

New  
York  
State

# JUVENILE JUSTICE

Advisory Group

**2012-2013**



***Office of Juvenile Justice Policy***

## Juvenile Justice Advisory Group (JJAG) 2012 – 2013 Membership

Member	Title	Years Active
Jack Carter	Juvenile Justice Advisory Group Chair	2012, 2013
Richard Aborn	President, Constantine & Aborn Advisory Services, LLC	2012, 2013
Thomas Beilein	Chair, NYS Commission on Correction	2012, 2013
Jenny Besch	Director, Westchester and Rockland Mediation Centers	2012, 2013
Elmer Blanco	Youth Member	2012, 2013
Laurence Busching	Exec. Dep. Commissioner, Div. Youth & Family Services, NYC Administration for Children's Services	2012, 2013
Gladys Carrión	Commissioner, NYS Office of Children and Family Services	2012, 2013
Hernan Carvente	Youth Member	2013
Joseph Coccozza	Director, National Center for Mental Health and Juvenile Justice	2012, 2013
Shane Correia	Youth Member	2012, 2013
Edward Fergus	Deputy Director, Metropolitan Center for Urban Education	2012, 2013
Nancy Hollander	Community Member	2012, 2013
Hon. Martha Walsh Hood	Family Court Judge, Onondaga County	2012, 2013
Hon. Judith Harris Kluger	Chief of Policy and Planning, NYS Office of Court Administration	2012, 2013
Robert Maccarone	Deputy Commissioner and Director, NYS Office of Probation and Correctional Alternatives	2012, 2013
Emanuel McCall	Youth Member	2013
Janice Nittoli	President, The Century Foundation	2012, 2013
Haley Reibold	Youth Member	2012, 2013
Karen Richmond	Executive Director, Children's Home of Jefferson County	2012, 2013
Euphemia Strauch-Adams	Executive Director, Families on the Move	2012, 2013
Meredith Wiley	Executive Director, NYS Fight Crime Invest in Kids	2012

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## I. Introduction and Background

In 1974, Congress passed the Juvenile Justice Delinquency and Prevention Act (JJDPA), a landmark piece of legislation that set out the broad outlines of the relationship between the federal government and states in addressing juvenile justice. It created a strong federal role to provide direction, funding, technical assistance and research, and an equally strong voice for states to realize the rehabilitative goals of the Act. Congress required each state to establish a State Advisory Group as a key mechanism in setting and achieving goals within each state's juvenile justice system. In New York State, that body is called the Juvenile Justice Advisory Group (JJAG).

The JJDPA and New York State Executive Order No. 80, which further empowers the JJAG, confers on this board the responsibility for supervising the preparation, administration and implementation of New York State's juvenile justice plan, including allocating federal juvenile justice funding received through the JJDPA.

The JJAG's members are appointed by the Governor and, as delineated in the Act, represent a wide array of the key players in juvenile justice in the state, including governmental and non-profit agency heads, advocates, elected officials, youth and individuals with personal experience in the juvenile justice system. In addition to the broad directive to develop and implement juvenile justice policy, the JJAG is responsible for monitoring the state's compliance with the four core protections extended by the Act: sight and sound separation of juvenile delinquents from adult offenders; deinstitutionalization of status offenders; removal of juvenile delinquents from adult jails and lock-ups; and reduction of disproportionate minority contact.

The JJDPA also requires each state to designate a state agency to develop and implement the state plan. In New York State, that agency is the Division of Criminal Justice Services (DCJS). DCJS staff provides administrative support to the JJAG and oversees the implementation and monitoring of contracts on the JJAG's behalf.

Congress requires the JJAG to report to the Governor and Legislature annually. This report covers the years 2012 and 2013.

## II. Juvenile Justice Developments 2012 – 2013

New York's juvenile justice system went through a major period of transformation in 2012 and 2013. Significant structural reforms in financing for alternatives to detention and placement, development of a validated tool to objectively identify risk before deciding to detain youth and implementation of the Close to Home Initiative to keep youth from New York City out of placement facilities hundreds of miles from their homes all came together during this period of change.

The Juvenile Justice Advisory Group (JJAG) continued its support of New York's juvenile justice transformation during this time through the strategic use of limited federal resources. The JJAG's earlier investment in development of a state strategic plan for juvenile justice (*Safe Communities, Successful Youth: A Shared Vision for the New York State Juvenile Justice System*, released in July 2011) proved fruitful as a state-level coordinating body, the Strategic Planning Action Group (SPAC), was established and oversaw implementation of several pieces of that plan in 2012 and 2013. A major development in plan implementation was the creation of Regional Youth Justice Teams in every region of the state. These teams give local communities and agencies a venue to communicate about juvenile justice issues and facilitate a regional approach to assessing local needs and developing strategies that maximize resources. The teams are designed to facilitate learning across localities, drive effective system improvement efforts and enhance communication between localities and state policy makers.

The strategic plan also called for the state to establish the data infrastructure and analytical capability necessary to improve outcomes for individual youth and overall system performance, to ensure equitable treatment of youth across the system and to inform policy. The SPAC created a Data and Performance Measures work group to drive this work forward in a systemic way; these efforts complement the JJAG's priority of continuous improvements in the quality of juvenile justice data so that it can move forward on its funding recommendations in a more deliberate and informed manner.

The JJAG also continued its support of projects that pilot system improvement efforts at points in the system that do not traditionally receive substantial state level financial support. These included innovative strategies to reduce school-based arrests; use of community-based accountability approaches; detention alternatives for low- and moderate-risk youth for whom return home is not a viable option; community capacity building; and implementation of risk-based decision making at arrest and probation intake.

Juvenile re-entry was also a major focus during 2012 and 2013. DCJS used resources provided by a federal Second Chance Act Grant to coordinate a Statewide Juvenile Re-Entry Task Force in 2012. That task force analyzed the legal framework and existing barriers that exist for youth in out-of-home placement at voluntary agencies and developed a strategic plan rooted in best practices to address the transitional needs of those youth when returning home. With federal funding support (through both Title II Formula and Second Chance Act funds), the implementation of several recommendations from the statewide strategic plan has begun in partnership with local jurisdictions throughout the state.

Finally, the JJAG remained committed to addressing the disproportionate minority contact (DMC) prevalent in the juvenile justice system. Resources were identified to conduct targeted studies of DMC in three localities,

training was provided to various system stakeholders regarding the prevalence of DMC and strategies for addressing the problem and all direct service projects supported by the JJAG were required to include DMC reduction in their scope of work. The JJAG embraced the idea that juvenile system improvement work is DMC work and therefore chose to incorporate a DMC framework in all its projects.

These efforts at system coordination and improvement, as well as pilot projects to test the efficacy of front end diversion strategies and back end re-entry efforts were all done in support of New York State's larger juvenile justice reform agenda. The targeted resources of the JJAG were used to bolster a system deeply enmeshed in change. This report provides an overview of the statewide juvenile justice reforms and details juvenile justice data trends for 2012 – 2013 throughout New York State, highlights efforts that were supported by the JJAG during that time and provides an update on New York State's compliance with the core mandates of the federal Juvenile Justice and Delinquency Prevention Act.

### III. Updates on Major State-Level Juvenile Justice Reforms

#### ***Supervision and Treatment Services for Juveniles Program (STSJP)***

Section 529-B of the Executive Law established the Supervision and Treatment Services for Juveniles Program (STSJP), effective April 1, 2011. The program provides a dedicated funding stream to support services for youth deemed to be at risk, including alleged or adjudicated juvenile delinquents, youth alleged or adjudicated to be Persons in Need of Supervision (PINS) or youth alleged to be or convicted as juvenile offenders. The program’s goal is to divert these youth from detention or residential care. State reimbursement for an approved STSJP initiative is 62 percent up to a maximum of the county’s STSJP capped distribution allocation. Additionally, a county may choose to shift all or a portion of its detention allocation to enhance its STSJP initiatives with Office of Children and Family Services (OCFS) approval. Because the reimbursement rate for STSJP of 62 percent is higher than the 49 percent detention reimbursement rate, counties are incentivized financially to offer services through STSJP over detention or residential care. In the initial year of STSJP, State Fiscal Year (SFY) 2011-12, 19 counties shifted a total of \$2,025,425 of their detention funds to enhance their STSJP allocation. In SFY 2012-13, 18 counties shifted a total of 1,342,123.

#### **Counties That Shifted Detention Allocation to STSJP Allocation in SFY 2012-13**

COUNTY	MONEY SHIFTED
Allegany	\$ 62,909
Broome	\$ 60,803
Erie	\$ 128,380
Essex	\$ 2,217
Jefferson	\$ 100,000
Lewis	\$ 19,239
Monroe	\$ 282,158
Niagara	\$ 9,416
Onondaga	\$ 36,627
Orange	\$ 100,000
Putnam	\$ 20,000
Rensselaer	\$ 16,245
Saratoga	\$ 160,000
Schenectady	\$ 33,634
Steuben	\$ 89,000
Sullivan	\$ 100,000
Ulster	\$ 86,475
Warren	\$ 35,020
<b>Total</b>	<b>\$ 1,342,123</b>

Since its inception, STSJP has been funded at a level of nearly \$8.4 million, \$500,000 of which has been used to support six Juvenile Detention Alternative Initiative (JDAI) sites across the State.

Each county submits an annual STSJP spending plan to OCFS detailing the supervision and treatment services to be funded. The plans are developed in collaboration with the local departments of probation, law enforcement, detention, diversion and social services, as well as with courts, schools, youth development programs and staff from OCFS Community Multiservice Offices (CMSO) from their region. These plans are reviewed and approved by OCFS staff.

Through STSJP, OCFS has encouraged the development of programs and services that increase the capacity of families to safely keep youth in their homes, sometimes through the use of very simple and cost-effective approaches. Effective models that have been used include peer-to-peer parent partner models that provide or help families coordinate services such as transportation (i.e., to school or court dates), respite, support groups, education about navigating the juvenile justice system, and peer support for parents. Alternative programs supporting a range of intermediate responses have been effective in avoiding situations in which youth are placed or detained due to probation violations. These include tracker programs, with or without the use of electronic home monitoring equipment, that involve someone either visiting or phoning the youth as required, as well as the creative use of incentives to reward and encourage compliance. Programs can be as simple and inexpensive as hiring someone on a part-time, as-needed basis to check on any youth who has been returned home rather than detained or placed. In SFY 2012/2013, these STSJP-funded programs served almost 3,000 youth and families.

### ***Detention Risk Assessment Instrument (DRAI) Implementation***

Section 530 of the Executive Law was amended in 2011 to require that all counties begin using an empirically-validated detention risk assessment instrument (DRAI) to inform detention decisions in juvenile delinquency cases. The purpose of a DRAI is to classify youth into groups that vary in their likelihood of re-offense and/or failing to appear in court during the pendency of their case. Youth who score as high risk are typically seen as appropriate for detention. Moderate-risk cases may be best served by a referral to an alternative-to-detention program, and low-risk cases are typically recommended for release to the community with no formal court supervision. When used consistently and effectively, the DRAI is expected to reduce the inappropriate use of detention and improve youth outcomes by:

1. Providing juvenile justice stakeholders with an objective and standard way of measuring a youth's risk of re-offending and/or failing to appear;
2. Promoting consistency and transparency in decision making (i.e., similar outcomes for similarly situated cases) by applying legally relevant criteria in a uniform manner;
3. Reducing racial and ethnic disparities that may exist in detention decisions by encouraging objectivity and transparency; and
4. Allocating limited system resources more efficiently by directing the most intensive interventions to those youth at highest risk, while using less costly and less restrictive alternatives for lower-risk cases.

New York State currently has two detention risk assessment instruments in use. Counties outside of New York City began using the newly developed DRAI in October 2013, and New York City has been using a DRAI within the five boroughs since 2007. OCFS monitors DRAI use in all counties and is required to generate annual reports to the Governor's Office and Legislature detailing the number of youth detained each year and their corresponding risk level. It is anticipated that systematic DRAI use will further reduce the number of juvenile delinquent youth entering detention each year.

