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**STATE OF NEW YORK  
2009 - 2011**

**Three-Year Comprehensive State Plan for  
the Juvenile Justice and Delinquency  
Prevention Formula Grant Program**

**David A. Paterson, Governor**

**Sean M. Byrne**  
Acting Commissioner  
Division of Criminal Justice Services (DCJS)

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## INTRODUCTION

New York State's juvenile justice system is a complex network of interrelated local, state, public and private policies, processes, services and institutions designed to prevent and address juvenile delinquency. New York State's Juvenile Justice Advisory Group (JJAG) and the Division of Criminal Justice Services (DCJS), as the supervisory entities responsible for the planning and administration of New York State's federally required juvenile justice plan, developed this New York State Comprehensive Plan for Juvenile Justice and Delinquency Prevention for 2009-2011 to frame the most pressing issues in this dynamic system, and to identify strategies to shape the use of federal juvenile justice and delinquency prevention funds for the next three years.

The JJAG's primary goals are to reduce and prevent juvenile offending in New York State by supporting programs and strategies that are either innovations grounded in research or evidence-based practices. The JJAG intends to make sustained investments as part of a comprehensive and coordinated state strategic plan. Recognizing that the JJAG is one component in a complex array of organizations that make up the juvenile justice system, the Group is committed to coordinating its work with governmental, non-profit and private entities, and aligning its resources behind common goals.

The plan summarized below represents the culmination of a process in which existing data related to juvenile crime and the processing of juvenile cases in the state was analyzed, past and present recipients of federal juvenile justice and delinquency prevention funding, policymakers, academics and practitioners in the field were surveyed about their priorities for funding and for juvenile justice policy and practices reform, and discussions were conducted with numerous individuals and groups involved in juvenile justice in the state and across the country. Through this process, the JJAG committed to three primary areas of focus:

1) maintaining accountability by grounding investment decisions, where possible, in data and research, and determining whether those investments are yielding results; 2) supporting positive and strength-based approaches to reducing juvenile offending consistent with the preservation of public safety; and, 3) through these efforts, promoting public confidence in the state's juvenile justice system.

The plan includes the following key strategies:

1. Supporting the development of timely and accurate information about juvenile crime, system processing and the risks and needs of juvenile offenders. This basic information, commonplace in the adult criminal justice system, is the foundation of understanding the problems of the juvenile system, and how best to deploy resources to address those problems;
2. Facilitating wise decision-making throughout the juvenile justice system through the development and use of objective instruments to guide decision-making at each key point in the processing system, and to support critical programming, such as respite care or permanency planning, that will make the execution of wise decisions possible;
3. Supporting prevention and re-entry strategies for high-risk youth. Particular

emphasis will be placed on: a) programs that support neighborhood level coordination and service delivery to ensure that youths' risks and needs are appropriately met, individual assets are nurtured and competencies are developed; b) strategies to keep juvenile offenders in school; c) strategies that will address the increasing rates of offending by girls; and d) strategies that will maintain public safety, hold youth accountable, and prevent system penetration to the greatest extent possible; and

4. Understanding and developing a strategy to address disproportionate minority contact (DMC) at all levels of the juvenile justice system. While DMC is described as a separate area of focus, it is a concern that permeates each of the other three areas.

The data review and planning process completed by the JJAG and DCJS revealed that a substantial majority of juvenile justice activity occurs in a relatively small number of localities throughout New York State. Therefore, each of the above named strategies will target those geographic areas that have the most significant juvenile justice problems.

This 2009-2011 New York State Comprehensive Plan for Juvenile Justice and Delinquency Prevention summarizes the data on which this strategy was based, the critical issues confronting the New York State juvenile justice system, and New York State's plan for utilizing federal juvenile justice and delinquency prevention funds to address the critical issues identified and to maintain New York State's compliance with the core protections for youth guaranteed under the Juvenile Justice and Delinquency Prevention Act (JJDP A).

Sincere thanks are extended to those individuals in various state and local agencies, the JJAG members, DCJS juvenile justice staff, and local and national juvenile justice experts and practitioners who contributed to the preparation of this plan.

# NEW YORK STATE'S JUVENILE JUSTICE SYSTEM

## Juvenile Delinquency

### Arrest

In New York State, youth under age 16 who commit an act that would constitute a crime if committed by an adult are, in most cases, considered juvenile delinquents (JDs). A youth's first interaction with the juvenile justice system occurs when that youth comes into contact with law enforcement. The police may exercise discretion in disposing of juvenile cases—either before or after an arrest—without referring the case for further legal action. This process is called “police diversion”. The purpose of pre- or post arrest police diversion is to keep young people from penetrating the juvenile justice system, while providing intervention intended to prevent future delinquent behavior. Police diversion may range from a lecture by a police officer to referral to a social service program. The number of police-juvenile contacts and informal diversions is unknown since such data are not collected statewide.

If police choose not to divert youth at the point of arrest, they may release the youth to the custody of the parent(s) or guardian and issue a family court appearance ticket (FCAT) returnable to the intake section of the county probation department or directly to the family court. If the police do not release the child, they must take the child directly to family court or, if the court is closed, to a detention center.

