



**BROOKLYN  
DEFENDER  
SERVICES**

**TESTIMONY OF:**

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*BROOKLYN DEFENDER SERVICES***

**Presented before**

**The New York City Council Committee on Juvenile Justice**

**Oversight Hearing on Examining ACS's Juvenile Offender Population**

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My name is Amy Albert and I am a staff attorney with Brooklyn Defender Services (BDS). Our organization provides innovative, multi-disciplinary, and client-centered criminal defense, family defense, immigration, civil legal services, social work support and advocacy to more than 40,000 indigent Brooklyn residents every year. I thank the New York City Council Committee on Juvenile Justice, and in particular Chairperson Fernando Cabrera, for the opportunity to testify on Juvenile Offenders in New York City.

BDS is fortunate to have the support of the City Council, as well as other elected officials and the Office of Court Administration, to supplement the services we provide as the public defense office in Brooklyn for people who have been arrested, are facing child welfare allegations and are facing deportation. We have developed a model of specialization to best represent certain types of clients, including adolescents, people with mental illness, and victims of human trafficking. Through specialized units of the office, we provide extensive wrap-around services that meet the needs of these traditionally under-served clients in a comprehensive way.

We are grateful for the opportunity to speak today about ways that the Administration of Children's Services (ACS) can better serve New York City youth charged with or convicted of Juvenile Offender (JO) offenses. I currently represent a full caseload of adolescents, ages 13-21, in Kings County Criminal and Supreme Court. I am also the Coordinator of the Brooklyn Adolescent Representation Team (BART), Brooklyn Defender Services' specialized adolescent unit. Our team represents over two thousand adolescents ages 13-21 annually. In the past five

years the BDS Adolescent Representation team has represented over 150 youth ages 13-15 charged with JO offenses.

Homelessness is one of the greatest challenges that our clients face and is often either a cause of or the unintended result of a young person being charged with a JO offense. We make the following recommendations based on our experience representing youth charged and convicted of JO offenses in Brooklyn:

1. Establish and fund crisis shelter housing for youth in every borough of the City
2. Establish and fund short-term respite centers for youth and families
3. Ensure that every ACS employee receive training specific to the needs of youth charged with or convicted of JO offenses

### Youth Homelessness in New York City

I represented a young man, Jayquan<sup>1</sup>, who was arrested on charges of Robbery in the First Degree at the age of 15. Jayquan was charged as an adult; indicted and served approximately eight months at Crossroads before being released and returned to his family. When he was arrested, Jayquan was in ninth grade in a neighborhood high school and involved in a local crew (not as formal as a gang, but an association of youth nonetheless). When he returned home, he had earned a few more credits but would have to repeat the ninth grade again. His crew was fighting with another group of kids and both groups attended the high school to which he returned. He had lived away from his mother and siblings for many months. His mother reported that he was distant, sullen and became defensive if anyone touched him. He had angry outbursts more frequently than ever before. Within two months of his release, Jayquan was begging his mother to transfer schools because of the tension between his crew and the rival crew. Jayquan and his mom weren't communicating well. She refused. They began arguing. The argument escalated into a physical fight. Jayquan's mother locked him out of the house. Jayquan had nowhere to go. He tried Covenant House, but the shelter was full. Covenant House called ACS. A caseworker went out to the home and mom agreed to take Jayquan back in. This worked for a few days and then they began fighting again. This time the argument escalated and Jayquan's mother called the police. Jayquan was arrested for a misdemeanor assault. He was back in front of the Court where the judge issued an Order of Protection preventing Jayquan from returning to his mother's home. He had no place to go.

One of the greatest crises facing youth charged with or convicted of Juvenile Offender crimes is homelessness. When the young person returns home after a period of incarceration, the trauma that he experienced while locked up may create tension in the family and community, often leading to intra-family disputes. According to Covenant House, 50% of adolescents aging out of foster care and the juvenile and criminal justice systems will be homeless within six months. When youth are kicked out of the home they have very few options because many are unprepared to live independently, have limited education and no social support.

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<sup>1</sup> Name changed to protect his identity.

There is a severe need for shelter options for adolescents in New York City. The New York City Department of Youth and Community Development (DYCD) runs a range of services for Runaway and Homeless Youth. Unfortunately, DYCD only has two crisis shelters that serve all youth under 21, Covenant House and Safe Horizon Streetworks Overnight, both in Manhattan. Covenant House, near Times Square, is the largest and has about 200 shelter beds and another 140 spots for longer-term residential stays. The shelter serves youth age 16-21 and turns away about 75 people a month.<sup>2</sup> Safe Horizon, located in Harlem, offers only 24 beds. There are other limited crisis shelter options for LGBTQ youth, victims of sex trafficking, and pregnant and parenting young mothers.<sup>3</sup> Unfortunately, the majority of our JO clients are teenage boys of color who do not meet these criteria. Drop-in centers exist in all of the five boroughs but do not provide short-term emergency housing to accommodate youth like Jayquan.

Right now, too many of our clients live in the streets, “couch surf” or sleep on the floors or couches of friends, neighbors or even strangers. Indeed, homeless youth are more likely to be arrested, engage in criminal activity to meet their survival needs, or engage in unsafe sexual relationships or the commercial sex trade because they need a place to sleep. A 2013 study by Covenant House and Fordham University found that 1 in 4 of the surveyed homeless youth became a victim of sex trafficking or was forced to provide sex for survival needs, such as food or a place to sleep. Of these victims, about half reported that the number one reason they had been drawn into commercial sexual activity was because they did not have a safe place to sleep.

