2011 Annual Report

Juvenile Justice Advisory Group
2011 Membership

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Euphemia Adams	Executive Director Families on the Move
Richard Aborn	President Citizens Crime Commission of New York City
Thomas Beilein	Chairman New York State Commission of Correction
Elmer Blanco	Youth Member
Laurence Busching	Executive Deputy Commissioner Division of Youth & Family Services New York City Administration for Children's Services
Gladys Carrión	Commissioner New York State Office of Children and Family Services
Shane Correia	Youth Member
Janet DiFiore	Westchester County District Attorney
Edward Fergus	Deputy Director Metropolitan Center for Urban Education
Honorable Judith Harris Kluger	Chief of Policy and Planning New York State Office of Court Administration
Robert Maccarone	Director New York State Office of Probation and Correctional Alternatives
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Lisa Payne Wansley	Administrative Chief Bronx County District Attorney
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Introduction

The juvenile justice system in New York State is comprised of youth ages seven to 15 who have committed acts that would have been criminal if those youth were over the age of 15. Over the last several years, it has been a system undergoing significant reform while simultaneously experiencing overall declines in system usage from arrest through confinement. New York State's Juvenile Justice Advisory Group (JJAG) is a federally required board of juvenile justice experts, appointed by the Governor, who oversee the use of federal funding for juvenile justice and convene the many people and institutions engaged in the work of juvenile justice across New York State. The enclosed report provides an overview of juvenile justice data trends through 2011, explains major juvenile justice reforms implemented in 2011, highlights major juvenile justice investments under JJAG oversight, and details the state's compliance with federal juvenile justice mandates.

New York State made significant progress in juvenile justice reform in 2011. That progress included the creation of a permanent funding stream to support community-based services, a new detention funding mechanism that supports local innovation and provides incentives to restrict the use of detention to the highest risk youth, codification of a requirement to consult an objective risk assessment tool prior to the detention of any youth, and further reductions in the excess capacity of the state-operated placement system. In addition, a statewide strategic plan for juvenile justice, reflecting a vision shared by state and local, public and private juvenile justice stakeholders, was completed.

The JJAG, in partnership with several private foundations, provided support for the state's strategic planning process. In addition, the JJAG continued to test innovative models for school-based programming to avoid arrest, alternatives to detention, community-based mentoring, and awarded funds to four new projects to better match juvenile justice responses at the time of arrest and probation intake to the individualized risk each youth presents to public safety.

The JJAG also focused on developing local strategies to address the disproportionate representation of minority youth in New York's juvenile justice system. Local disproportionate minority contact (DMC) reduction planning projects in three localities brought the expertise of the W. Hayward Burns Institute, a leading national expert in effectively addressing DMC, to local collaboratives. Each local project engaged in data-driven efforts to identify areas to effectively address DMC and to develop concrete action plans for reducing it.

The JJAG, in partnership with the State Commission of Correction, continued to monitor and ensure New York State's compliance with the core protections of the federal Juvenile Justice and Delinquency Prevention Act (JJDPA): to keep status offenders out of secure confinement, to remove juveniles from adult jails, and to maintain sight and sound separation between adult and juvenile offenders. In addition, the JJAG's active support of the local DMC reduction planning projects and the data, training, and technical assistance work of the New York State Division of Criminal Justice Services (DCJS) facilitated New York State's compliance with the final core mandate of the JJDPA to address DMC in the juvenile justice system.

Finally, the JJAG launched its own website to provide the public with information about juvenile justice data, state and federal policy developments, funding opportunities, and JJAG supported projects and meetings. Located at www.nysjjag.org, the website provides a one-stop location for New York State juvenile justice information.

As 2011 came to a close, New York State had developed a new shared vision for the future of juvenile justice on which to build further reform efforts, and the JJAG was overseeing new and promising approaches to effective juvenile justice policy and programming. At the same time, the JJAG identified continued room for improvement, including: continuing juvenile justice data development, expanding reform efforts related to arrest and probation intake to keep more low and moderate risk youth out of the court process, expanding technical assistance efforts to reduce DMC, and developing stronger safety nets for youth who are returning home following a period of confinement. Moving forward, the JJAG will continue to build on its accomplishments and to develop strategic efforts to support New York State's juvenile justice reform initiatives.