### Probation Intake

In most cases, the probation department holds a preliminary conference with the concerned parties, including the victim, at which time probation intake determines if the matter can be diverted from formal family court action in a process called “adjustment.” When a case is deemed appropriate for diversion services, the probation department has up to 60 days to adjust the case, and may request an extension from the family court. At probation intake, a wide variety of services for juveniles can be provided, either directly through probation or by social service agencies. Diagnostic testing for mental health needs, learning disabilities and other service needs may take place at this stage. In addition, youth outside of New York City are screened for risk and need through the use of the Youth Assessment Survey Instrument (YASI). New York City youth are screened with a Probation Assessment Tool. Probation's discretion to adjust cases or refer them for services is authorized and governed by state statutes, rules and regulations, and by local procedures.

### Family Court referral

Juvenile cases not adjusted by the probation department and those sent directly to family court are referred to the presentment agency, which acts as the prosecutor in juvenile cases. The presentment agency is the office of the county attorney outside of New York City and the Office of the Corporation Counsel in New York City. Upon review of the probation department referral, the presentment agency decides whether to file a petition (the accusatory instrument containing the charges against the juvenile) with the court. The presentment agency has total discretion in determining whether to decline prosecution or to bring a case to court.

## Family Court Process

In a juvenile delinquency case, the family court process begins with the appointment of counsel for the child followed by an initial appearance by the juvenile. At the first appearance in family court, the youth is arraigned on the petition charges, and preliminary matters such as detention status are determined. Motion practice and plea bargaining also take place at this stage, and a court may refer the case back to probation for adjustment services. The case then proceeds to the fact-finding stage for adjudication of delinquency. If the delinquency allegations charged in the petition are not established beyond a reasonable doubt, the case is dismissed. During the fact-finding stage, the judge may also dismiss the case for many legal reasons including instances where allegations are proven, but the judge determines that a dismissal would be in “the furtherance of justice.”

If the allegations of fact are established beyond a reasonable doubt, the court then conducts a dispositional hearing to determine the appropriate sanction or treatment. The court can also dismiss the case at this point, despite the fact-finding, if it is determined that the juvenile does not require “supervision, treatment, or confinement.” Alternatively, if the court finds that supervision, treatment or confinement is necessary, a dispositional order is filed specifying the sanction. Typical dispositions include conditional discharge, probation supervision or placement.

## Probation Supervision

Probation supervision is the disposition used most frequently in delinquency cases. Probation supervision is designed to monitor the behavior of probationers in the community in order to discourage the commission of additional criminal or delinquent acts, while assisting the probationer in lawfully meeting his or her needs and addressing the problems s/he encounters while living in the community. Probation supervision includes monitoring, evidence-based services, and sanctions that promote public safety, accountability and the development of strengths that reduce risk and increase protective factors for the youth. The period of supervision is generally for one year, but may be up to two years.

Effective January 1, 2008, the NYS Division of Probation and Correctional Alternatives (DPCA) made grant funding available for a Juvenile Risk Intervention Services Coordination Initiative (J-RISC) to promote and support integrating juvenile intensive supervision with evidence-based services to improve outcomes for youth. Funding was made available via competitive Request For Proposals to seven (7) counties: Dutchess, Orange, Schenectady, Oswego, Onondaga, Monroe and Niagara. The J-RISC initiative replaced the Juvenile Intensive Supervision Program (JISP) and is intended to strengthen probation departments’ capacity to provide both intensive supervision AND research-supported interventions to high-risk youth and their families. The YASI protocols will be utilized to identify high risk youth only, thus reducing future detention and placement costs for youth determined not to be high-risk.

Evidence-based programs being funded as part of JRISC include aggression replacement training; multi-systemic therapy; functional family therapy; adolescent transitions program; strengthening families; and brief strategic family therapy.

