

## **Proposal Narrative**

### **a. Description of the Issue**

#### **1. System Description: Structure and function of the juvenile justice system**

In light of solicitation guidelines and the size and complexity of New York State's juvenile justice system, the system description is attached in Appendix A.

#### **2. Analysis of juvenile delinquency problems (youth crime) and needs**

See Appendix B, Table 1, for a summary of juvenile justice case processing in New York State (NYS) for 2017-2019, broken down by New York City (NYC) and Rest of State (ROS).

#### **Juvenile Arrests**

In its attempts to improve the quality and quantity of data, NYS does quality reviews and checks on the data that are gathered and made available to localities. In NYS, the age of criminal responsibility has historically been 16; this, combined with the separate reporting of race and ethnicity in the Uniform Crime Reporting (UCR) data, results in a need for a multi-stage estimation process to derive juvenile arrest counts by race-ethnicity. Due to concerns with the accuracy of the estimates, an in-depth review of race-ethnicity counts at the arrest contact point was conducted. One county was chosen for this review as all police departments in that county, with the exception of the State Police, report arrest data via the Incident Based Reporting (IBR) system rather than through the Uniform Crime Reporting (UCR) system. The case level nature of the IBR data permits precise race-ethnicity counts, while formulas must be utilized to estimate race-ethnicity counts based on UCR data. The results of this analysis revealed that estimates for the selected county based upon UCR-type data both undercounted the number of Black youth and overcounted the number of White youth.

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Based on these results, it was determined that NYS cannot provide accurate race-ethnicity counts for juveniles at the arrest contact point at this time. All race-ethnicity arrest counts were removed from county juvenile justice profiles published on the Division of Criminal Justice Services (DCJS) website, and will not be submitted as part of this year's Title II Application, which means that NYS will use referral to court as the first point of contact in its data calculations and discussion. Referral to court data have been used in lieu of arrest data in the data chart provided in Appendix B. NYS is working toward full National Incident-Based Reporting System (NIBRS) compliance over the next few years and will be able to provide accurate race-ethnicity counts once compliance is attained.

### **Probation Intake and Processing**

See Appendix B, Tables 2 and 3 for probation intake and processing in NYS for 2017-2019, broken down by NYC and ROS.

- Total number of cases opened for NYC increased from 3,923 in 2017 to 6,005 in 2019; ROS also saw an increase from 5,693 to 7,201.
- Statewide, immediate referrals increased 41% from 2017 to 2019. Immediate referrals to petition increased 55% in New York City (NYC) and 27% in Rest of State (ROS). NYC immediate referrals to petition increased from 2,751 in 2017 to 4,277 in 2019; ROS also saw an increase from 2,784 to 3,524 during this period. The proportion of closed cases referred for petition immediately stayed about the same in both NYC and ROS. The proportion referred after an adjustment attempt remained fairly stable statewide (5% in NYC and 10% in ROS in 2019).

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- A similar proportion of cases were adjusted in 2017 (36%) as in 2019 statewide (35%). The proportion of cases adjusted in NYC decreased from 26% in 2017 to 23% in 2019. The proportion of cases adjusted in ROS also remained stable at 44% from 2017 to 2019.
- In 2019, 13,206 JD intake cases were opened statewide. Of those, 44% were felonies and 56% were misdemeanors. Males made up the majority of cases opened (76% vs. 23% females). When disaggregated by race and ethnicity, Black youth comprised 49% (n=6,407) of intakes opened, while White youth comprised 25% (n= 3,270) and Hispanic youth comprised 21% (n=2,734). There is also a small percentage of intake cases where race and ethnicity were either not reported or reported as other (6%).

### **Admission to Detention**

See Appendix B, Table 4 for detention data in NYS for 2017-2019, broken down by NYC and ROS.

- Statewide, total detention admissions stayed about the same. Total admissions to detention decreased 19% in NYC and increased 19% in ROS from 2017 to 2019. Statewide, the number of Juvenile Offender (JO) cases were about the same (202 v. 199) and JD cases were down 18% (3,452 v. 2,847) in the same time period.
- In terms of demographics, NYC male admissions decreased 16% from 2017 to 2019 (1,548 v. 1,293), yet male admissions in ROS increased 25% (1,256 v. 1,568). Likewise, NYC female admissions were down 29% from 2017 to 2019 (400 to 285), and ROS female admissions stayed about the same (450 v. 455). While NYC made great strides in reducing admissions in each racial category, ROS increased admissions in each category. For example, in NYC, white admissions decreased 25% (53 v. 40) and ROS increased 6% (435

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v. 462). For black youth in NYC, admissions decreased 13% and in ROS, increased 18%. Hispanic youth decreased 27% in NYC and increased 30% in ROS. And finally, the “other/not reported” racial category decreased 56% in NYC and increased 60% in ROS during 2017-2019.