### ***Close to Home Implementation***

The 2012-13 state budget launched Governor Cuomo's Close to Home Initiative that is intended to help reduce crime, improve outcomes for youth and the communities in which they live and increase the efficiency of the juvenile justice facility system. Close to Home allows New York City to take responsibility for the care of lower risk youth who come from the City. While youth committed to secure level juvenile justice facilities will continue to be in State custody and facilities, New York City youth in State non-secure and limited secure facilities will be transferred to City-administered programs and facilities. Youth from New York City needing this level of care going forward will be in the custody of New York City and served in settings that are appropriate for their educational, mental health, substance abuse and other service needs, without compromising public safety.

The first phase of Close to Home was successfully completed with the transfer of 239 youth in non-secure status from the custody of OCFS to ACS. Phase two in which limited secure youth are to be transferred to ACS, remains in the planning stages.

### ***Juvenile Detention Alternatives Initiative (JDAI)***

New York State has begun rolling out the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) model in six pilot counties. JDAI is a best-practice model active in more than 40 states and 250 jurisdictions nationwide. It focuses on safely reducing reliance on secure confinement and strengthening juvenile justice systems through a series of eight inter-related reform strategies, which include:

1. Collaboration among all juvenile justice stakeholders, including families;
2. Use of data in making policy and case level decisions;
3. Use of objective instruments to guide detention decisions;
4. Operation of a continuum of non-secure detention alternatives;
5. Implementation of case processing efficiencies to reduce time between arrest and case disposition;
6. Safe reductions in special populations (i.e., violations of probation, warrants, etc.);
7. Racial/ethnic fairness in policy and case level decision making; and,
8. Improving conditions of confinement.

The JDAI initiative is now entering its third year and is active in Albany, Erie, Monroe, Nassau, Onondaga, and Orange counties. Plans have been laid to launch JDAI in NYC in the coming year and expand its reach into other counties across the state through the Regional Youth Justice Teams. To date, all JDAI counties have convened a

collaborative of stakeholders in their jurisdictions, including judges, courts, probation, parole, law enforcement, social services, schools, mental health, family support and others. Sites are currently in the process of conducting Detention Utilization Studies and have undergone site assessments aimed at identifying their strengths and needs in the area of detention reform.

## IV. New York State Juvenile Justice Strategic Plan Implementation

### *Progress Update: Strategy and Action Plan*

Since the release of New York State’s Strategy and Action Plan, juvenile justice reform in New York has progressed consistently and effectively, driven not only by the work of the JJAG but by a newly created Strategic Planning Action Committee (SPAC) comprised of experts from across the State and across disciplines. Together,

these bodies work to help guide the overall direction of the juvenile justice system.

The strategic plan included three overarching goals and ten near-term action steps, articulated in the graphic on the next page.

The SPAC

2013 SPAC Membership	
• Thomas Abt, (Co-Chair), Deputy Secretary for Public Safety	• David Jolly, Orange County Department of Social Services
• Stephen Acquario, NYS Association of Counties	• Robert Maccarone, NYS Office of Probation & Correctional Alternatives
• Raye Barbieri, NYC Administration for Children’s Services	• Joseph Mancini, Schenectady County Probation Officer
• Deborah Benson, Council on Children and Families	• Pamela Neubeck, Legal Aid Bureau of Buffalo
• Sheila Poole, Office of Children and Family Services	• Gabrielle Prisco, Correctional Association of New York
• John E. Carter, NYS Juvenile Justice Advisory Group	• Louisa Chafee, Deputy Secretary for Human Services
• Mark Ferrante, NYS Department of Probation	• James Purcell, Council of Family and Child Caring Agencies
• Brian Forte, NYS Juvenile Officers Association	• Al Siegel, Center for Court Innovation
• Jacquelyn Greene, NYS Division of Criminal Justice Services	• Michele Sviridoff, NYS Criminal Justice Coordinator’s Office
• Steven Heider, NYS Association of Chiefs of Police	• Honorable Sharon Townsend (Co-Chair), NYS Judicial Institute
• Emily Tow Jackson, The Tow Foundation	• Lorraine Wilmot, Broome County Probation Office

moved to implement its vision of promoting youth success and ensuring public safety by creating work groups focused on near-term action steps. The first two work groups were the Local Analysis and Coordination Structure work group and the Data and Performance Measures work group. Upon completion of much of the work associated with the four action steps that these work groups were charged with, the SPAC established the Juvenile Justice Financing work group and the Best Practices Center work group to begin work on some of the other key action steps.

## Vision for the New York State Juvenile Justice System

Across New York State, the juvenile justice system promotes youth success and ensures public safety.

*Safe, Accountable, Fair and Effective*

### Goals for System Excellence

1

#### Assure Quality System Governance, Accountability and Coordination

*Create and support structures at the state and local level that ensure coordination and accountability for achieving system goals.*

**Action Items:**

1. **Ongoing Coordination:** Evolve the Steering Committee into a Strategic Planning Action Committee (SPAC), with devoted staff from the Governor's Office, DCJS and OCFS.
2. **Multi-Stakeholder Input:** Evolve the existing working groups to establish an ongoing role in providing regular feedback and guidance to the SPAC. Regularly convene the SPAC to oversee the implementation of the strategic plan.
3. **Performance Measures:** Finalize agreement on a set of high-level system outcomes and performance measures.
4. **Ongoing Input from Localities:** Develop a plan to implement local inter-agency advisory teams.
5. **Feedback Mechanisms:** Establish regular mechanisms to gather feedback where necessary, and share emerging plans and strategies for system reform with key stakeholders around the state.

2

#### Implement an Effective Continuum of Services Based on Best Practices

*Effectively assess, serve and treat youth in evidence-informed and appropriate services close to their homes, fostering family and community engagement and positive outcomes for youth.*

**Action Items:**

6. **Analysis of Continuum:** Conduct analysis of current continuum of providers across the state and assess relative to juvenile delinquency.
7. **Performance Contracting and Quality Standards:** Establish the data infrastructure and analytical capacity necessary to improve outcomes.
8. **Financing Models and Oversight Structures:** Implement and effectively utilize uniform performance-based contracting and quality standards for public and private providers.
9. **Support for What Works:** Conduct analysis of potential financing models, oversight structures and case jurisdiction responsibilities. Establish an interactive, best practice clearinghouse to expand the capacity of the state to adopt both research-driven and evidence-informed practices.

3

#### Collect and Share Data to Make Information-Driven Decisions and Policy

*Share and analyze qualitative and quantitative data to guide service provision, decision making and system-level reform and policy.*

## ***Local Analysis and Coordination Structure Work Group***

The Local Analysis and Coordination Structure work group was responsible for two of the ten near-term action steps. Action Step #4 called for establishing a means of ensuring ongoing input from localities; the charge was to develop a plan to implement local inter-agency advisory teams that could provide a means of communication between localities and state policymakers. Such bodies would be an efficient means of channeling local concerns to the state level and could facilitate the adoption of innovative research-driven and evidence-informed practices by agencies, organizations and courts across the state.

The work group recommended establishment of ten regions across the state, aligned with the Governor's regional economic development councils, and creation of Regional Youth Justice Teams to represent each. A Request for Proposals (RFP) was developed to solicit applications from each of the ten regions; organizations representing eight applied and were subsequently identified as Regional Youth Justice Team (RYJT) leads.

While no applications were received from the Southern Tier or Mohawk Valley regions, efforts persisted in engaging key stakeholders in those regions to encourage participation in this new endeavor. A statewide kickoff meeting was held in June 2013, and the teams began meeting quarterly in late summer and early fall 2013. The hope is that as the teams coalesce, they will become drivers of juvenile justice reform across New York State.

### **REGIONAL YOUTH JUSTICE TEAMS – LEAD ENTITIES AND COUNTIES**

- **Capital Region:** The Schenectady County Department of Probation
  - Albany, Columbia, Delaware, Greene, Rensselaer, Saratoga, Schenectady, Warren, Washington
- **Central New York:** Onondaga County Probation Department
  - Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Oswego, Tompkins, Tioga
- **Finger Lakes:** Monroe County Probation Department
  - Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming, Yates
- **Long Island:** Suffolk County Criminal Justice Coordinating Council
  - Nassau, Suffolk
- **Mid-Hudson:** Westchester County Department of Probation
  - Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester
- **New York City:** New York City Juvenile Justice Advisory Committee
  - Bronx, Kings, New York, Queens, Richmond
- **North Country:** The Children's Home of Jefferson County
  - Clinton, Essex, Franklin, Hamilton, St. Lawrence, Jefferson, Lewis
- **Western New York:** Erie County Probation Department
  - Allegany, Cattaraugus, Chautauqua, Erie, Niagara

The Local Analysis and Coordination Structure work group was also charged with implementing Action Step #6, conducting an analysis of the continuum of juvenile justice programs and services across the State and assessing them relative to juvenile delinquency. An online database was developed as a result, with significant input from localities. Tools were developed to assess the availability and adequacy of services based on Youth Assessment Screening Instrument (YASI) domains in each locality so that the Regional Youth Justice Teams would have a way to determine potential gaps in service or unnecessary duplication of services in their area.

The database can be used to populate a graph that enables teams to evaluate localities' available programs and services by juvenile justice processing phase. This tool is intended to provide another view for the teams to be able to assess whether the available programs and services in their area match the needs of juvenile delinquency in the area. The database and its tools are in the beginning stages and will require ongoing work to ensure effectiveness; it is anticipated that they will be resources for the State and localities to draw upon as important decisions are made in the area of juvenile justice reform.

### ***Data and Performance Measures Work Group***

The Data and Performance Measures work group was also responsible for two of the strategic plan's ten near-term action steps. Action Step #3 called for the State to finalize an agreement on a set of high-level system outcomes and performance measures towards which all agencies, organizations and courts will align their work and begin to monitor progress towards these measures to promote accountability through transparency and learning. Action Step #10 related to overall data Infrastructure and analysis, and was intended to improve the integrity and analytical capability necessary to improve outcomes for individual youth and overall system performance, to ensure equitable treatment of youth across the system and to inform policy.

The work group developed and eventually agreed upon a set of performance measures at the State and county levels, and cross-county comparative reports were also developed. There are significant challenges associated not only with the consistency of the data, but with the ability to effectively compare the data between different points along the juvenile justice continuum because of the many different organizations and systems involved in collecting and reporting the data. Accurate and relevant data collection and reporting will be an ongoing effort in the coming years, as the State strives to improve its integrity so that important policy decisions can be made with confidence.

### ***Juvenile Justice Financing Work Group***

The Juvenile Justice Financing work group was charged with analyzing the effectiveness and efficiency of the funding that flows through the juvenile justice system in New York State, regardless of source or agency of jurisdiction, to address Action Step #8 and part of Action Step #9. The work group conducted an analysis of potential financing models and subsequently made recommendations to the SPAC regarding improvements or revisions to the current financing structures to maximize juvenile justice system effectiveness.

As part of its work, the Juvenile Justice Financing work group established the overarching goal of the juvenile justice financing system to promote public safety and efficiency, while providing youth with the most appropriate therapeutic treatment in the least restrictive setting closest to home. To achieve this goal, the work group recommended the following seven key principles for all funding related to juvenile justice in New York:

- Best Practice Driven
- Flexible and Adaptable
- Transparent
- Performance-Focused
- Fair and Equitable
- Data Driven
- Child Well-Being Focused

In addition, the work group indicated that in order to transition to a more effective financing model, there needs to be a commitment in funding to encourage the development and maintenance of adequate programs and services in order to result in reduced rates of more expensive detention and residential placements. Overall, the group recommended that legislation be enacted to provide that overall juvenile justice system funding be minimally set at current levels and above, that the State should provide for a modest increase in overall funding for the juvenile justice system for system points and initiatives that currently lack a dedicated funding source and that work be done to develop a more refined method of accounting of juvenile justice system spending so that the SPAC will be able to better track spending and make decisions.