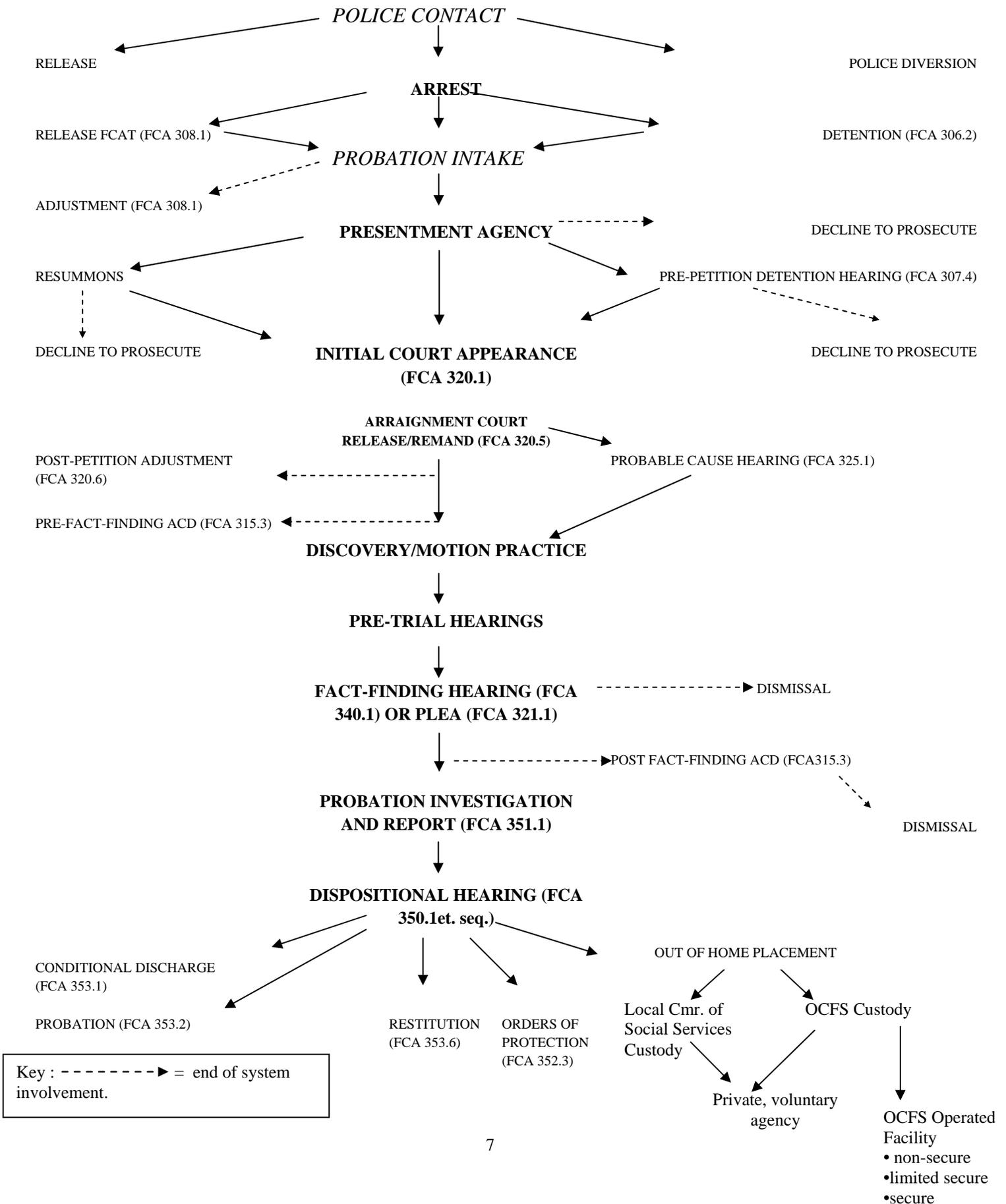
The goal of J-RISC is to measurably reduce youth risk of recidivism among high-risk PINS and JD youth at either the diversion or probation supervision stage. By increasing probation's ability to access interventions that have been demonstrated in research to be effective with this population, probation will reduce the risks of future delinquency and crime, detention, placement, and incarceration.

### Out of Home Placement

Adjudicated JDs can be placed in the custody of the Office of Children and Family Services (OCFS) or the local commissioner of social services for up to 12 months for misdemeanor offenses and for up to 18 months for a felony offense. Youth may reside either in OCFS facilities or in private voluntary agencies during the placement period. OCFS can return to court for an extension of placement if it is deemed that this would be in the best interest of the youth. The date of release to the community is determined by OCFS and is almost always followed by a period of aftercare supervision that runs for at least 6 months.

In addition to the formal juvenile justice system described above, there are numerous community based organizations that provide ancillary support services, including: case management; counseling; therapy; referral; family strengthening; tutoring and educational enrichment; after-school programming; mediation and community service to reduce youth risks and enhance protective factors of delinquent and status offenders; as well as prevention efforts for youth at risk. A flow chart depicting how juvenile delinquency cases move through the juvenile justice system is on the next page.

Juvenile Delinquency Case Processing Under Family Court Act (FCA)



## **Persons in Need of Supervision (PINS)**

“PINS” is a term that refers to youth under the age of 18 who exhibit behaviors such as running away, truancy and other habitual, ungovernable disobedience beyond the lawful control of their parents or guardians. As opposed to acts of juvenile delinquency, PINS behaviors, or status offenses, refer to generally incorrigible behavior on the part of the child that would not be considered crimes if committed by an adult. Although not crimes, the actions may be “violations” under New York state law.

Historically, the formal family court processing steps for PINS paralleled those for juvenile delinquents. Since April 1, 2005, however, the state has required that prior to the filing of any PINS petition, mandatory diversion services must be afforded every child and petitioning parent. When a petition is filed, it means that diversion services have failed.

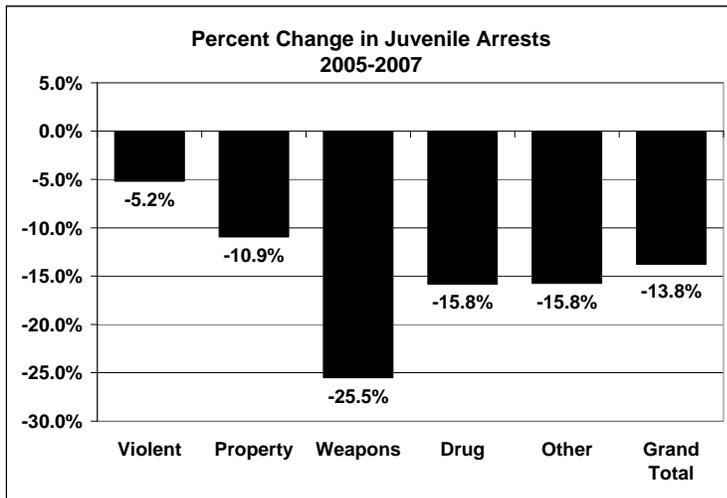
Probation intake or, in some counties, a Department of Social Services intake, is required as a preliminary procedure prior to the petition being filed. Diversion services will be offered at this initial conference, and such services may include up to 21 days of respite care, family counseling and/or a referral to an alternative dispute resolution program. Absent the limits on respite care, there are no time limits for diversion. The determination to file a petition will be made when probation or DSS decides that the diversion process has failed.