### **Family Court Processing**

This section reviews petitioned Family Court cases involving juvenile delinquency and designated felony petitions and dispositions in 2017-2019. See Appendix B, Table 5 for Family Court petition filings, by charge class category, sex and race/ethnicity for 2017-2019, broken down by NYC and ROS. Petition disposition information is in Appendix B, Table 6.

#### **a. Initial Petition Filings<sup>1</sup>**

- Statewide, total initial petition filings increased 18%. Between 2017 and 2019, statewide petition filings for JD cases increased from 4,805 to 5,657. NYC family courts reported 11 more total filings in 2019 than in 2017 (+1%). Courts in ROS counties reported 841 more total petitions, an increase of 25%. Statewide petitions involving males and females increased 18% and 17%, respectively, with petitions for males comprising approximately three-quarters of annual filings. In 2019, Black youth comprised 50% (n=2,810 of initial petition filings, while White youth comprised 27% (n= 1,552) and Hispanic youth comprised

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<sup>1</sup> The “initial” petition is filed by the presentment agency (Corporation Counsel in NYC and local county attorneys’ offices elsewhere) following an arrest and charges a juvenile with the alleged commission of one or more crimes. This petition may be filed when the presentment agency determines that there is legally sufficient evidence to commence a delinquency action in family court (FCA §311.2). A supplemental JD petition is, in essence, an addendum to an initial JD petition. It is filed subsequent to an initial JD disposition outcome only in instances where a family court has retained legal jurisdiction over a juvenile and further case intervention is deemed warranted by the family court, probation department or custodial (placement) agency. For example, a supplemental petition might be filed if a juvenile violated conditions of an adjournment in contemplation of dismissal (ACD) or a dispositional order for conditional discharge, probation supervision or placement.

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17% (n=946). There is also a small percentage of initial petition filings where race and ethnicity was either not reported or reported as other (6%).

- NYC felony filings increased 6%, from 885 to 939, and ROS felony filings increased 28% from 1,540 to 1,964. In NYC, 524 misdemeanor petitions were filed in 2019, an 8% reduction from 2017. In 2019, 2,230 misdemeanor petitions were filed in ROS counties, 23% more than in 2017.

**b. Initial Dispositions**

- In 2017, of 4,778 total dockets disposed statewide in juvenile delinquency cases, 593 (12%) resulted in orders to out of home placement. The total number of out-of-home placements remained steady (12%) from 2017 to 2019. NYC courts reported 53 fewer total placements (-32%), and ROS courts reported 68 more placements (+16%). In 2019, placements comprised 9% of dispositions in NYC and 13% of dispositions in ROS family court cases.
- Statewide, 1,265 cases (26% of cases disposed) were disposed to probation supervision in 2019. The proportion of cases disposed to probation remained fairly stable from 2017 to 2019 for ROS but declined in NYC (from 34% to 26%). The proportion of dispositions to probation statewide declined 3 percentage points between 2017 – 2019.
- The number of cases that did not result in JD findings statewide increased 8% from 2,576 in 2017 to 2,794 in 2019. These outcomes generally included cases that were disposed in favor of the youth, including cases that were withdrawn, reduced to a PINS (status offender) petition, dismissed, and adjourned in contemplation of dismissal. Statewide, cases with no JD findings represented 57% of all dispositions in 2019. Regionally, these outcomes made

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up 60% of cases disposed by family courts in NYC and 56% of dispositions reported by courts in ROS counties in 2019.

### **Admissions to OCFS Custody**

Admissions to Office of Children and Family Services' (OCFS) custody include adolescent offender, juvenile offender, and juvenile delinquent admissions to OCFS-operated facilities (residential placements), OCFS-contracted voluntary agencies (residential placements), and community services (non-residential placements). Admission counts include youth in both OCFS and local Department of Social Service (DSS) custody. Admission numbers will differ from the placement dispositions in Appendix B, Table 6 because the Office of Court Administration's placement information includes only placements based on the initial disposition of the family court petition.

See Appendix B, Table 7 for statewide and regional demographics, service setting, and adjudication type of admissions to OCFS custody for 2017-2019.

- Statewide admissions to placement were down 18% from 2017 to 2019. Across the state, there were 159 fewer admissions to placement in 2019 than in 2017 (863 v. 704), including 95 fewer admissions in NYC (-48%) and 64 fewer admissions in ROS (-10%).
- Admissions for juvenile offenders and juvenile delinquents were both down 38% and 17%, respectively. In NYC, placement admissions of juvenile offenders decreased from 35 in 2017 to 16 in 2019, a 54% drop, while ROS admission for juvenile offenders declined less sharply from 26 admissions in 2017 to 22 admissions in 2019. Admissions for juvenile delinquents dropped 47% in NYC from 163 to 87 and declined 10% from 639 to 578 in ROS.