The work group also developed specific recommendations for consideration regarding:

- The Adequacy of Probation and Re-entry Funding
- The Supervision and Treatment Services for Juveniles Program (STSJP) funding stream
- The Community Optional Preventive Services (COPS) program
- The Foster Care Block Grant (FCBG)
- Placement funding as it relates to the shift to Medicaid Managed Care
- Policy considerations that impact funding

The Juvenile Justice Financing work group completed its recommendations and presented them to the SPAC at its May 2013 quarterly meeting. Because of the State fiscal climate, it is likely that action on the recommendations will take some time to implement, and detailed discussions would also have to take place in order to determine the feasibility of implementing them.

## ***Best Practices Center Work Group***

Action Step #9 called for the State to provide support for what works. The Financing work group was charged with developing recommendations for the financing portion of this action step, while the Best Practices Center work group was responsible for developing a recommended strategy for creating a Center that would coordinate New York State's efforts to adopt research-driven and evidence-informed juvenile justice practices. It was envisioned that the Best Practices Center will support the dissemination, quality implementation, sustainability and impact assessment of proven, effective and promising juvenile justice prevention and intervention programs and conduct original research to advance the science and practice of evidence-based prevention and intervention.

As part of its work, the group developed the following potential mission statement:

*"The Best Practices Center will support New York State in developing and sustaining the most effective system of youth justice possible, with the overarching goals of improving outcomes for youth and reducing recidivism while making the most effective and efficient use of public dollars. By compiling and disseminating information regarding best practices in the field, providing technical assistance to agencies and localities interested in understanding and implementing promising programs and actively soliciting public and private funding for program development and evaluation, the Center will ensure a forward-thinking approach to youth justice work throughout New York. The Center will work collaboratively at the state and local levels to both identify promising practices and to support best practices implementation in the field of youth justice, and will not be partial to any specific arm of government or other organization."*

In its final set of recommendations, the work group indicated that a model Best Practices Center in New York State should include the following goals, at a minimum:

- Identify and disseminate information about evidence-based practices, best practices and promising practices in the area of youth justice;
- Conduct research, evaluation and quality assurance, as well as constant and continuous quality improvement of new and existing youth services;
- Educate stakeholders and the public about evidence-based practices, best practices and promising practices in youth justice; and
- Develop infrastructure, systems and mechanisms for dissemination, implementation and sustainability of high quality youth justice in New York State.

The Best Practices Center work group completed its recommendations and presented them to the SPAC at its May 2013 quarterly meeting. Because of the financial commitment involved, establishing a Best Practices Center in New York State will have to be carefully weighed against competing State priorities.

## V. New York State Juvenile Justice Data Trends

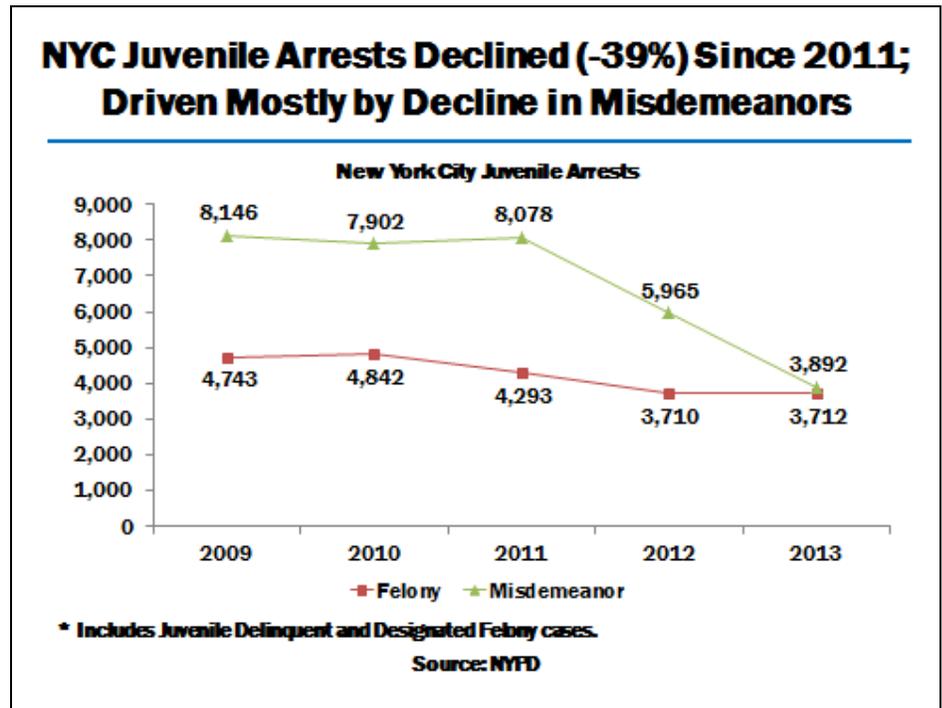
New York State has continued to make progress with respect to juvenile justice data improvements since 2009, when a comprehensive approach to collect and report on data across multiple system points was undertaken. Significant trends along the juvenile justice continuum through 2013 are illustrated and described below.

### *Juvenile Arrests*

New York City (NYC) and the rest of the State (ROS) calculate juvenile arrests differently, which makes it difficult to compare the two. In New York City, juvenile arrest data is based on formal arrest counts provided by the New York Police Department (NYPD), while ROS juvenile arrest data is based on reports of juvenile criminal activity collected by DCJS through Uniform Crime Reports (UCR) received from law enforcement agencies in the 57 counties outside of NYC.

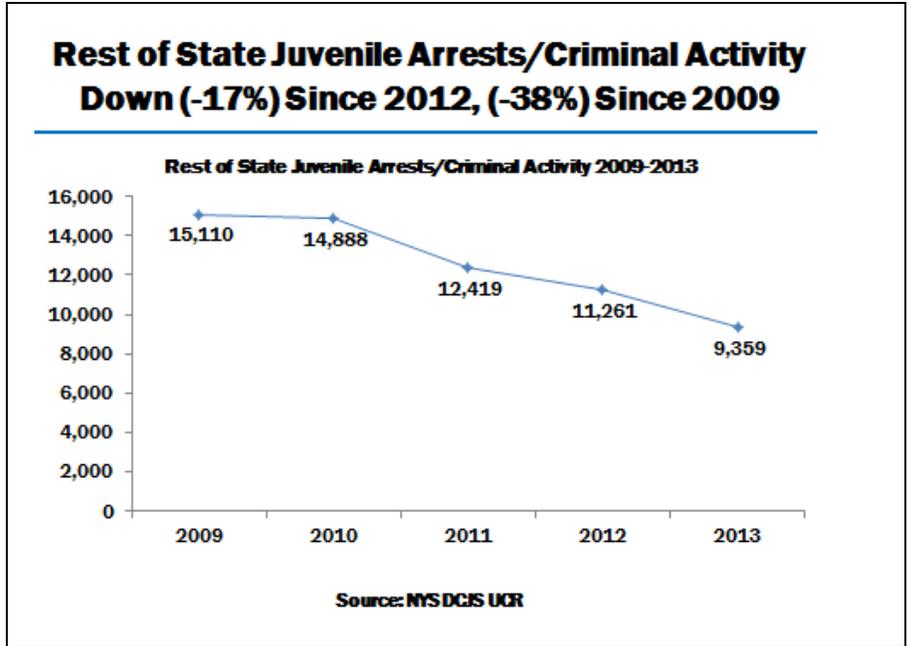
#### *New York City Juvenile Arrests*

New York City juvenile arrests have declined by 39 percent since 2011, driven mostly by a decline in misdemeanors (52 percent). Felony arrests also fell by 14 percent over the same period, although the trend was flat between 2012 and 2013.



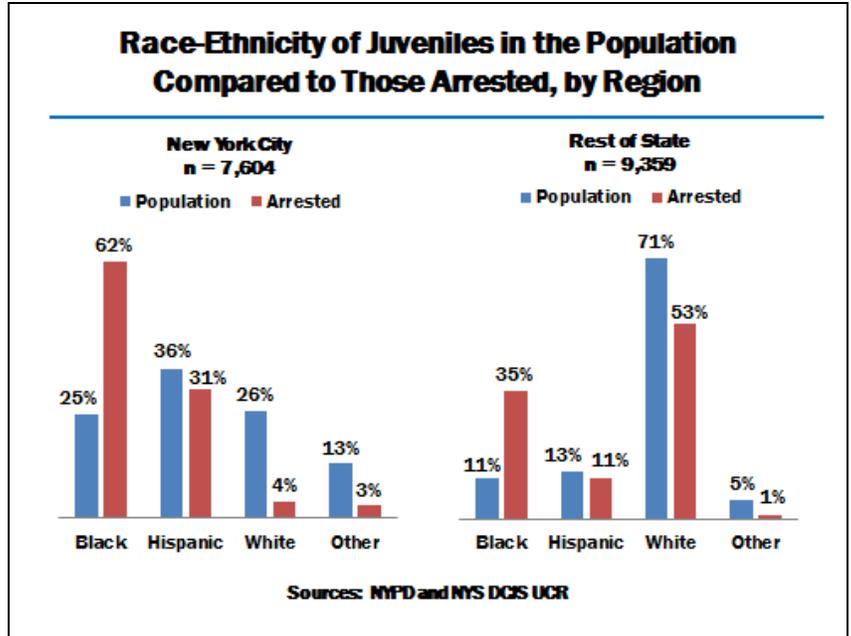
**Non-New York City Juvenile Arrests**

Juvenile arrests outside New York City also continued to decline, with 17 percent fewer arrests overall since 2012, and 38 percent fewer arrests since 2009.



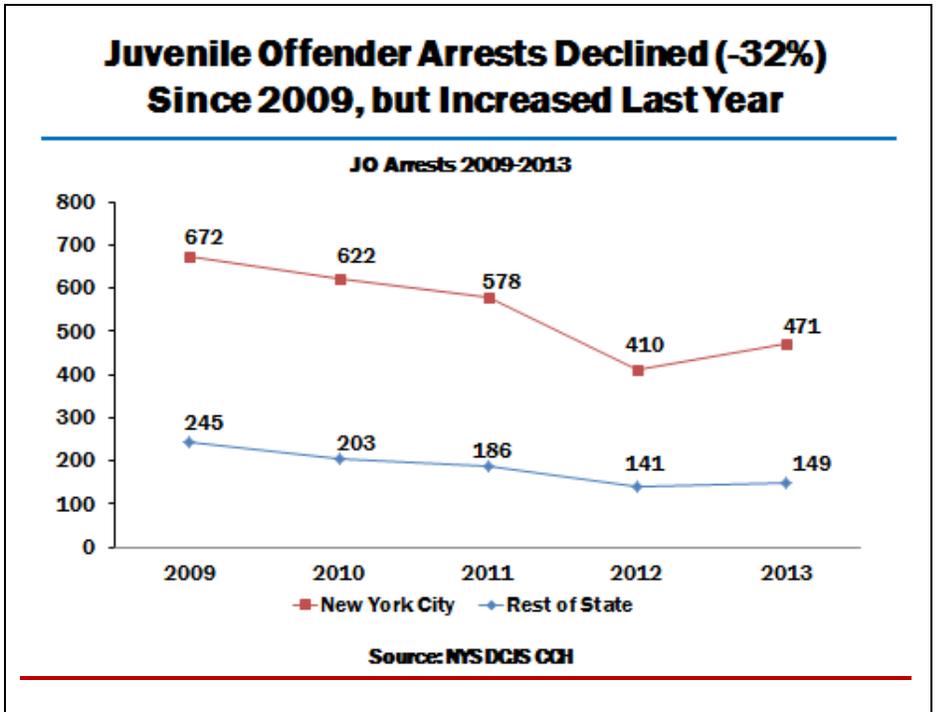
**Disproportionate Minority Contact (DMC)**

Disproportionate Minority Contact (DMC) continues to be a persistent issue across the State. In New York City, 25 percent of the juvenile population was black in 2013, while 62 percent of the juveniles arrested were black. Similarly, across the rest of the State, the black juvenile population was only 11 percent of the total juvenile population in 2013, but comprised 35 percent of all juvenile arrests.