In cases where diversion alternatives have failed, the probation department or the local DSS may authorize the filing of a PINS petition. At this point, the case processing is similar to the juvenile delinquency case model: an initial appearance (arraignment on the PINS petition), fact-finding, and the dispositional hearing. There are, however, several differences. Because PINS cases primarily involve family and school behavioral issues, PINS cases are usually initiated by parents or school officials. In addition, the most noteworthy difference is that PINS matters do not permit the detention or placement of a youth within a secure facility. Only non-secure facilities like group homes and foster homes are available for detention and placement purposes in PINS proceedings.

## PRIORITY JUVENILE JUSTICE NEEDS AND GOALS

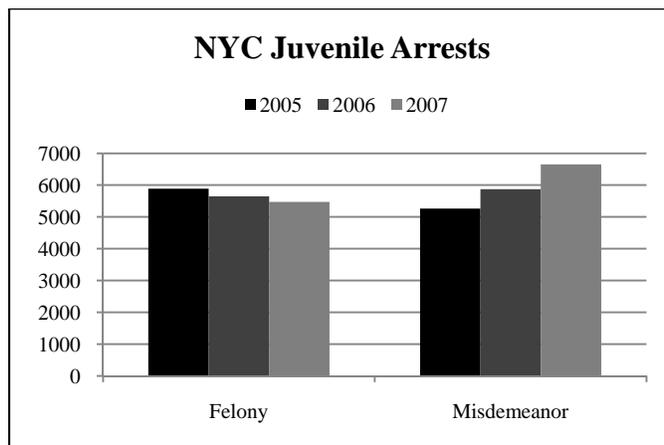
**1. Juvenile arrests are rising in New York City and, while juvenile arrests in the rest of the state appear to be decreasing, juvenile crime remains a significant issue in New York State.**

A review of juvenile justice data between 2005 and 2007 reveals a decrease in nearly every category of juvenile justice system involvement. With the exception of juvenile arrests in New York City and the use of secure detention, contact points in the juvenile justice system saw a decline in volume over the three-year period.



Juvenile arrests outside of New York City decreased 13.8% from 2005 to 2007.<sup>1</sup> All categories of juvenile arrest reported a decrease, with a 25.5% decrease in weapons offenses, a 15.8% decrease in drug arrests, a 10.9% decrease in property crime, and a 5.2% decrease in violent crime. The most prevalent arrest offense for non New York City juveniles in 2007 was larceny.

Juvenile arrests were on the rise between 2005 and 2007 in New York City. That increase was driven by a 26.4% increase in misdemeanor juvenile arrests, from 5,264 in 2005 to 6,653 in 2007. Felony juvenile arrests decreased seven percent over that same period, from 5,887 to 5,473.



<sup>1</sup> Juvenile arrest data outside of New York City for this period excluded unreliable data from 56 of approximately 500 reporting agencies.

With over 35,000 arrests of youth under age 18 in jurisdictions outside of New York City and a 26.4% increase in misdemeanor juvenile arrests in New York City since 2005, juvenile crime remains a significant problem throughout New York State. While juvenile intakes at probation, the number of JD cases processed through family court, the number of juveniles subject to probation supervision and the number of youth placed in juvenile facilities have all declined since 2005, the numbers remain substantial: in 2007, probation completed 35,770 juvenile intakes, family courts processed 24,727 JD cases, probation received 5,954 juvenile cases for supervision, and 1,480 youth adjudicated delinquent were admitted to placement in OCFS custody. While the overall decreasing trends in most of New York's juvenile data is encouraging, there remains a strong need to prevent juvenile crime.

Currently, several state and federal funding streams support delinquency prevention efforts in New York. State funding supports locally established alternatives to detention and placement and positive youth development programs. In addition, federal juvenile justice and delinquency prevention funds provide critical support for delinquency prevention and intervention efforts.

However, the level of state and federal funding has not been sufficient to meet the widespread need for prevention programs in many communities. Many youth in New York State are exposed to multiple risk factors for delinquency as a routine part of their lives. Nearly 900,000, or 20% of children ages birth to 17 in New York State, are growing up in poverty. In Bronx County, childhood poverty reaches a statewide high of nearly 40% of all children. Approximately 28,000 youth in New York are placed in foster care as a result of child abuse or neglect.