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- Admissions to OCFS–operated facilities declined 12% and admissions to foster care declined 21% statewide. In NYC, total admissions to OCFS-operated facilities declined dramatically (-53%) from 36 in 2017 to 17 in 2019. Total admissions to OCFS-operated facilities decreased by 4% in ROS.
- Both male (-20%) and female (-11%) placement admissions decreased between 2017 and 2019 statewide. Similarly, placement admissions decreased for Black (-27%) and Hispanic youth (-24%) while white youth stayed about the same and those in the other/not reported category (+20%) increased for the same time period statewide.

### **OCFS Custody in Care**

OCFS Custody in Care numbers in Appendix B, Table 8 represent the total number of youth in the care of OCFS-operated facilities (residential placements), OCFS-contracted voluntary agencies (residential placements), and community services (non-residential placements) at year end. In Care counts include only youth in OCFS custody.

- Statewide, there were 69 fewer youth (-15%) in OCFS care at the end of 2019 than at the end of 2017. NYC had 23 fewer youth in custody, a decline of 49%, while ROS also had 46 fewer youth in custody, a decrease of 11%.

- The proportion of juvenile offenders compared to juvenile delinquents in custody decreased from 20% in 2017 to 13% in 2019, and the actual number of juvenile offenders decreased (-47%) from 93 youth in 2017 to 49 youth in 2019. The number of juvenile delinquents in custody declined (-9%) from 353 to 320 over the same period.

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- When disaggregated by race/ethnicity and gender, in 2019, males comprised over three quarters of youth in OFCS care and custody (79%). Black youth comprised 53% (n=206) of youth in custody, while White and Hispanic youth comprised 23% (n=88) and 19% (n=73), respectively. 5% (n=21) of youth were classified as other/unknown race/ethnicity.

**Trend data and other social, economic, legal, and organizational conditions considered relevant to delinquency prevention programming**

Validated, standardized risk and needs screening and assessment instruments are integrated into probation procedures statewide. The Youth Assessment Screening Instrument (YASI) is used at probation intake and when youth are placed under probation supervision in every county outside of NYC; NYC Probation uses the Youth Level of Service Inventory (YLS) at intake. These tools facilitate identification and diversion of lower risk youth, more informed diversion and supervision approaches to youth that demonstrate moderate and high risk and matching of risk and need to services that build on assets and address criminogenic needs. In 2018, New York's capacity for identifying and addressing mental health needs in its juvenile justice population was bolstered by the promulgation of new probation regulations that call for implementation of behavioral health screens. The NYS DCJS' Office of Probation and Correctional Alternatives (OPCA) requires a mental health screen at the initial conference for juvenile delinquent youth cases opened for adjustment services. The screening is used to determine the necessity for further evaluation and link youth to appropriate mental health services. In addition to the statewide roll out of the mental health screen in probation, a trauma screen pilot was implemented for juvenile delinquent youth on probation in six counties. These youth who screen positive on the trauma screen are referred for a full trauma assessment and

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appropriate trauma specific services. Discussion continues to strategize and resource state-wide trauma screening and service access. The resulting data will enable probation staff to work more effectively with local providers on development of case plans and referrals for services.

The state has developed data infrastructure and analytical capability needed to identify areas of need and effectively target its resources to improve overall system performance. DCJS' Office of Justice Research and Performance (OJRP) produces county-level juvenile justice data tables for probation intake, petitions, and probation supervision annually. These provide each of New York's 62 counties with local data for system processing points and generate discussion around observed trends.

*Youth Part of Criminal Court*

Cases are heard in the new Youth Part of Criminal Court for 16- and 17-year-olds that commit a felony-level crime on or after the effective date of the RTA legislation. However, there is a presumption of removal to Family Court for adolescent offenders (AOs), which can be accomplished in two ways. First, if the AO committed a violent felony, he/she must pass a three-part test in order for the case to be removed to Family Court. Removal depends on whether the defendant used a firearm or deadly weapon, whether the offense was a sex crime, or the individual caused significant physical injury. If none of these, or other extraordinary circumstances are present, the case is processed in Family Court. Second, if the AO committed a non-violent felony, the District Attorney can prove extraordinary circumstances to prevent the removal of the case to Family Court within 30 days. AOs in Family Court become designated as JDs and are treated as such.

**b. Goals and Objectives**

New York's 2021 – 2023 juvenile justice plan focuses on goals that will ensure that the NYS youth justice system operates with effective, safe, fair, and equitable practices that promote public safety, prevention, wellness and healing, maintain commitments to Raise the Age priorities, and align with intersecting systems.

