



**BROOKLYN
DEFENDER
SERVICES**

TESTIMONY OF:

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BROOKLYN DEFENDER SERVICES

Presented before

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Hearing on Reentry Programs for Formerly Incarcerated Youth

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Introduction

My name is Rebecca Kinsella and I am a youth social worker for Brooklyn Defender Services (BDS). BDS provides multi-disciplinary and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy, for over 35,000 clients in Brooklyn every year. I thank the City Council Committee on Juvenile Justice and Chair Fernando Cabrera for the opportunity to testify today about the many ways that the City Council can augment, improve, and support reentry programs for formerly incarcerated youth.

Brooklyn Defender Services' has a specialized adolescent unit, called the Brooklyn Adolescent Representation Team, or BART. Our team represents over two thousand adolescents ages 13-21 annually. My caseload includes adolescents detained at Crossroads and Horizons, ACS detention facilities in Brooklyn and the Bronx, as well as young people detained on Rikers Island.

Background

Incarceration is particularly harmful for children and adolescents and should be avoided at all costs.¹ That being said, in our experience, young people who are incarcerated in local detention facilities are better able to access reentry programs and support than those who are sent upstate.

Recently, Marcus, an 18-year-old client of mine, was released from Rikers Island after serving a sentence of one year. Marcus graduated high school before being sentenced, and did not want his time in jail to keep him from his aspirations of higher education. We knew, based on ample experience, that it was crucial for Marcus to apply to colleges while at Rikers to ensure that he would re-engage education in a timely manner. With our ongoing advocacy and support of Marcus during his incarceration, he left Rikers and entered into college courses.

Marcus's case is an exception. Joaquin, a young client of mine was released from a juvenile detention facility upstate, put on a train to the City and told that his mom would be waiting for him on the other side. With no critical supports put in place by the upstate facility to help him reenter his community upon his return, Joaquin was shortly rearrested just two months later. Having been disengaged from his family for almost 2 years, Joaquin and his family struggled with re-unification and the necessary restructuring of his life for a successful re-entry. With in-home family counseling and a more structured educational and vocational plan, I believe that Joaquin could have avoided the behaviors and circumstances that ultimately led to his arrest.

Incarcerated youth do better when they can remain close to their homes and communities, where they have better access to familial support and programs to help them acclimate to normal life. According to the NYS Office of Children and Family Services website:

“Keeping youths closer to their families is a core principle of New York State's juvenile justice program. The importance of locating youth in placement close to where they are from cannot be understated. Not only does this allow families to more easily visit, but it gives them the ability to participate in the youth's rehabilitation program which increases the likelihood of success for youth once they are released.”²

While visiting Rikers is consistently demeaning and dehumanizing for our clients' families, and requires long hours of travel by public transit, visiting at an upstate facility is often impossible for them. It is no surprise, then, that youth suffer greater reentry difficulties when they return from upstate facilities when their connections with their families and communities are more likely to have been strained or severed.

¹ Barry Holman & Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, Justice Policy Institute (2006).

² NYS Office of Children and Family Services, *Close to Home Initiative*, available at http://ocfs.ny.gov/main/rehab/close_to_home/.

There is much the City can do to improve reentry services for all youth, including youth who are never sent upstate. First, the Council should advocate with city agencies and actors in the court system, including prosecutors and judges for alternative to incarceration programs to always be prioritized in cases involving adolescents. In cases where courts require detention, the City should support efforts to keep city youth close to their communities. Finally, it is crucial that formerly incarcerated youth returning to their communities are met with free and accessible resources to help them return to their families, schools, and neighborhoods.

Recommendations

1. The City should improve access and increase funding to community-based programs for formerly incarcerated youth.

BDS has great relationships with several programs that provide many of our adolescent clients with reentry services. For example, Exalt, the Brownsville Community Justice Center, Families Rising, The Door, and Fortune Society all have proven track records of working diligently with our clients to help them achieve their own personal goals.

BDS urges the Council to provide more funding for any such organization that bridges the gaps for kids returning home to their communities and wants to increase capacity. Such programs are crucial to meeting young peoples' needs and providing services to this vulnerable population.

In our experience, youth mentoring programs are extremely effective. These programs involve mentoring of court-involved youth by individuals who themselves have been through the system. It is critical that these programs be properly funded, including adequate compensation for the crucial advocacy mentors provide.³

BDS has also found great success for our clients who have enrolled in programs that engage teenagers along with their families, like Families Rising:

“Families Rising is a collaborative initiative between the New York Center for Juvenile Justice and the New York Foundling to provide evidence-based therapeutic services to teenagers who come into contact with New York’s adult criminal courts. These services provide families and caregivers with essential rehabilitative tools to comprehensively address the complex behavioral and mental health issues that may have initially led to the child’s involvement with the criminal justice system.”⁴

Though there are many great resources for our clients and other formerly incarcerated youth, there are many holes in services that are essential for our adolescent clients.