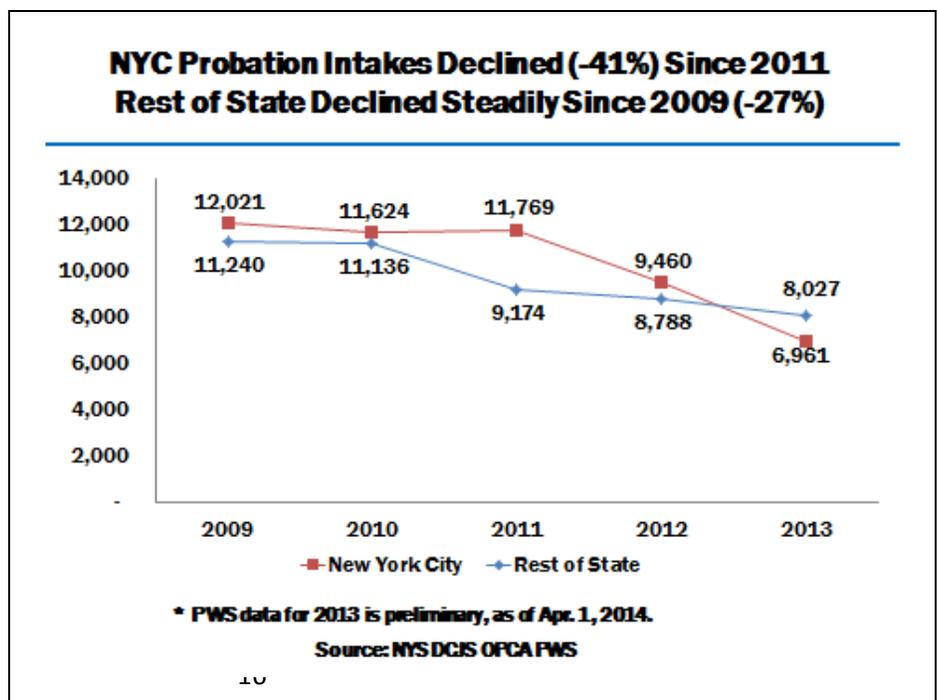
## Juvenile Offender (JO) Arrests

Youth aged 13, 14 and 15 can be arrested and processed as adults for committing the most serious and violent crimes. These youth are called juvenile offenders in New York State. In recent years, juvenile offender arrests have been on the decline, and have fallen 32 percent since 2009. However, there was an uptick in juvenile offender arrests in 2013, increasing by 15 percent in New York City and six percent in other parts of the State, for an overall increase of 13 percent.



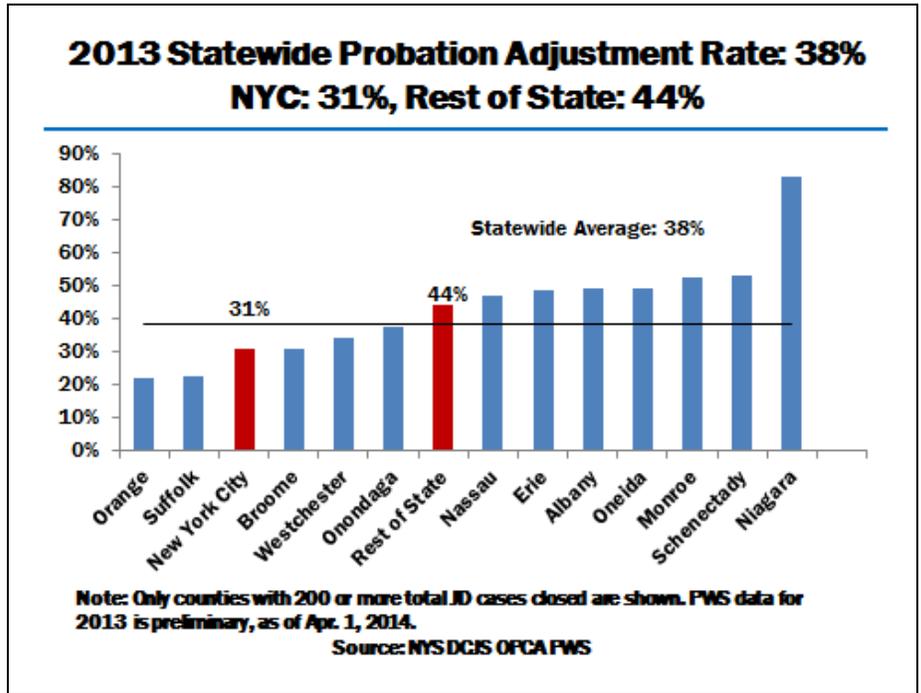
## Probation Intake

The number of juvenile probation intakes in New York City has declined sharply since 2011, by 41 percent, while the number of probation intakes in the rest of the State has fallen more steadily over a longer period of time, declining by 27 percent since 2009.



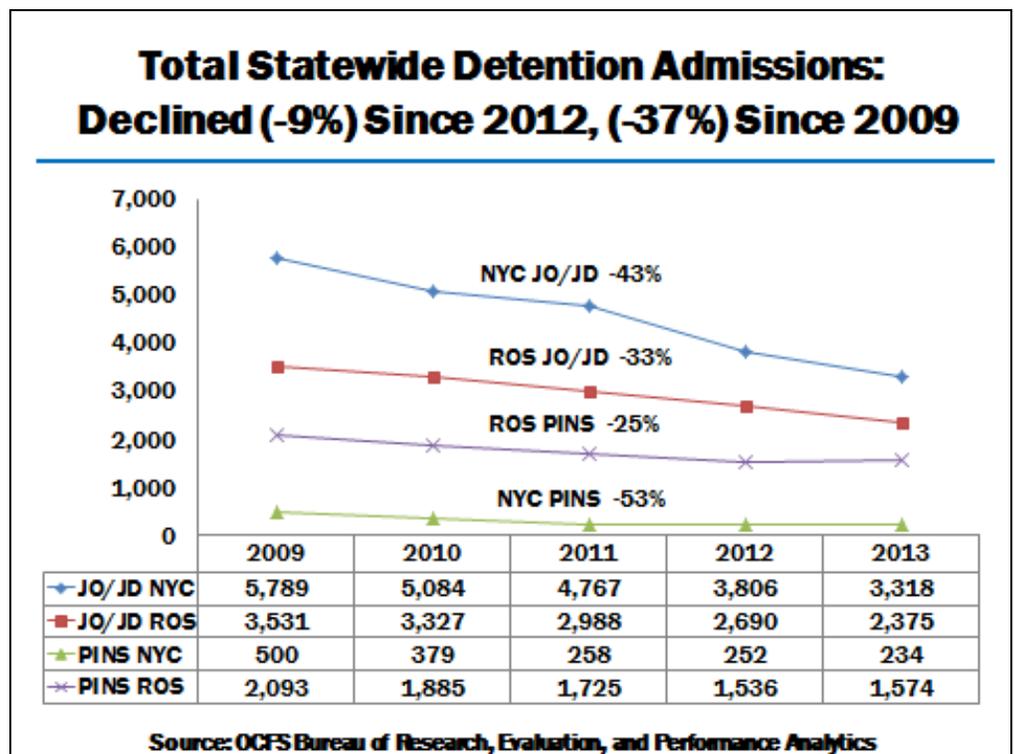
### Probation Adjustment Rates

Probation adjustment rates varied significantly across counties in 2013. The adjustment rate in New York City was 31 percent, well below the statewide average of 44 percent, while the probation adjustment rate in Niagara County exceeded 80 percent, significantly higher than any of the other large counties in the State.



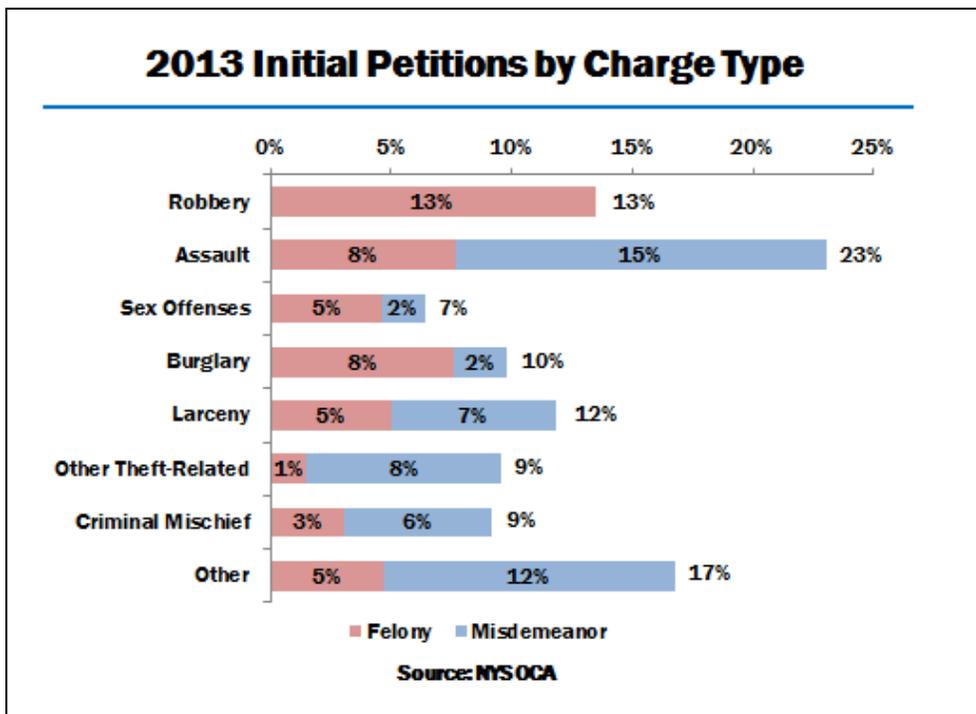
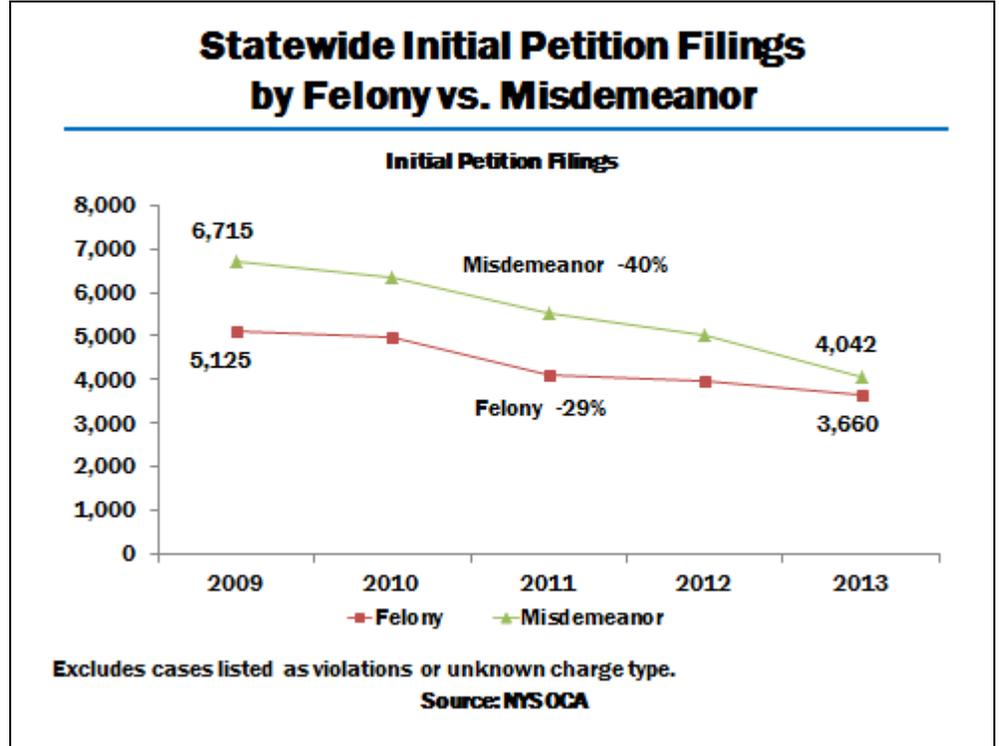
### Detention Admissions

Total statewide detention admissions have declined by nine percent since 2012, and 37 percent since 2009. While admissions to detention of Persons in Need of Supervision (PINS) has declined by 30 percent since 2009, more than 1,800 children who did not commit a crime were placed in a detention setting in 2013.