**GOAL (Priority #1):** To support efficient coordination, alignment, and delivery of services that reflect the priorities of state agencies and the NYS Partnership for Youth Justice (PYJ)

throughout NYS. New York has made substantial progress over the past several years in reducing youth contact with the juvenile justice system and enhancing effective services to help ensure their success. Prior to the enactment of Raise the Age (RTA) legislation, effective October 1, 2018 for 16-year-olds and October 1, 2019 for 17-year-olds, significant juvenile justice reform efforts helped pave the way for the successful implementation of the law.

Collaborative efforts among state agencies and with other partners across NYS have resulted in the continuation of reduced reliance on the juvenile justice system despite the inclusion of these new age groups. At the same time, there is still much work to be done to ensure that youth and families are provided the supports they need to mitigate interaction with the juvenile justice system and ensure public safety. This goal will focus on highlighting successful practices and encouraging the use of new tools and practices to increase system effectiveness and measure outcomes.

**OBJECTIVES:**

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1. To sustain positive outcomes from pandemic-related changes by exploring additional virtual approaches that address implicit bias and racial and ethnic disparities into everyday practice, where possible.
2. To align efforts and services by participating in regular communication, coordination and alignment of efforts across systems and between the NYS Juvenile Justice Advisory Group (JJAG) and the Regional Youth Justice Teams (RYJT), and by ensuring consistency with state agency priorities and the PYJ.
3. To support implementation science, translational efforts, and effective outcomes by encouraging the use of effective tools and providing technical assistance to support localities in implementing effective services and quantitative and qualitative measures.

**PROGRAM AREAS:** Delinquency Prevention; Racial and Ethnic Disparities.

As detailed in the delinquency problems and needs analysis and accompanying data tables in Appendix B, the NYS juvenile justice system has expanded at many system points between 2017 and 2019. Much of this can be attributed to the fact that the system now serves 16- and 17-year-olds as a result of the Raise the Age legislation described above. This plan intentionally places an emphasis on meeting the needs of youth through the collaboration of many state and local systems to ensure maximize effectiveness and efficiency as the system shifts to accommodate these new age categories. In addition, the COVID-19 pandemic resulted in system-related changes that are not yet fully understood, and the data is not yet available for a full analysis, but NYS will also focus on collaborative approaches to sustaining positive outcomes from some of the pandemic-related system changes that have occurred. The plan also includes a renewed call to action to support state and local efforts to eliminate racial and

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ethnic disparities, which continue to remain prevalent as evidenced in the delinquency problems and needs analysis. Much of this collaborative work will be informed by the PYJ at the state level, and the RYJTs at the local level, while the NYS Youth Justice Institute (YJI) will support work to integrate implementation science, translational efforts, and effective outcomes.

**GOAL (Priority #2):** To establish and implement youth justice policy priorities by effectively and proactively serving all youth who encounter the juvenile justice system, while placing an enhanced focus on prevention and priority areas. New York has worked hard over the past several years to prevent youth from coming into contact with the juvenile justice system by working with schools to implement diversion programs and restorative practices, training system professionals on trauma and reducing racial and ethnic disparities, and using objective tools to maximize the likelihood that youth who encounter the system will receive the services and level of care that will help them be successful and avoid future system contact. This goal will place focus on several key priority areas that will help New York build upon its successes.

**OBJECTIVES:**

1. To address racial and ethnic disparities by conducting all youth justice work using strategies that will intentionally eliminate racial and ethnic disparities that are grounded in anti-racist theory.
2. To focus on trauma, healing, and behavioral health by addressing systems issues related to and guiding youth justice system professionals in understanding adolescent brain development, trauma, and behavioral health, and in implementing effective and healing-centered responses to youth behavioral issues.

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3. To deliver prevention efforts and youth-centered services by preventing youth from system engagement and removing youth from system involvement at the earliest point, maximizing their success and public safety, with a special focus on systemically marginalized populations and a deliberate intention to engage the community for support.
4. To recognize the centrality of schools by engaging districts in partnerships to develop and implement effective caring and supportive educational environments and ensuring the tracking of positive youth outcomes and, as the COVID-19 pandemic evolves, committing to assisting schools as they reach and serve vulnerable populations.
5. To establish police and community partnerships across NYS.
6. To train and certify youth-serving professionals in effective interventions to address youth justice policy priorities, and the integration of effective interventions into certification requirements for professionals in higher education programs.

**PROGRAM AREAS:** Aftercare/Re-entry; After-School Programs; Child Abuse & Neglect Programs; Delinquency Prevention; School Programs; Racial and Ethnic Disparities; Girls; Rural Areas.