I. New York State Juvenile Justice Data Trends

Juvenile justice data improvements continue to be a priority for the JJAG. Progress has been made in improving the quality of juvenile justice data, with the most significant development being a regular data exchange between the New York State Office of Court Administration and DCJS, providing data on court delinquency filings and dispositions statewide. At the same time, many areas for improvement remain and DCJS is working on several projects to improve the collection and analysis of probation and DMC data.

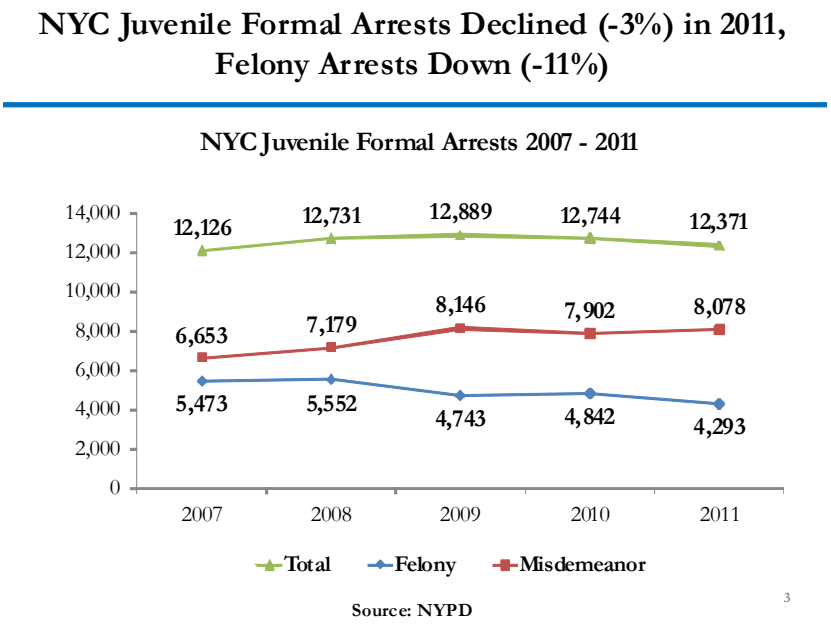
Trends in juvenile justice data from 2011 are below. In general, trends from arrest, probation intake, court filings, and dispositions show a reduction in overall juvenile justice system usage across New York. While many of the trends are encouraging, large variations in probation adjustment rates across counties is an area ripe for further exploration and analysis.

Juvenile Arrest

It is difficult to calculate statewide juvenile arrest figures because New York City and the rest of the state each define what an arrest is differently. New York City juvenile arrest data is based on formal arrest counts provided by the New York Police Department, while juvenile arrest data for the rest of state is based on reports of juvenile criminal activity collected by DCJS through Uniform Crime Reports received from law enforcement agencies in the 57 counties upstate and Long Island.

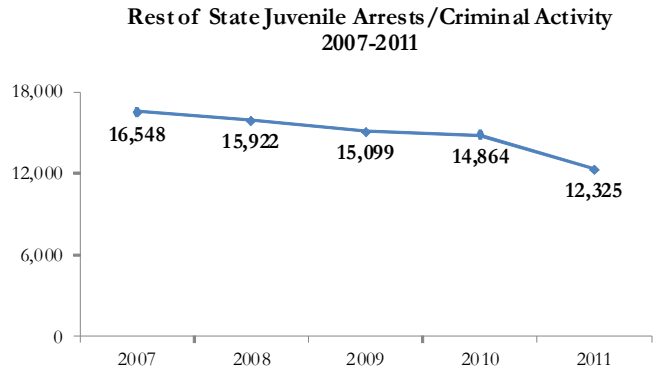
New York City Juvenile Arrests

New York City saw an overall decline in juvenile arrests in 2011, driven by an 11 percent decrease in felony arrests. The decline in New York City felony arrests has been a consistent trend over the last five years. Misdemeanor arrests rose by eight percent from 2010 and have increased substantially since 2007.