## Family Court Delinquency Filings

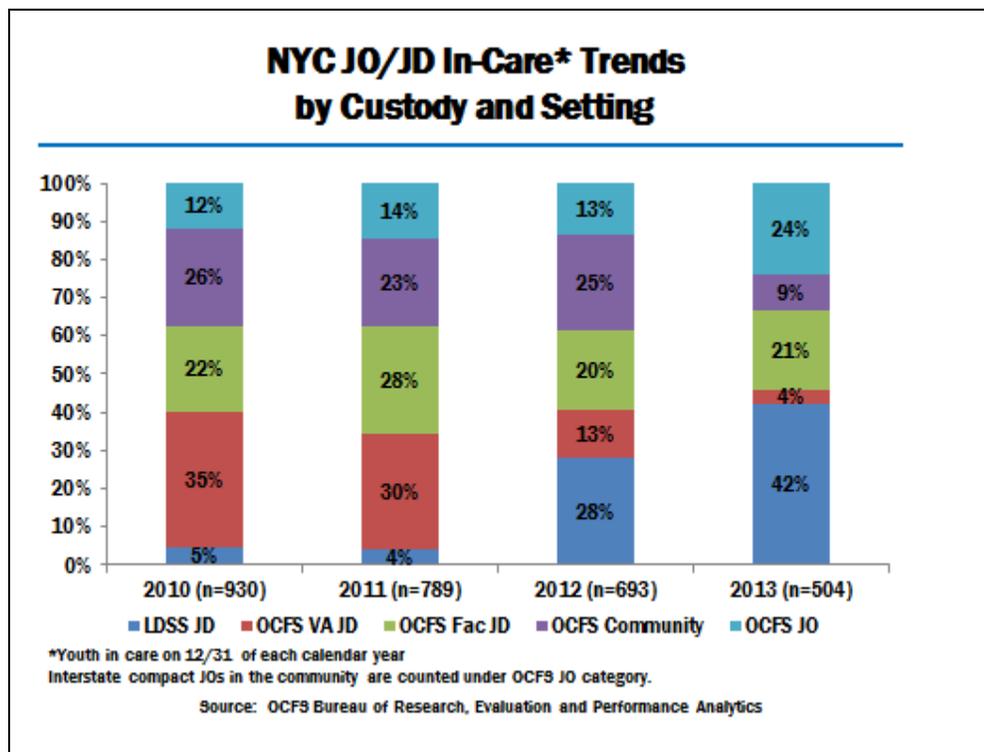
Juvenile delinquency (JD) and designated felony (DF) petitions have declined by 35 percent across New York State since 2009. During that period, initial petition filings for misdemeanors fell by 40 percent, while filings for felonies declined by 29 percent.



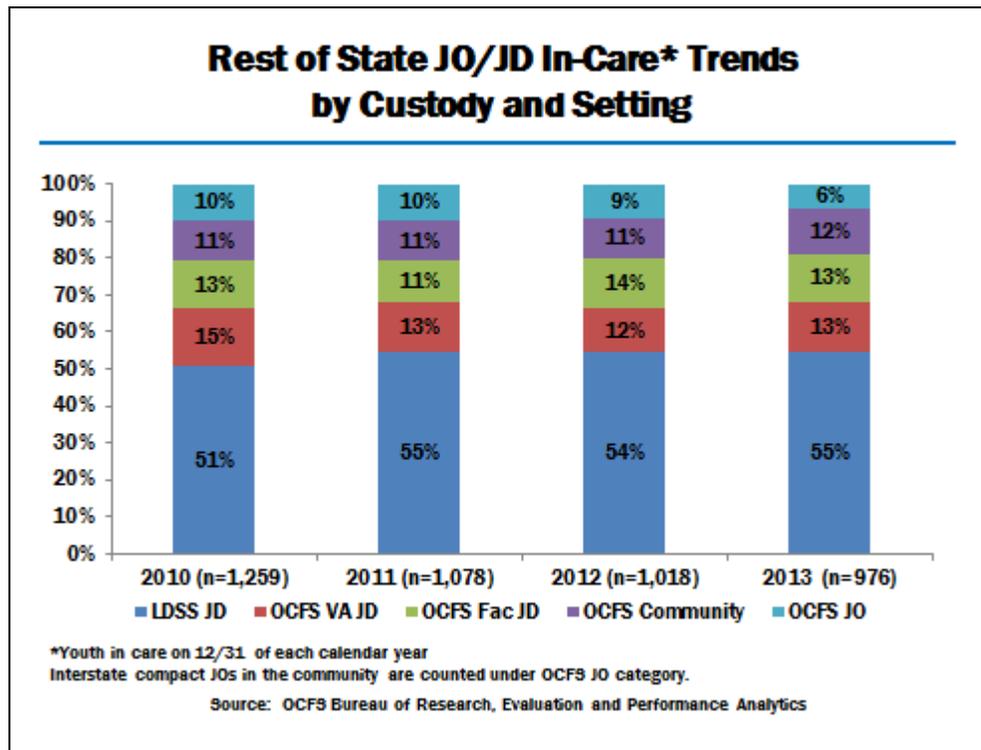
In 2013, initial petitions were filed for many different charge types, but assault charges were most common and comprised nearly one quarter of the total. Robbery, burglary and larceny were also among the most common charges filed in 2013, and sex offenses made up seven percent of the total.

### ***Out of Home Placement at a Point in Time (Last Day of the Year)***

Rates of youth from New York City in out of home placements have shifted significantly over the past few years because of the implementation of the Close to Home Initiative. Juvenile delinquents in Local Department of Social Services (LDSS) custody (on the last day of the year) increased from five percent of total out of home placements in 2010 to 42 percent in 2013. Total youth from New York City in out of home placements declined by 46 percent over that period.

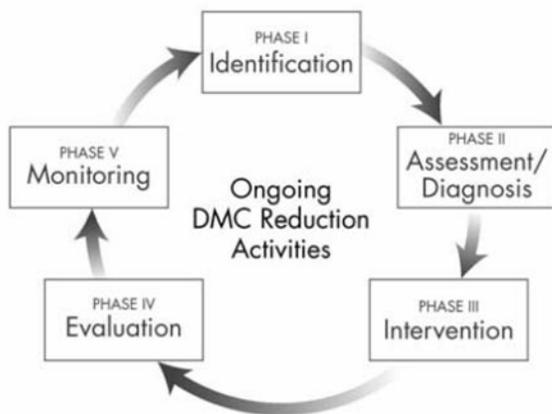


For the rest of the State, custody and setting trends for out of home placements in each of the placement categories have remained relatively steady. There has been a slight increase in the proportion of youth in LDSS custody and a slight increase in JOs in OCFS custody. Total youth in out of home placement has also declined overall from 2010 to 2013. This decline of 22 percent for rest of state is significantly lower than that for New York City.



## VI. Addressing Disproportionate Minority Contact

In 2012 and 2013, the JJAG continued its commitment to utilizing the OJJDP five phase Disproportionate Minority Contact (DMC) reduction plan as a model for addressing the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system. This model includes the identification of the existence and extent of disproportionality and overrepresentation; an assessment of the factors that contribute to DMC; the development and implementation of interrelated intervention strategies to reduce it; an evaluation of the effectiveness of these efforts, and the on-going monitoring of progress in achieving anticipated goals and/or objectives.



### *Identifying the Issue*

Significant steps toward comprehensive analysis of DMC in New York were taken in recent years. Data improvement projects contributed to the closing of major gaps in the data and Relative Rate Indices (RRIs), facilitating the calculation of RRIs for more system contact points than was possible in preceding years. Gaps remain, particularly in the data of smaller more rural jurisdictions, but DCJS made progress in discussions with police agencies, the Office of Probation and Community Alternatives (OPCA) and selected county probation departments, the Office of Court Administration (OCA) and the Office of Children and Family Services (OCFS). These agencies moved closer to approaches to developing data systems statewide that would collect race-specific data and allow for DMC analysis at each point of contact for youth in the juvenile justice system.

A review of 2012 data from New York City and 10 Upstate counties showed over-representation of minority youth at every stage of the State's juvenile justice system. Minority youth represented 59 percent of New York State's juvenile population, yet accounted for 84 percent of juvenile arrests; 85 percent of cases referred to juvenile court; 73 percent of cases diverted; 96 percent of juvenile secure detentions; 87 percent of cases resulting in probation placement; and 93 percent of cases resulting in confinement in secure juvenile correctional facilities. A RRI comparison with white juveniles statewide shows that minority youth were arrested 3.66 times more often, referred to juvenile court 1.11 times more often, diverted 0.46 times as often; placed in secure detention 3.83 times more often; received probation placement 1.18 times more often; and were placed

in secure confinement 2.32 times more often than were white youth.

### ***Formal Assessment of the Problem***

In addition to earlier JJAG-supported efforts that helped local jurisdictions<sup>1</sup> “dig deep” and gain a broader understanding of the factors contributing to DMC in their communities, DCJS employed the services of Spectrum Associates Market Research to conduct a formal research assessment of disproportionate minority contact in New York’s juvenile justice system, focusing on three regions: New York City (all 5 boroughs), Oneida County and Westchester County. Spectrum Associates completed local studies and produced reports for Oneida and Westchester counties in 2013; completion of the New York City study is anticipated in 2015.

In Oneida County, data gathered by DCJS found black and Hispanic juveniles were disproportionately represented at arrest and detention (there were not enough cases to examine court petition and placement). In an effort to gain insights into disproportionate minority contact in Oneida County, Spectrum Associates looked deeper into local data. The formal study included data manually abstracted from the Department of Probation Record Management system, computerized Office of Court Administration (OCA) data and data manually extracted from printouts of movement data provided by the Office of Children and Family Services. Using the data made available, Spectrum Associates analyzed data to determine if decisions varied for black, Hispanic and white juveniles processed for similar level charges (i.e., felony, misdemeanor) with regard to the probation adjustment decision, severity of court petition vs. final case disposition charges, final case disposition, type of placement at disposition and average amount of time specified for probation and placement at final case disposition. The assessment often revealed no disparities in probation, presentment agency and court decisions based on race/ethnicity. However, at the probation adjustment decision, disparities were found for juveniles whose most serious charge was a misdemeanor: 54 percent of the white juveniles had their case adjusted, while adjustment rates for black and Hispanic juveniles were 33 and 21 percent, respectively. Multivariate analyses were conducted and determined that differences seen by race/ethnicity were not neutralized by other factors.

In Westchester County, data gathered by DCJS found black and Hispanic juveniles were disproportionately represented at arrest, detention and court petition (there were not enough cases to examine placement). The Spectrum-led study included data manually abstracted from the Department of Probation Record Management system, computerized OCA data and data manually extracted from printouts of movement data provided by the Office of Children and Family Services. Using the available data, Spectrum Associates conducted an analysis to determine if decisions varied for black, Hispanic and white juveniles processed for similar level charges (i.e., felony, misdemeanor) with regard to the probation adjustment decision, severity of police vs. court petition charges, severity of court petition vs. final case disposition charges, final case disposition, type of placement at disposition, and average amount of time specified for probation and placement at final case disposition.

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<sup>1</sup> New York City, Monroe County/Rochester, and Onondaga County/Syracuse partnered with the W. Hayward Burns Institute from 2010-2012 to identify racial and ethnic disparities and develop locally-based intervention strategies.