With so many youth at significant risk of delinquency, efforts to address the problem of juvenile crime must focus on prevention in a targeted manner. While many programs in New York State focus broadly on preventing delinquency, dire fiscal times call for more targeted prevention spending to prevent serious, violent and chronic law breaking behavior. With that goal in mind, New York will direct funding to address **delinquency prevention (federal purpose area 9<sup>2</sup>)** and **serious crime (purpose area 29)** as priorities. Funding will be targeted to meet the needs of youth with multiple risk factors for delinquency using either evidence-based or research-grounded modalities.

**2. There is no standard juvenile justice data collection system and no central repository for New York State's juvenile data, leading to fragmentation in reporting on juvenile crime and difficulty in analyzing the juvenile system.**

The operation of New York State's juvenile justice system is divided among various state and local governmental and not-for-profit entities. At the local level, law enforcement, presentment agencies, probation departments, detention providers, family courts and attorneys for children all play a critical role in the juvenile system. Each of those entities maintains its own data. Probation departments reporting monthly workload data to the state Division of Probation and Correctional Alternatives. Detention providers outside of New York City

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<sup>2</sup> There are 35 purpose areas that may be funded with federal Formula funds. The purpose areas referred to in this section are those that have been identified as priorities by the New York State Juvenile Justice Advisory Group.

reporting data to the Office of Children and Family Services (OCFS) as part of the reimbursement system. In addition, law enforcement agencies outside of New York City regularly report their arrest data to the state Division of Criminal Justice Services. New York City detention data and New York City arrest data are regularly reported to the New York City Office of the Criminal Justice Coordinator. Court data is maintained in the Uniform Case Management System by the state Office of Court Administration. Presentment agencies and attorneys for children maintain their own data collection at the local level.

In addition to these local entities, OCFS operates the State's placement system for youth adjudicated delinquent. That system is comprised of both State operated placement facilities and private not-for-profit placement facilities. OCFS maintains the data from this system. In addition, both OCFS and DCJS contract with several local governmental entities and not-for-profits to support local delinquency prevention activities across New York State, each with its own method of recording data.

With this large number of entities playing a vital role in maintaining data about New York State's juvenile justice system, aggregating data across systems to develop an accurate picture of juvenile justice in New York poses a significant challenge. DCJS is currently engaged in the development of a juvenile data dashboard in an effort to provide such a comprehensive picture. These efforts require consultation with each entity that maintains juvenile data, verification of the timeliness and accuracy of that data, development of methods to transmit that data regularly to DCJS and development of the capacity to aggregate and analyze the various data received. New York State will continue to work on developing a central repository for analyzing juvenile data through the purpose area of **juvenile justice system improvement (purpose area 19)**.

### **3. Recidivism among juvenile offenders is unacceptably high.**

Research indicates that youth who have been placed with OCFS have unacceptably high recidivism rates. One study found that by age 28, 89% of males and 81% of females who had served time in OCFS custody were rearrested. It is clear that the youth leaving OCFS custody are at high risk of re-offending. They have often been placed far from their communities in highly-structured environments. After leaving OCFS custody they usually return to the same homes and communities—often the same troubled and unsupportive environments—from which they came.

Efforts in New York will focus on **Aftercare and Re-Entry (purpose area 1)** in order to bolster efforts to provide critical transitional support for youth leaving OCFS custody. These efforts will be guided by best practices and will work to reduce juvenile crime by reducing recidivism among youth who have previously been incarcerated.

**4. Disproportionate Minority Contact (DMC): Minority youth are disproportionately represented at every point of contact in New York’s juvenile justice system.**

Minority youth are over-represented in the state’s juvenile justice system. A Relative Rate Index (RRI) comparison with white juveniles statewide shows that minorities were arrested 1.76 times more often, securely detained 6.31 times more often and confined in secure juvenile correctional facilities 4.61 times more often than whites.

Statewide, African-American youth were notably over-represented compared to whites. While African-American youth represented 18.5% of New York State’s juvenile population, they accounted for 38.5% of juvenile arrests, 64.0% of juvenile secure detentions and 55.6% of secure juvenile corrections. A Relative Rate Index (RRI) comparison with white juveniles statewide shows that African-American youth were arrested 2.79 times more often, securely detained 6.79 times more often, and confined in secure juvenile correctional facilities 4.48 times more often. A Relative Rate Index (RRI) comparison with White juveniles statewide shows that Hispanic youth were arrested 1.26 times more often, securely detained 5.40 times more often, and confined in secure juvenile correctional facilities 4.54 times more often than white youth.

This data and the DMC mandate within the JJDPa drive the need to assess the causes of disproportionate minority contact in New York and to develop systemic strategies to address those causes. New York State will therefore prioritize **DMC (purpose area 10)** and **strategic community action planning (purpose area 35)** to support state and local strategies to reduce DMC.

**5. The use of secure detention has increased statewide, and admissions to secure detention in New York City are comprised almost entirely of minority youth.**

Despite the decrease in volume across the juvenile justice system, excluding New York City juvenile misdemeanor arrests, there was an increase in the use of secure detention in both New York City and outside of New York City over the same period. In New York City, total secure JD admissions to detention increased from 3,583 in 2005 to 4,084 in 2007. Outside of New York City secure detention admissions increased from 2,348 admissions in 2005 to 2,605 admissions in 2007.