In 2019, minority youth represented 50% of the juvenile population in NYS, yet accounted for 74% of the cases referred to juvenile court, 63% of cases diverted, 87% of juvenile secure detentions, 72% of cases petitioned, 69% of delinquent findings, 79% of cases resulting in probation placement and 81% of cases resulting in confinement in secure juvenile correctional facilities. Black youth were notably over-represented compared to white youth. Black youth represented 16% of the juvenile population in NYS, yet accounted for 49% of cases referred to

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juvenile court, 39% of cases diverted, 60% of juvenile secure detentions, 51% of cases petitioned, 48% of cases resulting in delinquent findings, 52% of cases resulting in probation placement, and 57% of cases resulting in confinement in secure juvenile correctional facilities. This plan seeks to address the racial and ethnic disparities that are prevalent across the NYS juvenile justice system by making it a focal point in every project the JJAG undertakes over the course of the next three years. A new Policy Equity Academy has been developed in partnership with the YJI and will provide localities with the knowledge base and leadership skills to promote effective efforts to reduce racial and ethnic disparities in the system.

Trauma and prevention efforts are also a main part of the plan, as an estimated 90% of justice-involved youth have experienced serious trauma in their lifetime.<sup>2</sup> The JJAG plans to engage in efforts to prevent trauma and engagement in the juvenile justice system in the first place, and address it for those youth who end up encountering the system. Program areas focused on child abuse & neglect and girls-specific issues are a key component of the plan designed to address trauma and prevention. A NYS Girl-Centered Practice Hybrid Certificate Program offered by the Center for Juvenile Justice Reform (CJJR) at Georgetown University, in conjunction with the Doris Barr Weaver Policy Center, is an example of a project the JJAG plans to support during this three-year period.

Training professionals in best practices, working with schools to develop strategies to effectively handle behavioral issues on site more often, and establishing and enhancing police

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<sup>2</sup> Sawyer, W. (2019). *Youth Confinement: The Whole Pie 2019*. Prison Policy Initiative (<https://www.prisonpolicy.org/reports/youth2019.html>)

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and community relationships – even partnerships – are also all part of this plan. The JJAG plans to explore options with the New York State Education Department (NYSED) to integrate cutting edge interventions into college curriculums and provide professionals in the field with the knowledge and tools they need to better serve the youth they work with. The JJAG will also continue a dedicated focus on youth who live in rural areas to ensure their needs are met and are only penetrating the juvenile justice system to a degree that is necessary.

**GOAL (Priority #3):** To enhance positive youth, family, and community impacts and outcomes by partnering with youth, families, and communities in youth justice system work to improve outcomes and create meaningful connections for positive outcomes. New York has made intentional efforts in the past to include the youth, family, and community voice in the planning and implementation of policy changes related to the juvenile justice system. The intention of this goal is to elevate the level of participation of youth, families, and communities by partnering with them on decision-making in addition to hearing what they have to say.

**OBJECTIVES:**

1. To emphasize the focus on youth and families being served by further developing collaboratives among youth, families, and professionals across youth-serving systems to increase seamless services and reduce disparities and other detrimental impacts embedded into system structure and operations.
2. To develop youth, family, and community partnerships by intentionally including youth, family, and community participation in determining youth justice system responses and functioning and distinguishing between them so needs are met from each perspective.

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3. To implement procedural justice best practices at all system points by integrating fairness and uphold the dignity of youth and families in the work of youth justice professionals.

**PROGRAM AREAS:** Aftercare/Re-entry; After-School Programs; Delinquency Prevention; Positive Youth Development; School Programs; Racial and Ethnic Disparities.

The JJAG has been intentional in past three-year plans in including youth, family, and community voices in its work. In this plan, the JJAG seeks to take it a step further and develop partnerships with youth, families, and communities. Only hearing what youth and families have to say does not establish the level of trust and relationship building necessary for effective, long-standing, positive change. Community partners can also play a much larger role in supporting youth who are at risk or who encounter the juvenile justice system if they are included in developing the solutions that will help make them successful and avoid future system contact.

The JJAG recently approved the creation of a new Youth Action Committee comprised of the youth members of the JJAG, who will be paid a stipend for engaging in work designed by them to advance the effectiveness of the juvenile justice system. The JJAG will set aside a portion of its funding to provide for youth-led, youth-driven initiatives identified by the Committee. The JJAG is also in the process of exploring specific ways to partner with and integrate youth, families, and communities such as incorporating exit surveys for services youth receive, conducting forums that will be used to develop strategies and action items to implement, and through the integration of translational efforts and qualitative research.