³ See Urban Matters, “Life Lessons: The Difference Credible Messengers Make” <http://www.centernyc.org/itm-credible-messengers>.

⁴ New York Center for Juvenile Justice, Families Rising, <http://www.nycjj.org/families-rising/>.

Many programs have eligibility restrictions that exclude some clients who need their services the most. For example, my aforementioned client, Joaquin, was found ineligible for crucial therapeutic services when he was first released from jail because he had no pending case. With expanded eligibility and funding, programs could better serve recently incarcerated youth at this most critical point and keep them from re-entering the criminal legal system.

For example, many incarcerated youth struggle with pursuing their education following release, particularly in re-enrollment and adjusting into the school environment. Some formerly incarcerated youth have aspirations of college but need assistance in determining their eligibility and applying for financial aid. The Council could provide funding to groups that do educational advocacy, including public defender offices.

In addition to programs serving youth's educational needs, we see significant gaps in vocational services serving adolescents. The youth with whom we work are motivated to work and contribute monetarily to their homes. Unfortunately, very few have the experience necessary to find and secure stable work. Investment in vocational programs that offer adolescents paid internships and job readiness skills not only prepare youth for the future, but provide safe afterschool activities in the community.

Finally, with the diversion of more youth aged 16-17 accused of misdemeanors to Family Court following the passage of Raise the Age, the City should ensure that successful programs that are offered in adult criminal court are also made available in family court. For example, after New York State failed to raise the age of criminal responsibility in prior years, New York City court administrators began to provide innovative alternative-to-incarceration programming for youth in criminal court. In Brooklyn, Brooklyn Justice Initiatives connects young people in our adolescent courts with programming through groups like Young New Yorkers, an art-based diversion and leadership program. We hope that innovative programming like this one will continue to be available to Brooklyn youth in family court.

2. The City should expand funding for adolescent social work services for public defender offices.

Adolescent social workers in public defender offices go beyond the traditional role of social work at public defense offices, often maintaining contact with our clients during and after their incarceration. Our social work fills in the gaps that are not met by other service providers. By keeping in touch with our clients from the point of arraignment through the end of their incarceration and sometimes beyond, we have a better chance of ensuring they feel they have the support they need when they return. BDS' adolescent social workers help our clients re-enroll in school, apply for college, find work, secure housing, and connect with services they need following their release. Increased capacity for specialized adolescent social work in defender offices could prevent more youth from slipping through the cracks.

Michael, a young client of mine, was awaiting disposition of his case while detained on Rikers Island. Due to my role as his social worker, I was able to identify an appropriate alternative to incarceration program that a judge ultimately found suitable to serve as a resolution to Michael's case. Following Michael's release, I was able to assist him in locating an appropriate education setting as well as connecting him to necessary mental health treatment that he was not receiving while incarcerated. Without this support, it is unlikely Michael would have made a smooth transition back to the community. Michael successfully completed his alternative to incarceration program after more than one year of participation, resulting in no criminal record and having acquired important skills to accelerate his growth and development.

3. The City must provide more safe shelter space and respite centers for homeless and formerly incarcerated youth in their communities.

Key to successful reentry for formerly incarcerated youth is having a safe space to return to in their communities.

Public defenders in Brooklyn serve around 500 homeless 16- and 17-year-olds every year, the vast majority of whom are not being served by Runaway Homeless Youth (RHY) service providers because of the lack of beds in Brooklyn. About half of the youth are made homeless by the criminal legal system when the court issues an order of protection against the youth for 90 days after a criminal allegation involving a domestic disturbance, making it illegal for the young person to return home.

BDS submitted testimony in support of Intro. 1700-2017, Intro. 1699-2017, Intro. 1705-2017, and Intro. 1706-2017, which will expand shelter access, expand the length of stay, streamline, and raise the age for all runaway and homeless youth.⁵ BDS reaffirms its support for the passage of these bills, and urges the council to improve access to housing for homeless and formerly incarcerated youth by expanding the number of RHY beds in Brooklyn, the Bronx and other boroughs outside Manhattan.

We thank the City Council for your consideration of this important issue.

Questions?

If you have any questions, please feel free to reach out to Andrea Nieves, BDS Policy Team, 718-254-0700 ext. 387 or anieves@bds.org.

⁵ A copy of our testimony is available on our website at <http://bds.org/wp-content/uploads/2017.09.28-BDS-testimony-on-RHY-bills-FINAL.pdf>.