The use of secure detention outside of New York City increased 10.9% between 2005 and 2007. This trend runs counter to both the reduction in juvenile arrests and the reduction in juvenile placements during that same time. New York City saw an increase of 14.0% in the use of secure detention for juvenile delinquents over the same three year period. While New York City did experience an increase in juvenile arrests during that same time, the increase was driven by a 26.4% increase in misdemeanor arrests despite a concurrent 7.0% decrease in felony arrests. Moreover, in New York City African-Americans accounted for 58.5% of all secure detention admissions, Hispanics accounted for 27.3% of all secure detention admissions and whites accounted for only 4.0% of all secure detention admissions.

This data begs a closer examination of secure detention practices throughout New York State. While some of the larger New York State Counties (Erie, Monroe, Onondaga, Albany, and New York City), have developed risk assessment instruments (RAIs) to guide detention

decision-making in an objective manner, RAIs are not widely utilized across the State. New York State will focus attention on this issue through the support of **alternatives to detention (purpose area 2)**. Effective alternative to detention programs will also support **DMC (purpose area 10)**.

**6. New York State is transforming its juvenile system to provide the most effective crime reducing, therapeutic options for youth both at the community level and in placement.**

Governor Paterson convened a Task Force on the Transformation of the Juvenile Justice System in the fall of 2008. That Task Force is assessing New York's system from the point of alternatives to placement through re-entry. The Task Force is charged with providing recommendations to the Governor in the fall of 2009. While the specific recommendations and the extent to which those recommendations will be implemented in New York are not currently known, many of the problem statements and priority needs discussed above coincide with areas of potential Task Force recommendations. To the extent that Task Force recommendations are adopted by the Governor, recommendations that address the identified problem statements and needs may be supported through the use of formula funds.

## **Juvenile Justice and Delinquency Prevention Act Core Requirements**

The Juvenile Justice and Delinquency Prevention Act (JJDP) mandates that each participating state report annually to the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) on the State's progress in achieving compliance with the four core requirements detailed in Sections 223(a), (1), (12), (13), and (14). Compliance with these requirements determines the State's eligibility to receive JDDPA funds.

The four core requirements are:

**Deinstitutionalization of Status Offenders (DSO)** – requires that juveniles who are charged with a status offense (offenses that would not be criminal if committed by an adult) cannot be placed in secure detention facilities or secure correctional facilities except as allowed by OJJDP's Guidance Manual for Monitoring Facilities (Section 223(a)(1));

**Separation of Juveniles from Adult Offenders** – requires that juveniles not be detained in facilities where they have sight or sound contact with adult prisoners (Section 223(a) (12));

**Removal of Juveniles from Adult Jails and Lockups** – requires that no juvenile be detained or confined in any jail or lockup for adults except as allowed by OJJDP's Guidance Manual for Monitoring Facilities (Section 223(a) (13)); and

**Disproportionate Minority Contact** – requires the state to address the proportion of juveniles of a minority group who come into contact with the juvenile justice system, if that proportion exceeds the proportion that these groups represent in the general population.

### **Plan for Compliance with DSO, Separation, and Removal from Adult Jails**

New York State's compliance with the first three core requirements is monitored through contractual services delivered by the New York State Commission of Correction (SCOC), with the cooperation of OCFS and the NYS Office of Mental Health (OMH). SCOC operates within the legal context of existing state laws that meet or exceed the requirements of the JJDP regarding the custody and detention of status offenders and non-offenders and contact between juvenile offenders and adult inmates. Therefore, a facility will meet or exceed the requirements of the JJDP in almost every case where state law is strictly followed by its staff.

The State's plan to maintain compliance with these three mandates of the JJDP includes onsite visits to adult jails and lockups and facilities that are monitored, regulated, certified or operated by OCFS and OMH. In addition, these agencies report their own findings yearly to DCJS. DCJS is currently involved in negotiations with the Office of Court Administration to assure that family court holding facilities also comply with the core requirements of the JJDP.

It is the intention of SCOC to maintain the existing monitoring schedule that ensures all adult jails and lockups are subject to an on-site inspection no less than once every three years. In addition, staff closely monitor the reporting system that agencies are required to utilize to report

any violation of the JJDPA. Reported violations are immediately addressed, and technical assistance is arranged in order to ensure such incidents are not repeated.

SCOC has executed a memorandum of agreement with OCFS, the agency responsible for operating juvenile residential facilities, as well as for certifying local detention facilities and all privately operated non-secure juvenile facilities. This agreement allows for SCOC field staff to conduct on-site inspections of all juvenile facilities operating in the state for the purpose of verifying full JJDPA compliance. SCOC is in the final stages of negotiating a similar agreement with the New York City Department of Juvenile Justice (DJJ).

Annual training for law enforcement officers and employees of public detention facilities regarding the “Handling and Processing of Juveniles” is conducted by SCOC. This training serves to reinforce the specifics of relevant State law while providing a thorough review of the JJDPA. SCOC will hold approximately 18 one-day sessions in 2009 between May and September.

SCOC, DCJS and the JJAG continue to work together closely on the implementation of NYS’s plan for maintaining compliance with the core requirements of the JJDPA. The full membership of the JJAG is provided with quarterly updates on the plan’s implementation and is offered the opportunity to discuss it with DCJS and SCOC officials. SCOC and DCJS coordinate weekly regarding compliance monitoring activities and findings.