The Westchester County assessment often revealed no disparities in probation, presentment agency and court decisions based on race/ethnicity. There were, however, some possible areas of concern found at final court disposition decisions, but the very small sample of white juvenile cases at disposition during the two study years made it very difficult to determine if the observed differences in disposition decisions by race/ethnicity could be explained by other factors.

The researchers also noted that, as the RRI's suggest possible disparities at the time of arrest and the use of detention in each of the two jurisdictions studied, it would be beneficial to conduct an assessment of these decisions. However, as in most DMC studies, data could not be obtained on police officers' decisions whether to arrest a juvenile. Additionally, obtaining data on the detention decision for these assessment studies was a challenge. Data on these two system decisions would improve the accuracy of DMC assessment in both Oneida and Westchester counties.

## ***Intervention Strategies***

### **Outreach and Training**

*Recent efforts to educate and sensitize local and state-level juvenile justice professionals to the federal DMC mandate have included the following:*

- DCJS continued to partner with the state Commission of Correction and the State Police Juvenile Officers Association to update and enhance JJDPa compliance-related training materials included in law enforcement training sessions. In 2013, DMC training sessions were facilitated at several local sites and at the annual juvenile officers' conference in August.
- The DMC coordinator worked with state and local probation leadership in Onondaga County to develop a five hour DMC-focused staff development training for secure detention staff. The training was piloted at the Hillbrook Juvenile Detention Center in 2012. Eighty-seven direct care front line, management and administrative staff participated in the sessions, which were updated based on feedback from previous participants. In 2013, a similar DMC-focused training workshop for juvenile probation staff was developed in response to interest from the Onondaga County Probation Department.
- Between 2012 and 2013, regional forums were planned and facilitated in collaboration with the Office of Children and Family Services and the Association of New York State Youth Bureaus. The forums provided juvenile justice stakeholders representative of upstate New York jurisdictions with basic DMC-specific information and introduced effective strategies for addressing disparity, including the use of detention risk assessment tools and community-based alternatives to detention. Forum participants also participated in activities designed to increase awareness and understanding of effective community engagement principles and the importance of youth development in juvenile justice reform efforts. These forums featured expert facilitators from the Anne E. Casey Foundation's JDAI programs and the W. Haywood Burns Institute and were facilitated in three regions throughout the state. A total of 87 state and local juvenile justice stakeholders participated.

- Kings County Family Court Judge Daniel Turbow and the Office of Court Administration collaborated with DCJS on development of a judicial training institute on DMC issues. Mark Soler of the Center for Children’s Law and Policy and Jeremy Travis of John Jay College of Criminal Justice facilitated the day-long workshop, which was held in February 2012 and attracted more than 50 participants.

### **Community Capacity Building**

South Bronx Community Connections (SBCC) was a three-year pilot project implemented through 2013 by Community Connections for Youth (CCFY), a Bronx-based non-profit organization dedicated to building community capacity for juvenile justice reform. Through the SBCC project, CCFY sought to demonstrate that a collaborative grassroots approach could successfully divert neighborhood youth from further juvenile justice system involvement by engaging them in positive youth development programming built on the strengths of local neighborhood organizations. The project was implemented in the Mott Haven neighborhood (New York Police Department 40<sup>th</sup> Precinct) beginning in 2010 and supported by the JJAG as an innovative, research-based intervention. In partnership with a research team based at the John Jay College of Criminal Justice, the SBCC project sought to empirically demonstrate the potential for a resource-deprived, marginalized community to rally its nascent, indigenous resources in the interest of ameliorating anti-social behavior on the part of its justice system-involved youth.

SBCC provided funding to community-based organizations that served as project sites, working with CCFY to provide youth development programming and supporting coaches and mentors who engaged youth in activities built around neighborhood and community-improvement projects. The project focused on youth ages 13 to 15 who were first or second time offenders arrested on charges that would usually result in formal justice system processing but which juvenile justice agencies agreed could be better served by diverting to a network of community support. While referrals initially came from the NYC Department of Probation, SBCC’s referral base expanded to include schools, police and prosecutors. By the end of its second implementation year (2012), the project had expanded into an adjacent neighborhood precinct (the 44<sup>th</sup>) at the request of Family Court stakeholders, and with private foundation funding support.

During SBCC’s first year of implementation, CCFY enhanced and expanded the role of its family and community organizer in order to increase resources available to families of the SBCC youth. CCFY supported training in the evidence-based Strengthening Families Program for community members; however, as families were not equally prepared to engage in the curriculum, multiple strategies evolved to meet their needs. These included participation in outreach, event support, public speaking and other activities that developed leadership skills. As a result of CCFY’s ongoing policy discussions with senior leadership in the NYC Department of Probation, the department allocated funding to create a Parent Peer Support Program in response to the needs identified by CCFY’s parents. CCFY was awarded the contract for the Bronx, which resulted in three adult caretakers from CCFY’s network being hired as Parent Peer Coaches. Parent Peer Coaches are now stationed daily at the Bronx Family Court, where they provide direct support to family members currently going through the juvenile justice system.

CCFY incentivized the participation of community organizations in the SBCC project through a combination of technical assistance, training and sub-grants that supported site coordinators, stipends for “community coaches,” capacity-building activities and youth-led community improvement projects. During its pilot phase, which ended in December 2013, the project served 149 youth. Preliminary results of the evaluation are encouraging. While youth without an official mandate (arrest diversion) typically did not stay involved, the SBCC program was successful in engaging a significant proportion of youth well beyond their initial 60-day mandate period. Arrest rates for program participants are lower than for their counterparts in a borough-wide comparison group. The final evaluation report of this project will be available in 2014.

Additionally, the Center for Community Alternatives (CCA), which has played an active role in the work to address racial and ethnic disparities in the Central New York area through past JJAG-supported efforts, continued training community members to be effective participants on local juvenile justice reform committees and DMC workgroups. CCA also created an information/action manual designed to assist traditional juvenile justice stakeholders in engaging youth, families and other potential community advocates for youth. *How to Incorporate Youth and Families into Disproportionate Minority Contact (DMC) Reduction Work: A Handbook for Government and Other System Stakeholders* was presented to the JJAG in late 2013. The manual will be shared with other jurisdictions throughout the state via the JJAG website; limited numbers of printed copies will also be available.

The importance of youth engagement in the development and implementation of juvenile justice reform efforts has also been identified as a priority for the JJAG. In 2013, the youth members of the advisory group worked with the DMC Coordinator and other JJAG leadership to develop a sustainable plan for youth and community engagement. This plan resulted in participation in the Coalition for Juvenile Justice Youth Leadership Summit in August 2013 and the development of a partnership with the Association of New York State Youth Bureaus to assist in the coordination of a state-level Youth Advisory Council, as well as regional youth engagement activities.

### **Supporting Front End Initiatives, Including Alternatives to Detention Programs**

In response to recommendations developed as a result of year-long DMC technical assistance from the Burns Institute, the JJAG funded targeted research-based efforts by law enforcement, probation departments and prosecutors which provided great promise for impacting a large number of justice-involved youth through the use of valid assessments and service delivery at the earliest points in the system. These projects have recognized that developing model policies and programs to address risk at the front end of the system has tremendous potential to reduce juvenile crime. With those goals in mind, New York has directed recent funding to those geographic areas with the greatest criminogenic and socio-economic needs through system improvement strategies such as use of community-based accountability approaches; detention alternatives for low- and moderate-risk youth for whom return home is not a viable option; and implementation of risk-based decision making at arrest and probation intake.

*Monroe County Delinquency Diversion Reform*

Beginning in 2012, the Monroe County Office of Probation – Community Corrections (Probation) initiated a juvenile justice reform that created a timely, coordinated response to juvenile arrests based on immediate assessment of criminogenic risk. The project, known as Enhanced Delinquency Diversion (EDD), facilitated collaboration among local law enforcement, secure detention and probation personnel. The project implemented a series of reforms designed to keep arrested juveniles from unnecessary overnight detention and to divert low- and moderate-risk youth from formal Family Court processing. JJAG funds supported the creation of a senior probation officer (SPO) position whose role is to champion and coordinate the program.

Four distinct initiatives were undertaken. First, probation created an after-hours telephone hotline staffed by Family Services Division (FSD) probation officers. Law enforcement officers who arrested a juvenile after Family Court operating hours and were considering detaining the youth utilized the hotline to contact a FSD probation officer, who completed a standardized risk assessment instrument (RAI) and worked with the arresting officer to develop an informed and appropriate response.

A second component of the reform was the establishment of an expedited appearance ticket, which reduced the waiting time between arrest and the first appearance. Probation will meet with youth the police choose to issue an expedited appearance ticket to on the next business day. The third component was the establishment of a contract with Hillside Children’s Center to provide respite beds for juveniles who did not need to be detained but who could not go home (i.e., parents were unavailable or the home situation was untenable). Lastly, the project created a diversion review committee (DRC) that includes FSD probation supervisors, a mental health clinician, the deputy chief probation officer, the project coordinator, the EDD officer and the FSD probation officer presenting the case. The Diversion Review Committee meets weekly to review all appearance tickets prior to referring cases to the juvenile prosecutor’s office, with the goal of ensuring that diligent efforts have been made to prevent any juvenile’s unnecessary court involvement.

Monroe County’s award supported an evaluation of the project by the Center for Public Safety Initiatives at the Rochester Institute of Technology. Its preliminary report includes data from March 2012 – June 2013; data through June 2014 will be included in the final report, due in the fall of 2014. Findings from the preliminary report are promising and include the following:

- An overall reduction in juvenile detentions (down 52 percent from 2011 to 2012)
- An overall reduction in juvenile petitions (down 44 percent from 2011 to 2012)
- 44 juveniles (34 percent of the after-hours calls) who would otherwise have been detained were diverted from detention
- The detention and petitioning process for juveniles is receiving strict oversight.

#### *Nassau County Detention Diversion Initiative*

In 2012, the Nassau County Probation Office used JJAG funding to extend probation intake availability to after-hours and weekends by assigning officers to the Juvenile Detention Center on an on-call basis. The project implemented an assessment process to identify low- and moderate-risk youth who might be detained due to arrests that occurred after hours or because of untenable home situations. Probation partnered with local

service provider Family and Children’s Association to make respite housing and other services available to those youth.

Prior to this time Nassau County had one of the highest rates of secure juvenile detention holding in the state with a rate of 24.1 per 100 arrests, as compared to the state average of 11.1. Over the project’s first year, 113 cases were originally taken to detention. According to an evaluation conducted by Dr. Megan Kurlychek from the University at Albany’s School of Criminal Justice, “... these cases differed notably on several variables from those not taken to detention, particularly on measures of risk and prior system history. The goal of the diversion initiative was then to determine whether there was a subpopulation within these 113 cases that could be safely diverted from secure detention through use of detention screening. Through the use of these instruments, 35 cases, or 31 percent of all initial detention cases, representing 6.3 percent of total cases were diverted. The overall detention rate for Nassau County was then 14.1 percent which is still slightly higher than the state average, but considerably less than the rates from earlier years.”<sup>2</sup> The evaluation also found that system penetration (formal probation and placement) was reduced for this cohort of youth. While the evaluation covered only the calendar year 2012, it is expected that these trends continued, with a total of 225 youth assessed at the JDC over the years 2012-2013.

#### *Albany Police Department Arrest Diversion*

In 2012, the Albany Police Department (APD) rolled out an innovative project intended to prevent system penetration for low-risk youth. APD partnered with the Albany County Probation Department and three community agencies (Parsons Child and Family Center, Equinox and Trinity Alliance) on the creation of the Juvenile Justice Mobile Response Team (JJMRT). The team provided an on-call response at the point of arrest, administering risk assessments and making recommendations to APD on appropriate system responses to the youth. In its evaluation summary, the Center for Human Services Research<sup>3</sup> reported that over the JJMRT’s 14-month operation period (August 2012 – October 2013), the APD made 191 arrests of youth who were eligible for JJMRT assessments.<sup>4</sup> The team responded to 78 percent of all youth, completing 117 assessments; a few of the non-completions were attributed to refusals, with the bulk due to arrests that occurred outside the JJMRT’s hours of operation (Monday – Friday 8am – midnight).