Non-New York City Juvenile Arrests

Rest of State Juvenile Arrests/Criminal Activity Down (-17%) in 2011



Source: NYS DCJS UCR

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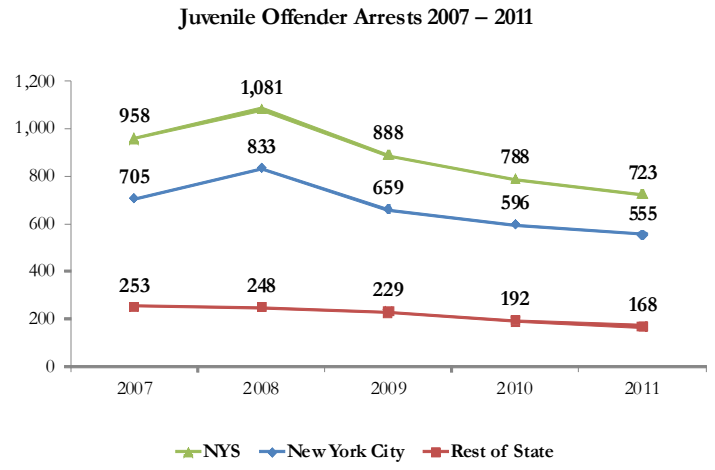
Juvenile arrests outside of New York City continued their significant declining trend in 2011, with 17 percent fewer arrests than in 2010 and a 26 percent decline over the last five years.

Juvenile Offender (JO) Arrests

JO Arrests Down (-8%) in 2011, Fewest Reported Since the Juvenile Offender Act of 1978 was Enacted



Source: NYS DCJS CCH

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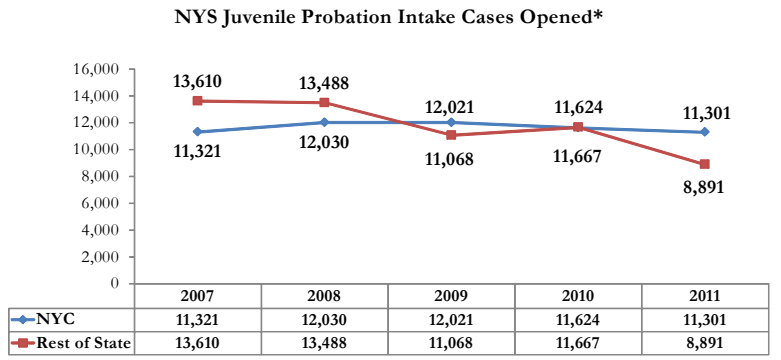
Youth aged 13, 14 and 15 can be arrested and processed as adults for committing the most serious and violent crimes. These youth are called juvenile offenders in New York State. **The lowest number of juvenile offender arrests ever reported occurred in 2011, with an all-time low of 723 juvenile offender arrests reported statewide.**

Probation Intake

NYC Probation Intakes Declined (-3%); Rest of State Declined (-24%)



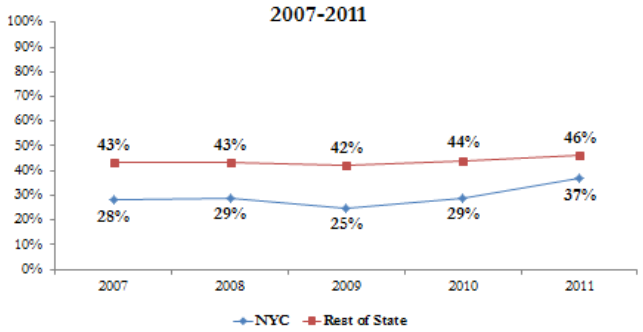
* Includes Juvenile Delinquent and Designated Felony cases.