**c. Project Design and Implementation<sup>3</sup>**

The JJAG's three-year plan is structured to outline major themes prevalent in NYS that have inhibited greater levels of functioning and effectiveness across the juvenile justice system in recent years, those that have been exacerbated by the COVID-19 pandemic and social and racial climate of the country, and how the JJAG would like to address them over the course of the next three years. Much progress has been made in recent years in reducing youth contact at all system points, raising the age of criminal responsibility, and implementing diversion and other services demonstrated to be more effective than previous efforts. However, there is much more work to do to reduce racial and ethnic disparities and implement system changes based on scientific advancements in adolescent brain development, trauma response, and behavioral health.

The JJAG spent several months in 2020 developing a clear vision, goals, and action steps derived from the major themes, as well as specific implementation steps expected to result in positive outcomes and progress on behalf of youth, families, and communities across NYS. Designated state agency staff and the Youth Justice Institute conducted interviews of JJAG members, RYJT co-chairs, key stakeholders, and agency research personnel on behalf of the JJAG, and the information gathered from these interviews has been the primary source for the priorities outlined in the plan.

The YJI also sponsored a series of panel discussions to explore the impact of the COVID-19 pandemic on children, teens, and young adults, as well as identify innovative approaches to

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<sup>3</sup> Details demonstrating compliance with all 33 statutory requirements of the State Plan are included in Appendix C  
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responding the crisis. Staff and the YJI also conducted a national survey of juvenile justice specialists, reviewed the plans, practices, and priorities of other states, and held a two-day strategic planning retreat with JJAG members in September 2020 to put the final touches on the plan.

Implementation of the plan will be achieved through multiple channels, led by a grants working group comprised of JJAG members that will meet quarterly between full JJAG meetings to develop funding proposals directly tied to the goals and objectives of the plan. Designated state agency staff and the YJI will provide support to the JJAG, and will facilitate the planning of expert presentations and a convening of RYJT co-chairs, solicit input from youth, families, and communities, and work with the Partnership for Youth Justice and the newly formed Youth Action Committee to help inform funding decisions that will result in progress on plan goals and objectives.

Specifically, to achieve the goals and objectives listed above, the JJAG will support efforts that include the following:

1. Allocate funding that specifically addresses the goals and objectives described above.
2. Utilize data to support implementation efforts in ways that are effective and measurable and affirm the validity of the narrative attributed to the juvenile justice system.
3. Disseminate effective youth justice system planning and implementation strategies across the field for knowledge and consistency purposes.
4. Expand the operations and deliverables of the YJI: the YJI hired its first permanent Executive Director in July 2019 and began fulfilling its mandates to engage in research and evaluation, information dissemination, and support state and regional youth justice

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efforts. The JJAG has committed resources to expand the operations and deliverables of the YJI throughout the course of this three-year plan, as follows:

- a. Develop a communications strategy, functioning as an information hub, and providing assistance to the JJAG, PYJ, and juvenile justice system agencies and stakeholders;
  - b. Evaluate juvenile justice programs and practices;
  - c. Coordinate cross-county collaboration and information sharing;
  - d. Coordinate convenings and trainings;
  - e. Support regional efforts to eliminate racial and ethnic disparities;
  - f. Develop data translation and visualization products;
  - g. Conduct qualitative research;
  - h. Support the meaningful engagement of youth and families; and
  - i. Build a dynamic database to track RYJT membership.
5. Develop a new Policy Equity Academy, in partnership with the YJI, designed to equip small teams with the knowledge base and leadership skills necessary to promote effective efforts to reduce racial and ethnic disparities in the youth justice system. The JJAG will review the outcomes of the Policy Equity Academy and explore potential expansion to other academies or certificate programs.
6. Commit to a renewed call to action to support state and local efforts to eliminate racial and ethnic disparities by continuing and building upon previous efforts, as follows:

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- a. Implement specific actions to reduce racial and ethnic disparities through this plan's investments, and analyze impacts through enhanced data collection efforts;
  - b. Conduct ongoing, comprehensive personnel development training on racial and ethnic disparities for professionals working with the juvenile justice population;  
and
  - c. Identify and address the underlying causes of racial and ethnic disparities at all juvenile justice system points.
7. Sustain positive outcomes from pandemic-related changes, as follows:
- a. Integrate the use of technology in a way that provides improved access to services and court processes without compromising effectiveness;
  - b. Sustain innovations and reductions in system-involvement for youth, while ensuring and building upon community safety and system response effectiveness; and
  - c. Consider the impact of racial and ethnic disparities in determining which pandemic-related changes are desirable to sustain.
8. Increase prevention efforts and youth-centered service delivery by working through a social determinants of health framework to ensure youth-centered prevention and early diversion services are delivered in a seamless, more accessible manner.
9. Increase access to trauma, healing, and behavioral health by expanding local access to effective mental health, substance use, and trauma supports, and building on this long-standing work to integrate a healing framework for youth and their families.