The JJMRT was successful in discontinuing some arrests and diverting some youth from system involvement. More than 20 percent of arrests of all assessed youth were discontinued by APD supervisors. The project’s lasting benefits include the implementation of an expedited appearance ticket that allows for youth arrested after hours or on weekends to be seen by probation early on the first business day following their arrest. Data revealed that most youth arrested by the APD were moderate or high-risk, suggesting that decisions made on the street about whether to arrest youth were already diverting low-risk youth from system penetration. APD decisions were in agreement with team recommendations in 91 percent of the cases; the pre and post-

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<sup>2</sup> *Nassau County Detention Diversion: Final Report*. Megan Kurlychek, Ph.D. and Eric Fowler, M.A. The School of Criminal Justice, University at Albany. 2014.

<sup>3</sup> Center for Human Services Research, School of Social Welfare, University at Albany. 2014.

<sup>4</sup> Arrest outcomes are prescribed for juvenile offender offenses, unlawful possession of marijuana and arrests on warrants; those were excluded from JJMRT eligibility.

evaluation showed little change in response to arrested youth but pointed out valuable lessons learned. These included the importance of consideration of the culture of all participating organizations, ongoing training and convening of participants to reinforce project goals and formal establishment and periodic review of policies and protocols.

#### *New York City*

With funding support from the JJAG, the NYC Department of Probation (DOP) kicked off a project in 2012 which implemented a fundamental shift in operation to build stronger and safer communities and foster opportunities for youth to move out of the justice system into meaningful education, employment and community participation. DOP reformed its juvenile intake policies and procedures to ensure that youth eligible for adjustment are diverted and referred to meaningful interventions matched to offense type rather than formally adjudicated as delinquents. This project specifically focused on addressing arrested youth who were charged with offenses of low or medium severity, regardless of their individual risk levels.

DOP implemented a locally validated risk assessment instrument to inform diversion decisions, trained staff to better engage victims in the consent process for diversion, developed a robust service referral system for diverted youth and made a commitment to delivering high-quality interventions designed to help young people avoid further contact with the juvenile justice system (e.g. restorative interviews and justice education workshops). In addition, DOP collaborated with youth development organizations to deliver innovative services such as graffiti art programs and, given the school achievement challenges faced by many justice involved youth, developed a project for enhancing school engagement among youth whose cases are diverted.

New York City's complex menu of initiatives required considerable planning and involved training and technical assistance subcontracts with a number of consultants. Piloting of some components took place starting in late 2012, with implementation throughout the five boroughs getting underway in 2013. A report with final project data is due in late 2014.

#### *Alternative to Detention Initiatives*

Based on recognition that there has been much disproportionality at the point of detention, alternatives to detention models were recently implemented throughout the state with JJAG funding support. A commitment was made in 2013 to developing and/or enhancing local alternatives to detention programming, particularly for those juveniles who would not be in detention except for tenuous family situations, in Erie, Onondaga, Oswego and Queens Counties. Therapeutic mental health interventions (including Brief Strategic Family Therapy), positive youth development, family support services and respite care services have been made available to young people and their families through these projects.

### **Innovative Strategies to Reduce School-Based Arrests: Dismantling the School to Prison Pipeline**

In August 2012, the Office of Juvenile Justice Policy at DCJS launched a JJAG-funded partnership with the NYS Center for School Safety/National Institute for School Safety (NYSCSS/NISS) and three Upstate localities

(Amsterdam, Elmira and Watertown) to pilot an initiative to improve school engagement and achievement for justice-involved youth transitioning to high school.

Focusing on effective strategies to reduce the dropout rate and increase graduation rates, and recognizing the key transition year between middle and high schools, the goal of the Enhancing School Capacity (for Transitional Supports) project was to bring a cohort of high-risk, justice-involved students successfully through their ninth grade school year. Each locality received funding to support ongoing training and technical assistance for a group of school and community-based professionals which worked directly with 20 to 30 justice-involved and high-risk youth (those who had a demonstrated history of repeated behavioral infractions, multiple out of school suspensions and excessive absenteeism). The intensive year-long professional development program provided successful tools and strategies for engaging justice involved youth in school and fostering achievement of academic goals. Participants learned non-verbal communication and de-escalation techniques along with multiple evidence-based practices, including Positive Behavior Interventions and Supports (PBIS), Life Space Crisis Intervention (LCSI) and Therapeutic Crisis Intervention (TCI).

Through this project, robust partnerships between school staff and community based service providers helped foster new approaches to supporting high-risk youth, including alternatives to suspension strategies; cross-agency case conferencing; wrap-around servicing; mentoring; summer work-study; motivational programing; students-centered team building; and daily check-in system, along with college and career readiness activities.

Beyond the grant project period, these collaborations will continue to support at-risk youth through the implementation of PBIS for the entire Alternative School population in Amsterdam; development of motivational life skills seminars by local juvenile probation officers for targeted junior high school population and regular group case conferencing to develop effective wrap-around strategies in Watertown; and implementation of a daily check-in system that partners students with identified staff in Elmira.

While cohort numbers were purposefully small (Amsterdam: 14; Elmira: 19; Watertown: 12), specific program outcomes for this project are impressive. They include an 87 percent decrease in school based disciplinary infractions amongst program participants and successful completion of the ninth grade for 65 percent of participating youth in Amsterdam; in Elmira, 92.5 percent of participants improved school attendance and 62 percent earned academic credits; 57 percent of Watertown's participants improved school attendance and 92 percent successfully completed the ninth grade.

*The Schenectady Juvenile Mental Health Diversion Project* was a collaborative partnership between Probation, Schenectady City School District and the Berkshire Farms Center and Services for Youth. The goal of the project was to reduce the number of youth with mental health issues who are referred to the juvenile justice system by schools. Services included crisis intervention, assessment, support services and linkage to community-based services to address identified needs. Once an initial school-based crisis had been resolved and assessments were completed, project staff worked to link students and families with appropriate services and supports in the community, using an extensive array of agencies that served as partners for this project.

A school-based family specialist worked closely with school administration and staff to identify youth exhibiting potential mental health crisis. After de-escalating and stabilizing the crisis situation, youth and families were actively engaged in program services; and youth were assessed utilizing the Massachusetts Youth Screening Instrument (MAYSI2) mental health screening tool. Over the three years of program implementation, 47 youth were officially enrolled in the program with the average youth engaging in services for 45 days; 91 percent of program youth were linked with MH services and 42 percent of youth remained enrolled in mental health services six months post discharge from school based services.

Program participation directly impacted school based outcomes including: 49 percent of program youth had no school based disciplinary infractions, 61 percent of program youth improved school attendance and 40 percent improved academic performance during program engagement.

### **Leadership Summits on School-Justice Partnerships: Keeping Kids in School and Out of Court**

The New York State Permanent Judicial Commission on Justice for Children, chaired by former Chief Judge Judith Kaye, convened a national leadership summit in 2012 with the overarching goal of developing and implementing strategies designed to keep kids in school and out of court. Much of the impetus for this summit stemmed from a 2011 statewide study of nearly 1 million public secondary school students in Texas, *Breaking Schools' Rules*. Some of the major findings of this study are as follows:

- About 15 percent were suspended or expelled 11 times or more; nearly half of these students with 11 or more disciplinary actions were involved in the juvenile justice system;
- Only three percent of the disciplinary actions were for conduct for which state law mandated suspensions and expulsions; the rest were made at the discretion of school officials primarily in response to violations of local schools' conduct codes;
- African-American students and those with particular educational disabilities were disproportionately disciplined for discretionary actions;
- Repeated suspensions and expulsions predicted poor academic outcomes. Only 40 percent of students disciplined 11 times or more graduated from high school during the study period, and 31 percent of students disciplined one or more times repeated their grade at least once; and
- Schools that had similar characteristics, including the racial composition and economic status of the student body, varied greatly in how frequently they suspended or expelled students.

The national summit was a great success and, as a result, DCJS developed a partnership with the Permanent Judicial Commission on Justice for Children to conduct a statewide summit at Hofstra University in April 2013, followed by six regional summits across the state, with the goal of promoting the development of partnerships among the court system, school administration, law enforcement and the community to work together to increase graduation rates while decreasing school suspensions, expulsions and arrests.

Three of the six regional summits were held in 2013, and experts from across the country were brought in to present on effective practices and approaches. Examples include:

- School Climate: Innovative Approaches for School-wide Change;
- Collaborative Role of the Courts in Promoting Better Outcomes for Students;
- Educational Engagement for Re-entry and Court-involved Youth;
- Model Discipline Code and Restorative Justice; and
- Best Practices for School Safety and Student Interaction.

Subsequent to holding the remaining three summits, the next phase of the project will have jurisdictions pull together teams from across disciplines to develop implementation plans designed to put some of these approaches into practice. DCJS will continue to work with the Permanent Judicial Commission on Justice for Children to conduct two, one and a half day-long workshops for up to ten teams; one on developing memorandums of agreement between schools, law enforcement, courts and probation to promote effective school arrest diversion practices, and one on school climate.

## **VII. Other Recent Front-End Programming Initiatives**

### ***Fast Track Accountability***

In 2011, the JJAG requested proposals for projects that would provide a timely response to juvenile crime committed by low- and moderate-risk youth that holds youth quickly accountable and prevents their penetration into Family Court processing. Three counties (Madison, Ontario and Ulster) were awarded funds for innovative diversion strategies that include implementation of behavioral health assessments at probation intake and provide an array of restorative interventions. Each county selected assessments and interventions that matched local needs and resources.

Madison and Ontario counties adopted the Massachusetts Youth Screening Instrument V2 (MAYSI-2), while Ulster County implemented the GAIN-SS (Global Appraisal of Individual Needs – Short Screen). In Madison County, the grantee (Department of Social Services) partnered with the probation department and Berkshire Farms Center (BFC) on project planning and implementation. Probation makes referrals, BFC staff administers the behavioral health assessment and all three organizations participate in case conferences to develop service plans that match assessed risks and needs and include letters of apology, community service, conflict resolution for the family and referral to other services as needed.

Ontario County Probation partners with two community-based organizations. Safe Harbors of the Finger Lakes facilitates Girls Circle/Boys Council groups and the Ontario/Yates Center for Dispute Settlement, does restorative circles, respectively. Ulster County Probation has worked with the local service provider Family of Woodstock on project planning and implementation. The project accepts referrals from probation, police and schools; BFC case managers work with youth and parents to prepare for a meeting with the Juvenile Community Accountability Board (JCAB), made up of community volunteers trained by Albany County Probation's JCAB. The goal of the JCAB meeting is to hold the youth accountable for his/her actions, to facilitate his/her active involvement in addressing the harm done (to the neighborhood or community) and to provide him/her with the help needed to deter future offending. Members work with the youth and his/her family to develop a service plan that may include letters of apology, community service or other conditions. BFC case managers provide supportive services, monitor each youth's progress on the plan's goals and facilitate his/her follow-up JCAB meeting to update the board on that progress.

Each project reported that youth have positive experiences with the restorative interventions; all share barriers to service common to counties with large rural populations, notably, difficulty with scheduling and transportation.