Source: NYS DCJS OPCA PWS

The number of juvenile probation intakes for New York City declined three percent in 2011, continuing a steady decline that began in 2010. The number of probation intakes for the rest of state declined dramatically in 2011, with a 24 percent decrease from the 2010 probation intake level. Both New York City and the rest of the state reported the lowest number of probation intakes reported in the previous five years in 2011.

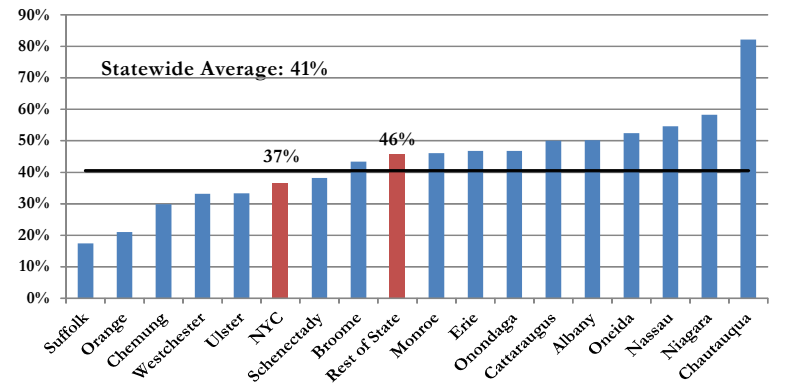
NYC Probation Adjustment Rate Increased from 29% to 37%; Rest of State Probation Adjustment Rate 46%

The rate of non-New York City probation intake adjustments rose slightly between 2010 and 2011 (from 44% to 46%). The probation adjustment rate in New York City rose significantly in 2011, from 29 percent in 2010 to 37 percent in 2011.



Source: NYS DCJS OPCA PWS

2011 Statewide Probation Adjustment Rate: 41%, NYC: 37%, and Rest of State: 46%



* Only counties with 150 or more total JD cases closed are shown.

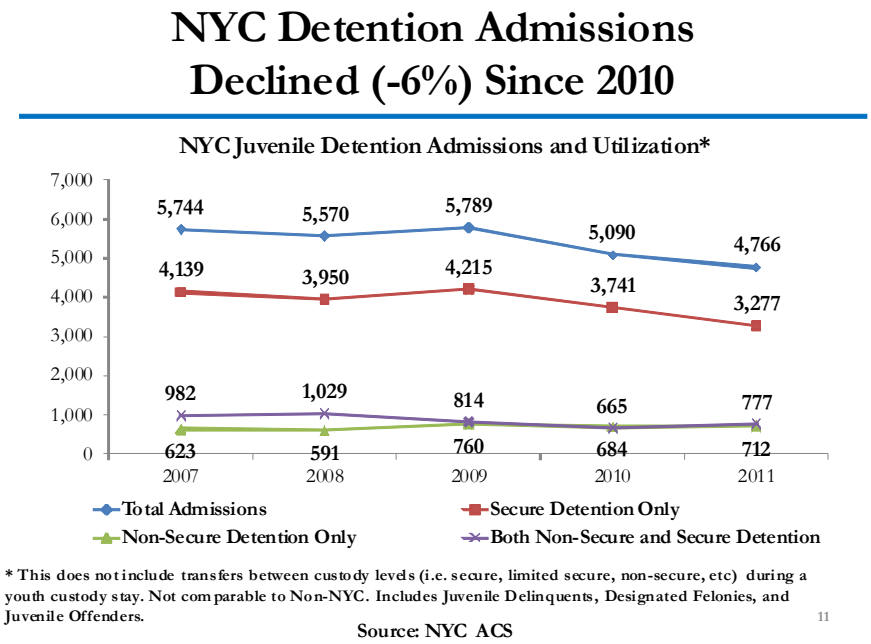
Source: NYS DCJS OPCA PWS

Probation adjustment rates varied significantly across counties. Shown below is a comparison of adjustment rates among counties that reported 150 or more total delinquency cases closed by probation at intake. Rates varied by county from below 20 percent to just over 80 percent.

