond the juvenile justice system.

Need for additional data and research on C2H. C2H will also need to build more robust data collection, evaluation and research capacity to capture long- term outcomes for youth who go through C2H. The metrics of interest include post-program recidivism, educational success, employment success and other measures of well-being and productivity. Research and evaluation should be both quantitative (what) and qualitative (why). Evaluation of C2H effectiveness is more than just collecting information about these data points: it requires a framework that looks at the effectiveness of this (or any other justice) intervention within the context of social and economic structural conditions. For example, as noted above, educational disengagement of youth after they leave C2H may be less a matter of what C2H offers, and more about the structure of the larger educational enterprise, as well as the priority or lack thereof given to education in society.

Introducing new programmatic approaches. Moving forward, C2H is taking up new opportunities and approaches to develop programming. In particular, these efforts have been working to engage youth and

families in a way that involves them as active decision-makers in C2H policy and practices. On the community-based side, C2H programs are increasingly embracing the notion of "credible messengers" as mentors for youth. Credible messengers are individuals who were once justice-involved and with training and supervision, become trusted and valued pro-social guides for youth in the juvenile justice system (Austria & Peterson 2017). The New York City Probation Department has made considerable investment in training credible messengers, establishing the Credible Messenger Justice Center in partnership with Community Connections for Youth and the Silberman School of Social Work at Hunter College. Evaluation of ATP programs relying on credible messengers have found this approach to be efficacious (Lynch, Astone, Collazos, Lipman & Esthappan 2018).

Key Takeaway for Other Jurisdictions

- **Evolve the system to meet new challenges and integrate new, promising practices.** Large-scale reform does not end after the initial changes have been implemented. Rather, system stakeholders must be ready to conduct regular reviews of who they are (or will be) serving, assess their current approaches using data and research, and evolve to address the needs that are presented, including the introduction of new program models. That said, all changes and adaptations should align with the system's overall values and vision to ensure they are effectively integrated.

Conclusion

As this report outlines, New York City's Close to Home initiative represented more than moving jurisdictional control over residential services from one place to another. Rather, it was a fundamental shift in philosophy, which recognized the importance of prioritizing communities over incarceration. As many of the individuals interviewed for this report noted, this steadfast commitment by leaders across the system to a set of core guiding principles enabled the City and State to work through disagreements and for local stakeholders to meet the daunting deadlines outlined by the legislation. This realignment included a review of many different parts of the system, from how decisions about placements were made to how funding was funneled to new programs and services, and even which agencies would have primary responsibility for the system.

This process could not have been effective without the involvement of a diverse group of stakeholders. From the beginning, the City included different perspectives in the process, including those of youth, families, advocates, and providers, many of whom pushed the envelope around changes that otherwise may not have been considered, such as what types of programs would most benefit youth and communities. Separately, City agencies established and maintained strong working relationships that have continued to help C2H remain in place. Throughout this time, the City has also continued to see significant declines in its juvenile arrest rates.

That said, Close to Home remains a work in progress. As the City implements the Raise the Age legislation, it must continue to adapt the system to meet the needs of older youth whose cases will now be coming through Family Court. There will also need to be a concerted focus on data collection, analysis, and reporting to track how well the system is meeting its goals over time.

Ultimately, the Close to Home model represents an important example of how a bold vision that focuses on what is best for young people can drive change. By sharing how that change occurred, it is our hope that other jurisdictions grappling with deinstitutionalization can learn from this experience.

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