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10. Support the centrality of schools by committing to creative innovations as schools establish new mechanisms for reaching and serving vulnerable youth during the pandemic and beyond.
11. Improve police and community partnerships by revisiting relationships between law enforcement and communities, as well as concerns about the school-to-prison pipeline and working in support of police reform in NYS.
12. Expand implementation science, translational efforts, and effective outcomes by supporting technical assistance on implementation science and data translation, as well as the integration of more qualitative research measures.
13. Increase meaningful youth, family, and community engagement by emphasizing the need for system stakeholders to approach their work in a collaborative, inspirational manner for youth, families, and communities; and implementing or expanding meaningful engagement opportunities such as professionalized peer/mentor roles.
14. Integrating procedural justice at all system points by implementing these best practices, which require fairness, respect, and transparency by youth justice professionals at all system points.
15. Support the alignment of efforts between the nine Regional Youth Justice Teams (RYJTs), the PYJ, and the JJAG, as follows:
  - a. Increase communication with the RYJTs regarding JJAG priorities;
  - b. Conduct a statewide RYJT strategic planning process;
  - c. Expand collaborative efforts with intersecting systems;
  - d. Implement more multi-region convening opportunities;

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- e. Use virtual tools to share models and provide cross-regional training; and
  - f. Expand cross-region connections with new alignments based on population density and/or interests in similar program and policy strategies.
16. Implement gender specific services and policies, including the following:
- a. Explore options to provide targeted, gender specific services with a new Gender Responsiveness work group under the PYJ.
  - b. Partner with Ceres Policy Research on a Sexual Orientation, Gender Identity/Expression (SOGIE) data collection initiative. Partnering with four distinct counties in NYS, this initiative will establish groundwork for statewide rollout of SOGIE data collection at probation, and SOGIE specific training, policy and programming in order to address the needs of the SOGIE population.
  - c. Host a collaborative of teams that will participate in a NYS focused Girl-Centered Certificate Program developed by the Center for Juvenile Justice Reform.
  - d. Partner with the YJI to host experts to speak about the experiences of girls and SOGIE youth within the juvenile justice system, and to build capacity of the evidence-based practices and programs listed in its publicly available database.
17. Continue collaboration and resource sharing with counties across NYS through the Rural Community of Practice established in 2016, supporting training and innovative approaches to prevention programming rooted in data and local need.
18. Establish a new Youth Action Committee under the JJAG. The Committee will be comprised of the youth members of the JJAG, who will be paid a stipend for engaging in work designed by them to advance the effectiveness of the juvenile justice system. The

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JJAG will set aside a portion of its funding to provide for youth-led, youth-driven initiatives identified by the Committee.

**Consultation and participation of units of local government**

New York's nine regional youth justice teams continued meeting quarterly throughout 2020, despite the pandemic, providing venues for facilitating communication between DCJS and units of local government and other local justice stakeholders. Team members represent county probation offices, local departments of social services, court administrators, county attorneys, youth bureaus, school districts and law enforcement from county and municipal agencies; service providers, advocates and others also participate. This collaborative structure gives localities an opportunity to influence the state plan and other juvenile justice policy and funding priorities.

DCJS' Office of Probation and Correctional Alternatives (OPCA) exercises general supervision over the operation of county probation agencies and the use of correctional alternative programs throughout the State. OPCA requires each county probation office to submit an annual plan that outlines local needs and plans for programming and training. These reports include a section on juvenile justice needs and services. Counties have also been asked to prepare comprehensive annual plans related to the recent addition of 16- and 17-year-olds into the juvenile justice system that focus exclusively on anticipated needs of Family Courts' expanded population and project associated training and services that will improve local capacity. Finally, a new Executive Order required each local government in NYS to adopt a

policing reform plan that will maintain public safety while building mutual trust between police and the communities they serve.

## **Collecting and Sharing Juvenile Justice Information**

### **1. Process of data collection and sharing across state agencies**

New, detailed county-level tables for probation intake, petitions, and probation supervision are updated annually beginning with 2019 data and are available on the Youth Justice section of the DCJS Statistics website at <https://www.criminaljustice.ny.gov/crimnet/ojsa/stats.htm>. Other sources of data available include the NYS Council on Children and Families annual publication, “Touchstones/KIDS COUNT Data Book,” as well as an interactive, web-based Kids’ Well-being Indicators Clearinghouse. This data source provides indicator profiles on economic security, physical and emotional health, education, citizenship, family and community.

In addition to the above sources, representatives from a variety of child serving agencies-- law enforcement, probation, mental health, education, the courts and community based organizations—comprise the NYS Juvenile Justice Advisory Group (JJAG), and have input into the development of the DCJS Juvenile Justice Three-Year Plan and annual updates. Additionally, many local jurisdictions have juvenile justice coalitions and boards that meet regularly, and make juvenile justice planning and development a multi-disciplinary undertaking. The nine Regional Youth Justice Teams operating throughout the state also meet quarterly to share and discuss data, develop priority areas of concentration; conduct analyses of availability and effectiveness of local services, program needs, and gaps; and strategize the implementation and evaluation of cost-effective, evidence-based regional interventions.