Detention Admissions (Pre-Adjudication Confinement)

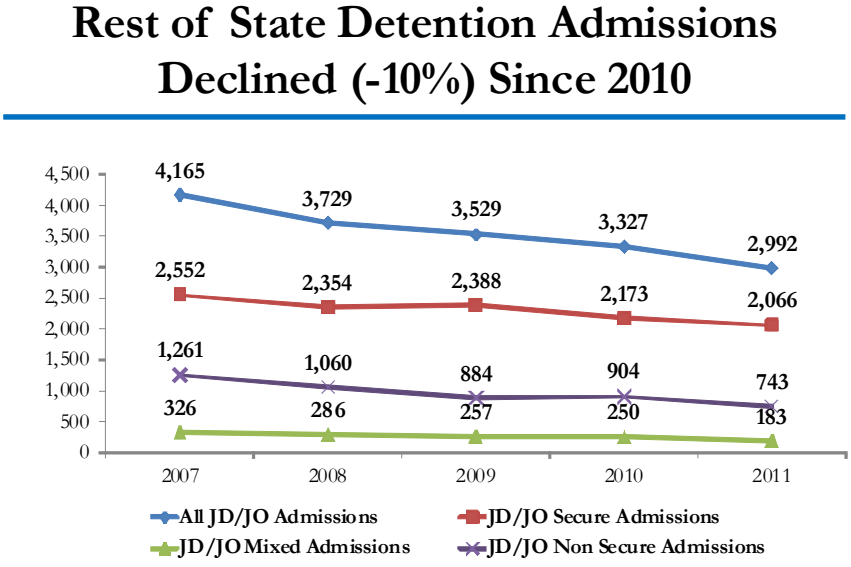
New York City Detention Admissions

New York City has seen a 17 percent drop in detention admissions since 2001, with a six percent decline between 2010 and 2011. Most detention admissions in New York City were for secure detention only.



Non-New York City Detention Admissions

The rest of the state has seen a 28 percent decrease in detention admissions since 2007. There was a 10 percent decline in non-New York City detention admissions between 2010 and 2011.



Family Court Delinquency Filings

JD/DF Family Court Petition Filings Declined 15% in 2011

Total JD/DF Petitions Filed

	2009	2010	2011	2010 v. 2011	
				# Change	% Change
NYC	5,446	5,039	4,279	-760	-15.1%
Rest of State	6,406	6,305	5,341	-964	-15.3%
Total	11,852	11,344	9,620	-1,724	-15.2%

Source: NYS OCA

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Initial delinquency petitions, including juvenile delinquency (JD) and designated felony (DF) petitions, have declined significantly across New York State since 2009. New York City has experienced a 21 percent drop in the number of filings, while the rest of state declined 17 percent.

A closer look at the nature of those JD/DF filings shows that the decrease in delinquency petition filings in New York City and outside of New York City was driven by declines in petitions alleging all types of crime.

NYC Petition Filings Declined Across All Crime Types

New York City JD/DF Petitions Filed by Crime Type

Crime Type	2009	2010	2011	2010 v. 2011	
				# Change	% Change
Personal	2,491	2,628	2,219	-409	-15.6%
Property	1,893	1,469	1,337	-132	-9.0%
Other	1,062	942	723	-219	-23.2%
Total	5,446	5,039	4,279	-760	-15.1%

Source: NYS OCA

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Rest of State Petitions Declined Across All Crime Types

Rest of State JD/DF Petitions Filed by Crime Type

Crime Type	2009	2010	2011	2010 v. 2011	
				# Change	% Change
Personal	2,244	2,200	1,908	-292	-13.3%
Property	3,438	3,382	2,860	-522	-15.4%
Other	724	723	573	-150	-20.7%
Total	6,406	6,305	5,341	-964	-15.3%

Source: NYS OCA

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Court Dispositions and Out-of-Home Placement