New York City’s youth homeless crisis places an enormous burden on ACS to house youth in the foster care system. Even if a young person is taken into ACS custody, because of overcrowding at the Children’s Center, some adolescents are currently being housed on Long Island away from their friends, families and schools until appropriate group or foster homes can be found. As this Committee is well aware, those group and foster homes are in short supply. Older teens may end up staying weeks or months at the Children’s Center because it is so hard to find foster homes for them.

The City must do better to provide safe shelter space for youth in the communities that they live in so that they do not end up in these situations. **We urge the members of the Committee on Juvenile Justice to work with your colleagues at City Council to address the youth homeless crisis by establishing and funding crisis shelters in all of the five boroughs. You should also increase funding to the Children’s Center to ensure that youth identified by ACS can remain in their communities.**

### Respite Centers as a Haven for Families in Crisis

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<sup>2</sup> Mireya Navarro, “Housing homeless youth poses challenge for Mayor Bill de Blasio,” NY TIMES, March 27, 2015, available at <http://www.nytimes.com/2015/03/28/nyregion/housing-homeless-youth-poses-challenge-for-mayor-de-blasio.html>.

<sup>3</sup> Ali Forney has 32 beds for youth who identify as LGBTQ in Brooklyn, Covenant House has 22 mother and child beds at West 52<sup>nd</sup> St in Manhattan, and Inwood House in the Bronx has 8 beds for young women.

Young people and their families could be invaluable served if youth had a safe place to stay while both sides had time to cool off after a disagreement. Many of these youth need never become homeless in the first instance if they and their families have a neutral, safe place to go where they can mediate their differences, figure out a family member that the youth can stay with, or collaborate with a case manager about long-term placement options. Adolescent Respite Centers provide parents and youth with a safe place for the youth to stay while both parties cool off. New York State Assembly Members Andrew Hevesi and Joseph Lentol published an opinion piece in *City & State* calling for the creation of respite centers with state social services funds in July of this year.

Adolescent Respite Centers should be open 24 hours a day, 7 days per week. Youth, police or families may drop-in to the centers, and the youth may voluntarily stay there no more than six weeks. Clinical social workers would be available to evaluate the adolescent's and family's needs within 24 hours of entering the Center. Nurses would be available to assess health needs, including reproductive health issues such as pregnancy. Centers would not be appropriate for serious mental health diagnoses. Schooling would be available on site, along with an educational coordinator who would work with the youth and the family to evaluate the young person's educational needs. During their time at the shelter, youth and their families would have the opportunity to create a long-term placement plan along with a case worker and receive referrals to appropriate services. Staying in the Center would not automatically trigger an ACS intervention, though licensed clinical social workers would be mandated to report abuse or neglect in such cases.

Schools, police, medical professionals, EMTs, defender organizations, and social service providers would be encouraged to refer potential families to Adolescent Respite Centers. Centers should be located in diverse communities throughout the state, in urban, suburban and rural areas. A great example of an existing Adolescent Respite Center is Wind Youth Services in Sacramento, California.<sup>4</sup> **We urge the members of the Committee on Juvenile Justice to work with your colleagues at City Council, the State legislature, DYCD, ACS and other stakeholders like BDS to establish and fund respite centers.**

### ACS Training

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<sup>4</sup> According to their website: "Wind Youth Services provides the [Sacramento] area's only short-term shelter and crisis intervention program for homeless and runaway youth, ages 14-17. Our 6-bed shelter provides homeless youth immediate safety from the streets until they can reunite with their families or find an appropriate longer-term housing solution. At the Wind House youth have a warm bed to sleep in, food, clothes, showers, laundry services and crisis counseling. Youth Workers provide a safe and nurturing environment where youth can develop relationships with caring adults, often for the first time in their life. Using a trauma-informed approach, Wind Youth Advocates work with each youth individually to develop a case plan with an emphasis on personal safety (shelter, food, crisis management, physical and mental health, etc), life skills development, and education. Once a case plan has been developed, Wind offers individual, family, and group counseling to address the underlying causes of the youth's homelessness and promotes social and emotional well-being, while working through the immediate crisis." Wind Youth Services webpage available at: <http://windyouth.org/programs>.

ACS staff should receive training about the specific needs of court-involved youth, including those charged and convicted of JO offenses who are placed at Crossroads and Horizons. ACS should work with community members like the groups that testified here today, including BDS, to develop best practices for working with this population. New York City's Crossover Youth Practice Model could serve as a model for how to begin developing a protocol for how ACS workers at all levels of the organization interact with youth transitioning out of Crossroads and Horizons.

### Conclusion

ACS staff work hard to serve New York City youth. But the challenges facing youth charged with or convicted of JO offenses are immense. City Council efforts to limit the harms of homelessness would go far in improving outcomes for youth charged with JO offenses.

To that end, BDS recommends that City Council:

1. Establish and fund crisis shelter housing for youth in every borough of the City
2. Establish and fund short-term respite centers for youth and families
3. Ensure that every ACS employee receive training specific to the needs of youth charged with or convicted of JO offenses

Thank you for your time and consideration of this important issue.