SCOC is currently preparing to issue a statewide survey to all law enforcement locations in order to create a current registry of all police agencies, including those with multiple locations. This survey will provide SCOC with data on the existence of previously unknown satellite locations that may have the potential for detaining juveniles.

### **Trend Analysis of Reported Violations**

NYS continues to maintain compliance with the mandate to deinstitutionalize of status offenders. Violations occur with such rarity that it would not be valid to characterize the instances as representing a trend of any kind. In 2005, there were 13 violations, in 2006 there was one violation, and in 2007 there were no violations. Field staff occasionally identifies instances when an agency’s policy pertaining to custody of status offenders requires revision. However, in none of these cases has the deficient policy placed the agency in possible violation of the JJDPA.

A review of the last nine quarters reveals no violations of the mandate to separate juvenile and adult offenders. As previously stated, field staff has identified a minimal number of cases where more comprehensive language was recommended for some agencies’ written policies and procedures. In all cases, the needed language did not involve the potential for JJDPA violations.

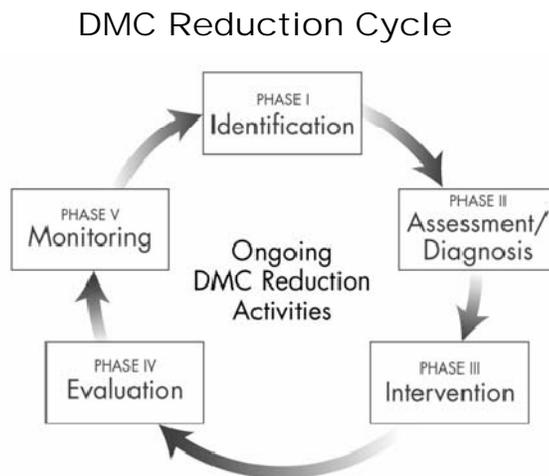
In 2005, eleven violations of the mandate to remove juvenile offenders from adult jails and lock-ups were reported. In 2006, there were two violations and in 2007 there were none. Most incidents of an alleged juvenile delinquent being placed in an adult secure setting are due to the juvenile lying about his/her age. After discussion with OJJDP it was determined that such

incidents would not be categorized as violations of the JJDPA. As a result, no trends have been identified regarding actual violations of the JJDPA.

The comprehensive plan of SCOC to ensure compliance with the core requirements is in full compliance with the JJDPA.

## Plan for Compliance with the Disproportionate Minority Contact Core Requirement

New York State remains committed to utilizing the OJJDP five-phase DMC reduction plan as a model to address 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 minority overrepresentation in the juvenile justice system; an evaluation of the effectiveness of activities and strategies; and the on-going monitoring of progress in achieving anticipated goals and/or objectives.



### Phase I: Identification

Conducting a comprehensive analysis of DMC in New York has been challenging as several necessary data sources are not currently available. Specifically, juvenile arrest data, probation data, and detention data all currently lack necessary elements to conduct a complete DMC analysis. In addition, the Office of Court Administration (OCA) only began to require race information in electronic court records at the end of 2008. DCJS has initiated discussions with police agencies, probation, OCA and OCFS to develop data systems that will allow for DMC analysis at each point of contact for youth in the juvenile justice system. The DMC Coordinator at DCJS, will work to identify and remedy gaps in available DMC data by convening meetings with each affected agency to identify solutions to the issues in FY 2009 and will work with each agency to implement those solutions in FY 2010.

Additionally, DCJS will continue to collect DMC data that is available from all relevant data sources. Those data sources include: arrest data from DCJS and the NYPD; probation data from local probation departments; detention data from DJJ and OCFS; dispositional data from the Office of Court Administration; and, placement data from OCFS. Data will be collected, analyzed, and reported annually for FY 2009, 2010 and 2011. Formula funds will be utilized to support a research assistant to conduct these data collection activities.

A review of New York State DMC data by the new DMC Coordinator and the new Director of Juvenile Justice Policy revealed that the most significant issues with DMC in New York, looking at both RRI numbers and volume, tend to be in large urban settings. Therefore, the plan moving forward is to focus New York State's DMC work in larger urban settings. This focus is intended to impact broader systemic change.

## **Phase II: Assessment**

New York State plans to complete a statewide DMC assessment over the next year and a half. The assessment will be conducted in three stages. First, a purposeful site selection process to identify jurisdictions where DMC appears greatest will be conducted based on Relative Rate Index scores. Interviews and focus groups with key local juvenile justice practitioners in the selected jurisdictions will further help identify DMC problem areas in these jurisdictions. Information distilled from this analysis will be structured into a web-based survey that will be administered to local juvenile justice practitioners that can be identified.

In the second stage a case-processing analysis will be conducted in selected sites where the qualitative analysis demonstrated substantive issues in DMC. The quantitative analysis will provide an in-depth assessment of DMC issues that can be detected and measured at each of the key juvenile justice processing points.

Finally, a report on DMC will be produced that provides a summary of the qualitative and quantitative findings and offers recommendations for programmatic and policy initiatives to address identified DMC issues.