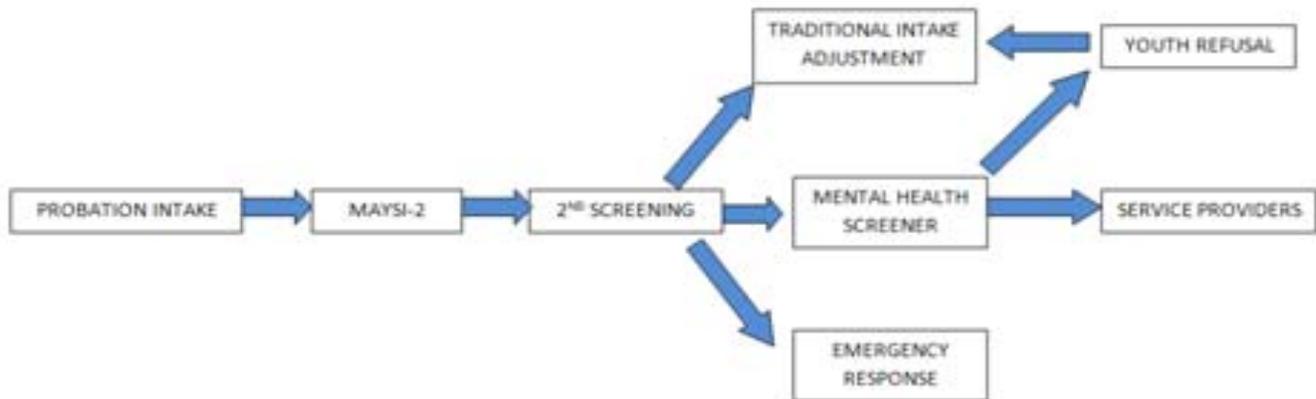
### ***Diverting Youth with Behavioral Health Needs from Justice System Involvement***

Research has consistently shown that youth involved in the juvenile justice system experience high rates of mental health disorders. These trends are evident in New York State, with between 50 and 60 percent of youth

admitted to state custody as a result of an adjudication of delinquency presenting a mental health need at intake, and another 54 to 63 percent of those same youth presenting a substance abuse need at intake. While best practice suggests that behavioral health screening should occur at the earliest intervention point possible – in New York State’s juvenile justice system, that point is probation intake – as yet there is no systematic, statewide approach to providing such screening at the system’s front door.

In 2012, New York was one of eight states selected for participation in the Integrated Policy Academy/Action Network on Diversion, Behavioral Health and Juvenile Justice Involved Youth, an initiative co-led by the Substance Abuse and Mental Health Services Administration (SAMHSA) and the MacArthur Foundation. The project provided training and technical assistance with the goal of enhancing states’ capacities for diverting youth with behavioral health conditions from the juvenile justice system to community-based programs and services.

# Behavioral Health Screening in Monroe County



A core team made up of representatives of state agencies<sup>5</sup> participated in the 2012 Policy Network Academy, along with leadership from Monroe County,<sup>6</sup> the locality selected as the pilot site for New York's project. Over the following year, the team identified a behavioral health screening instrument (the MAYSI-2) that was implemented at probation intake, assessed the availability of evidence-based services appropriate for the target population and worked with local service providers to facilitate the adoption of practices to fill service gaps that were identified. They developed policies and procedures for matching youth to the appropriate evidence-based services and for expediting referrals to those services in order to fit the adjustment period timeframe. The illustration that follows demonstrates the model's incorporation of behavioral health assessment into traditional intake procedures.

Some remarkable outcomes were achieved over the very brief course of this project. To begin with, the core team was able to generate productive levels of collaboration and coordination across levels of government. Local and state agencies were able to come together to create a model diversion program for youth with behavioral health needs and to create the necessary linkages to the services required for successful treatment. Individuals from state agencies and county level team members all collaborated to create a unique strategy at probation intake, one that can be successfully adopted across New York State.

A second notable outcome was the implementation of a new process embedded into regular probation practice in a relatively brief period of time with a very small investment of resources. This project was unique in that it was on a very short timeframe for most government agencies and it did not come with grant funds to support any new staff or services. Focused project activities started in earnest in the summer of 2012 and the pilot site

<sup>5</sup> NYS Division of Criminal Justice Services (DCJS) and the Office of Probation and Correctional Alternatives (OPCA), NYS Office of Mental Health (OMH) and NYS Office of Alcoholism and Substance Abuse Services (OASAS).

<sup>6</sup> Monroe County Offices of Probation – Community Corrections; Mental Health; Human Services, and the local Mental Health Association.

launched a new process, with new policies and procedures and new MOU's with local providers, in March of 2013. A small investment of funding that supported the purchase of and training on the MAYSI-2 as well as some core team activities and the assistance of an intern, led to a new practice for behavioral health screening and service matching that will be systemically implemented for all youth seen at probation intake in Monroe County. These are changes that can endure as the project ends, as they are not dependent on new, outside resources that are disappearing as the project comes to completion.

Several New York counties attended the MAYSI-2 training conducted by its developers, the National Youth Assessment and Screening Project (NYASP). Three of those (Onondaga, Schenectady and Westchester) voiced strong interest in replicating the pilot site model. In the fall of 2013, DCJS received an award from the BJA Justice and Mental Health Collaboration Grant Program to support model expansion to these three new localities.

## **VIII. Reducing Recidivism through Effective Re-Entry Partnerships**

### ***Development of NY State Juvenile Justice Re-Entry Plan***

DCJS received a federally funded Second Chance Act planning grant in 2012 to analyze the current state of juvenile re-entry from voluntary agency placement and to develop a juvenile re-entry strategic plan for New York. This grant provided a unique opportunity to assess the re-entry work being done with youth and families in the juvenile justice system, especially in light of the increasing use of private agency out of home placement for youth adjudicated as delinquent.

### **NYS JUVENILE RE-ENTRY STRATEGIC PLAN RECOMMENDATIONS**

#### **SYSTEM COORDINATION**

- Support systemic reform efforts that promote coordination from placement to re-entry.
- Explicitly require that transition planning begin at the outset of the voluntary agency placement

#### **SUPPORTS AND SERVICES WHILE IN CARE**

- Strengthen visitation policies and practices
- Provide interventions to address criminogenic thinking
- Foster enduring pro-social supports

#### **HOUSING AND PERMANENCY**

- Address housing stability from the beginning of placement
- Develop more supportive housing options

#### **PHYSICAL HEALTH AND BEHAVIORAL HEALTH**

- Strengthen Medicaid support for evidence-based services and ensure that continuity of care is enhanced through the shift to Medicaid managed care.
- Provide training on effective behavioral health interventions for youth and their families.

#### **EDUCATION AND JOB TRAINING**

- Provide access to and training on effective educational and vocational assessments to voluntary agencies.
- Pilot a model process for educational transitions that maximize the award of credits for work completed while in placement and that provide for the prompt enrollment of the appropriate educational setting for youth.
- Provide technical assistance to voluntary agencies to develop robust course descriptions.
- Monitor and enforce existing requirements for the prompt enrollment of youth following release.
- Allow for voluntary agencies to provide a GED® pathway for youth who are significantly over age and under credit.
- Identify and promote the use of trade-certified vocational programs with a community-based component through Local Departments of Social Services at voluntary placements.
- Develop initiatives that provide youth mentoring with a career development focus.

The planning project established a statewide Juvenile Re-entry Task Force comprised of 32 individuals representing various state agencies (DCJS, Office of Children and Family Services, State Education Department, Office of Temporary and Disability Assistance, Department of Health, Office of Court Administration), local departments of social services, local probation offices, voluntary agency providers, community-based service providers and advocates for children and families.

The statewide task force reviewed existing laws, regulations, and policies relevant to the juvenile re-entry process, and identified best practices; outlined barriers and recommendations and ultimately established a detailed re-entry strategic plan for juvenile delinquent (JD) youth returning from voluntary agency placement.

The Statewide Re-entry Plan, which can be found at <http://www.nysjjag.org/our-work/Reentry%20Plan.pdf> illustrates New York State's commitment to the stability and success of youth and families in the juvenile justice system. Specifically, the plan describes the population served, current policies and barriers to effective re-entry, the reintegration continuum and principles of best practice and provides recommendations for improving juvenile re-entry practices.

DCJS and the Juvenile Re-Entry Task Force presented the statewide plan to more than 100 state and local stakeholders at a juvenile re-entry summit convened in Albany in December of 2012. The day-long event included presentations from local and national experts on the following topics: educational transitions, engaging families, connecting young people with positive pro-social supports and practical strategies for facilitating an effective local re-entry initiative.

### **Partnerships with Local Jurisdictions**

In September 2013, the JJAG approved a Juvenile Re-Entry Consortium Project proposed by the Vera Institute for Justice. Through this effort, Vera will coordinate a juvenile re-entry best practices learning academy for teams of stakeholders from five local jurisdictions and work with those teams to develop and/or enhance local juvenile re-entry processes. Particular jurisdictions will be selected through a Vera-led competitive process, as the project is formally launched in 2014.

DCJS was also awarded a Second Chance Act Juvenile Re-Entry Implementation Grant from the US Department of Justice in the fall of 2013. Through this project, three local jurisdictions (Oneida, Monroe, and Niagara Counties) will receive year-long technical assistance and support in coordinating local juvenile re-entry task forces, developing individualized service plans targeted at addressing the needs of youth returning from out of home placement due to delinquent activities (and their families) and providing transitional educational and housing services, as well as positive pro-social activities.

## **IX. New York State Compliance with the Juvenile Justice and Delinquency Prevention Act**

All states that receive federal Title II formula grant funding, one of the funding streams overseen by the JJAG, are required to comply with four core requirements of the Juvenile Justice and Delinquency Prevention Act (JJDP). Those core mandates are: deinstitutionalization of status offenders, separation of juveniles from adult offenders, removal of juveniles from adult jails and lockups and addressing the disproportionality of minority contact in the juvenile justice system. New York State is in full compliance with all four.

The first three core protections of the JJDP relate to permissible methods of confinement for youth. The first, *deinstitutionalization of status offenders* (DSO) prohibits the placement of PINS youth in secure detention or correctional facilities. New York State maintains compliance with this protection through the statutory prohibitions in Article Seven of the Family Court Act which prohibit the pre-trial detention of PINS youth in secure detention facilities (§720) and which only permit out of home placement in private, non-secure facilities under LDSS custody (§756).

The second core protection, *separation of juveniles from adult offenders*, requires that juveniles who are alleged or found to have been delinquent, and PINS youth, are kept away from any contact with adult inmates who have been convicted of or are awaiting trial for a crime. Compliance with this mandate is achieved in New York State through the complete separation of juveniles from adult offenders in both short-term locations for questioning juveniles and in separate confinement facilities for juveniles both pre- and post-trial. Article Three of the Family Court Act (§305.2(4)(b)) provides that youth suspected of an act of delinquency only be questioned by police in either a facility approved by the Office of Court Administration as a location suitable for the questioning of juveniles or in the child's home. By Court Rule (§205.20 (c)), any room approved for questioning juveniles must be separate from areas accessible to adult detainees. These protections facilitate the separation of juveniles accused of crimes from adult detainees. In addition, under the provisions of the Family Court Act, juveniles can only be confined in juvenile detention facilities licensed and regulated by OCFS, in OCFS operated facilities, or in private, not-for-profit facilities licensed by OCFS to house youth. All of these locations are explicitly for housing youth and do not include an adult offender population, thereby facilitating the separation of juveniles and adult offenders.

The third core protection prohibits the use of adult jails and lock-ups for the confinement of juveniles for any length of time. New York State complies with this provision, known as *jail removal*, by confining youth in the aforementioned youth-only facilities both pre-and post-trial.

DCJS contracts with The New York State Commission on Correction (SCOC), the state agency with statutory authority to perform monitoring of correctional facilities, to ensure that New York State maintains compliance with these first three requirements. In that role as the state's compliance monitor, SCOC identifies all the jails, lock-ups and secure juvenile facilities across the state (thereby defining the compliance monitoring universe as required by OJJDP) maintains a monitoring schedule that ensures all adult jails, lock-ups and secure juvenile

facilities are subject to an on-site inspection no less than once every three years (as federally mandated) and monitors a reporting system designed to track compliance and to identify and address any suspected violations of the core protections.

New York State maintains compliance with the fourth core protection of the JJDP, which requires engagement in efforts to address the disproportionate minority contact (DMC) of youth, through the support of a full-time, state-wide DMC coordinator and the many analytical, assessment and strategy development and implementation efforts described in the previous sections of this report. Continued progress in improvement of state level DMC data, assessment, intervention, evaluation and monitoring will ensure New York State's continued compliance with the federal mandate to address DMC throughout the coming years.