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*Law Enforcement.* The source of information for juvenile arrests in NYS outside of NYC is the Uniform Crime/Incident-Based Reporting (UCR/IBR) system maintained by the Office of Justice Research and Performance within DCJS. The UCR/IBR system collects arrest information from all non-NYC police agencies in the State monthly, including the age, sex, race, and ethnicity of arrestees and the offenses charged. Juvenile arrest data for NYC are provided annually by the NYPD and include age, race, ethnicity, and offense class category. All data are collected in aggregate format, which poses significant limitations on analyses. Due to the limitations of these data, they are not included in this plan. Instead, DCJS uses probation intake as a proxy for arrest.

*Probation Departments.* In January 2020, DCJS began receiving probation data via a monthly, case-level file from the vendor that supplies the case management system used by 57 of New York's 58 probation departments (Caseload Explorer). This new data extract provides substantially more information than the old, aggregate-level data. Data included in the extract pertain to the following processing points: probation intake, pre-dispositional supervision, pre-dispositional investigations, probation supervision, violations of probation, and voluntary assessment and case planning services. Data available at each processing point include race, ethnicity, sex, age, offense information, and outcomes. Much of these data are new and allow DCJS to conduct far more detailed analyses than was previously possible.

*Office of Court Administration (OCA).* OCA maintains a Uniform Case Management System (UCMS) of all court related records. Family Court Juvenile Delinquency (JD) and Persons in Need of Supervision (PINS) proceedings are part of this database. Through UCMS data, information on volume of JD and PINS filings, the race, ethnicity, sex, charge, and disposition of

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JD and PINS cases is available. DCJS receives statewide JD and PINS data from OCA through a transactional data exchange.

*Office of Children and Family Services (OCFS)*. OCFS maintains statewide data on detention and juvenile placement. Regional (NYC/Non-NYC) detention and placement data are provided quarterly to DCJS by OCFS. More comprehensive, county-level data are posted on the OCFS website quarterly (detention) and annually (placement).

## **2. Barriers to information sharing**

While great strides have recently been made in collecting and sharing juvenile justice data, remaining challenges include the following:

The New York City Police Department (NYPD) discontinued arrest reporting to UCR in 2001 and now only provides data on formal arrests, while agencies that report via UCR report both formal and informal arrests. This restricts statewide analysis of juvenile arrest trends. The aggregate-level nature of UCR arrest data poses significant difficulties in analyzing data, with race-ethnicity counts being particularly challenging to estimate. Due to concerns with the accuracy of the old estimates, an in-depth review of race-ethnicity counts at the arrest contact point was recently conducted. One county was chosen for this review as all police departments in that county, except for the State Police, report arrest data via the Incident Based Reporting (IBR) system rather than through the UCR system. The case level nature of the IBR data permits precise race-ethnicity counts, while formulas must be utilized to estimate race-ethnicity counts based on UCR data. The results of this analysis revealed that estimates for the selected county based upon UCR type data both undercounted the number of Black youth and

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overcounted the number of White youth. Based on these results, it was determined that NYS cannot provide accurate race-ethnicity counts for juveniles at the arrest contact point at this time. Due to these significant limitations, race-ethnicity arrest counts will not be submitted as part of this year's Title II Application. NYS is working toward full NIBRS compliance over the next few years and will be able to provide accurate race-ethnicity counts once compliance is attained.

Historically, juvenile justice data in NYS have been highly protected to safeguard the confidentiality of the young offender. Juvenile data systems are segregated from adult systems, and juvenile data are purged from systems (by law) when events are disposed in the favor of the juvenile. These protective mechanisms have the effect of making juvenile data sources unreliable and/or incomplete.

New York has made great strides in acquiring case-level data to analyze and report on case processing for youth. However, complete pictures of individualized paths through the juvenile justice system are still not available for research purposes, due to challenges inherent in matching youth across different records management systems. A lack of stable or consistent identifiers across data systems remains a challenge in identifying youth in different data systems at different case processing points. NYS State will continue to work on developing a central repository for analyzing juvenile data.

### **Plans for Compliance**

#### **d. Plan for Collecting the Data Required for This Solicitation's Performance Measures**

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DCJS adds all mandatory federal performance output and outcome measures to each contract, developed with federal Title II funds, according to the applicable program area, and requires that grantees report on these measures quarterly. Performance data that demonstrates the results of the work carried out under the award will be aggregated and compiled from the reports collected and submitted by the grantees on a regular basis and submitted to OJP as required.