A prospective timeline for the DMC study is as follows:

- June – December, 2009: Stage 1. Interviews, focus groups, and web-based Survey;
- January – August 2010: Stage 2. Case-processing analysis (minimum 3 sites); and
- September – December 2010: Stage 3. Prepare and finalize DMC assessment report.

## **Phase III: Intervention**

New York's DMC compliance efforts will continue to be managed by a full-time state DMC Coordinator and will focus on: strategic planning, outreach and training, technical assistance, and statistical monitoring.

### Strategic Planning

DCJS will continue to coordinate strategic planning at the state level to identify agencies and funding sources that can target initiatives toward reducing disproportionate minority contact at the local level.

DCJS plans to continue to work with other agencies to address DMC issues. The DMC Coordinator will convene the statewide DMC Committee to evaluate the effectiveness of the Committee under the past structure and to consider the format and substance of interagency DMC work in FY 2009 through FY 2011. The DMC Coordinator will lead this effort with an eye toward structuring an interagency effort that provides a forum for both interagency communication and tangible interagency efforts to address DMC.

### Outreach and Training

DCJS will develop and deliver outreach strategies and training programs to educate and sensitize selected counties/municipalities and local juvenile justice professionals to the federal DMC mandate. Specifically, the DMC Coordinator will plan 2-3 DMC workshops for professionals in juvenile-serving, not-for-profit community-based organizations. These workshops will be targeted to high RRI counties and will be presented either regionally or directly within jurisdictions.

DCJS will share strategies to reduce DMC with state and local policy makers in 2009 through a juvenile justice symposium series. The series will cover topics such as: JDAI; Models for Change; residential care that reduces recidivism; and community-based juvenile justice programming that works. The series will be held at the State Capitol in order to engage state-level executive and legislative policy-makers. In addition, DCJS will provide support for local policy-makers across the state to attend. Formula funds will be used to support a portion of this five-part series.

### Technical Assistance

The DMC Coordinator and a research assistant will continue to provide technical assistance to DMC arrest diversion projects to the extent that they receive funding in FY 2009, 2010, and 2011. Technical assistance will be provided both through site visits and one-on-one contacts between the DMC Coordinator and the projects and through quarterly phone meetings of DMC arrest diversion projects.

DCJS will identify best practices that show promise for implementation in New York State. The DMC Coordinator will research national practices that have proven successful to address DMC in FY 2009. Once best practices are identified, she will assess the feasibility of implementation in New York State. It is anticipated that DCJS will work to implement best practices in at least three targeted New York State localities.

The DMC Coordinator will work with the research assistants to identify at least three New York State localities with significant DMC issues. Once these localities are identified, the DMC Coordinator will convene groups of local stakeholders to identify specific DMC issues (examine data, see at what points DMC exists in the local system, and determine what factors contribute to minority overrepresentation within their community), suggest identified best practices, and develop (or work with existing) community coalitions to address local DMC issues through the use of promising evidence-based strategies. Local DMC collaborative meetings will begin in 2009, with the goal of implementation of best practices in 2011.

## Statistical Monitoring

DCJS will continue to obtain, process and report statistical materials demonstrating trends in disproportionate minority contact among selected counties/municipalities across New York State.

Specifically, DCJS will continue to support two graduate student research assistants (approximately .65 FTE each) devoted specifically to the state's DMC initiative. As in the past, the research assistants will work half-time during the spring and fall academic semesters and full-time during summer months. These positions will be supported with Formula grant funds and will be supervised by the state DMC Coordinator and the Director of Juvenile Justice Policy.

### **Phase IV: Evaluation**

*At this time, there is not an evaluation plan in place as such activities will be dependent upon the development of strategies implemented at the local level.*

### **Phase V: Monitoring**

New York State will monitor and track changes in DMC trends over time through a full-time DMC Coordinator and two part-time research assistants. One research assistant will gather and compile New York's DMC data from the various data sources previously identified. The DMC Coordinator will monitor the compiled data annually. In addition, the research assistants will compare data over time in order to identify trends both statewide and in targeted localities with significant DMC issues.

## **Table of Acronyms**

ACD	Adjourned in Contemplation of Dismissal
DCJS	Division of Criminal Justice Services
DJJ	Department of Juvenile Justice
DMC	Disproportionate Minority Contact
DPCA	Division of Probation and Correctional Alternatives
DSO	Deinstitutionalization of Status Offenders
DSS	Department of Social Services
FCA	Family Court Act
FCAT	Family Court Appearance Ticket
FTE	Full time Equivalent
JD	Juvenile Delinquent
JISP	Juvenile Intensive Supervision
JJAG	New York State Juvenile Justice Advisory Group
JJDP(A)	Juvenile Justice and Delinquency Prevention (Act)
JO	Juvenile Offender
JRISC	Juvenile Risk Intervention Services Coordination
NYPD	New York Police Department
NYS	New York State
OCA	Office of Court Administration
OCFS	Office of Children and Family Services
OJJDP	Office of Juvenile Justice and Delinquency Prevention
OMH	New York State Office of Mental Health
PINS	Persons in Need of Supervision
RRI	Relative Rate Index
SCOC	New York State Commission of Correction
YASI	Youth Assessment Screening Instrument