NYC Dispositions: 12.9% Resulted in Placement in 2011

NYC JD/DF Dispositions

	2009	2010	2011	2010 v. 2011	
				# Change	% Change
Total	5,680	5,280	4,246	-1,034	-20%
Placements	758	662	548	-114	-17%
% Placements	13.3%	12.5%	12.9%		
Probation	1,840	1,668	1,361	-307	-18%
% Probation	32.4%	31.6%	32.1%		
Other	3,082	2,950	2,337	-613	-21%
% Other	54.3%	55.9%	55.0%		

Source: NYS OCA

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An analysis of the disposition data from initial delinquency petitions filed in New York City shows that just under 13 percent of original delinquency petitions filed in Family Court in 2011 resulted in an out of home placement. Approximately one- third of those petitions resulted in a term of probation supervision and the remaining cases were disposed of in another way (such as a conditional discharge).

Rest of State Dispositions: 10.4% Resulted in Placement in 2011

Rest of State JD/DF Dispositions

	2009	2010	2011	2010 v. 2011	
				# Change	% Change
Total	6,493	6,353	5,391	-962	-15%
Placements	669	606	560	-46	-8%
% Placements	10.3%	9.5%	10.4%		
Probation	1,902	1,881	1,533	-348	-19%
% Probation	29.3%	29.6%	28.4%		
Other	3,922	3,866	3,298	-568	-15%
% Other	60.4%	60.9%	61.2%		

Source: NYS OCA

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Dispositional data from counties outside of New York City show a similar trend, with slightly more than 10 percent of original delinquency petitions resulting in an out of home placement, approximately 28 percent of petitions resulting in a term of probation supervision, and just over 60 percent of the petitions resulting in some other disposition.

Review of the Office of Court Administration dispositional data also reveals significant variation in out of home placement practices between New York City and the rest of the state. While New York City ordered 49 percent of all out of home placements statewide, 76 percent of the court orders placing youth in facilities operated by the Office of Children and Family Services (OCFS) came from New York City Family Courts. While the practice of placements in OCFS facilities dominated New York City practice, counties outside of New York City relied more heavily on placements in the custody of the Local Department of Social Services (DSS) for confinement in privately operated not-for-profit voluntary agencies.

2011 Placements by Type

	NYC	Rest of State	Statewide Total
OCFS	332	104	436
OCFS/Voluntary Agency	176	60	236
County DSS**	40	392	432
Unknown	0	4	4
Total Admissions to Placement	548	560	1,108

Source: NYS OCA

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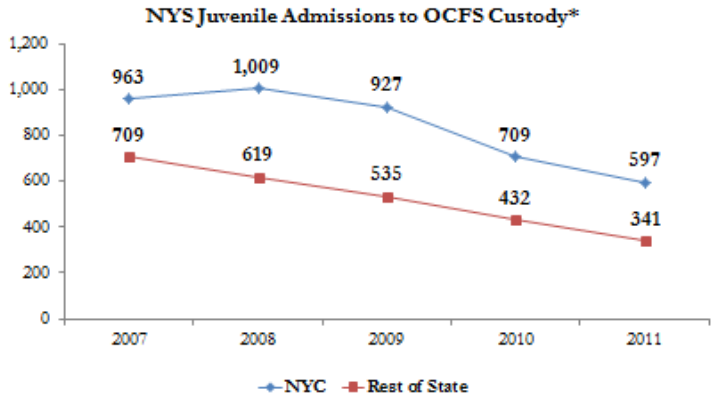
Out-of-Home Placement in OCFS Custody

The statewide decline in admissions to OCFS placement continued in 2011, with an 18 percent drop from the previous year. Since 2007, New York City admissions to OCFS custody have decreased 38 percent; there has been a 52 percent reduction in OCFS admissions for the rest of state for that same time period.

Total OCFS Admissions Down (-44%) Since 2007; NYC (-38%) and Rest of State (-52%)



* 2011 data is preliminary.

Source: NYS OCFS

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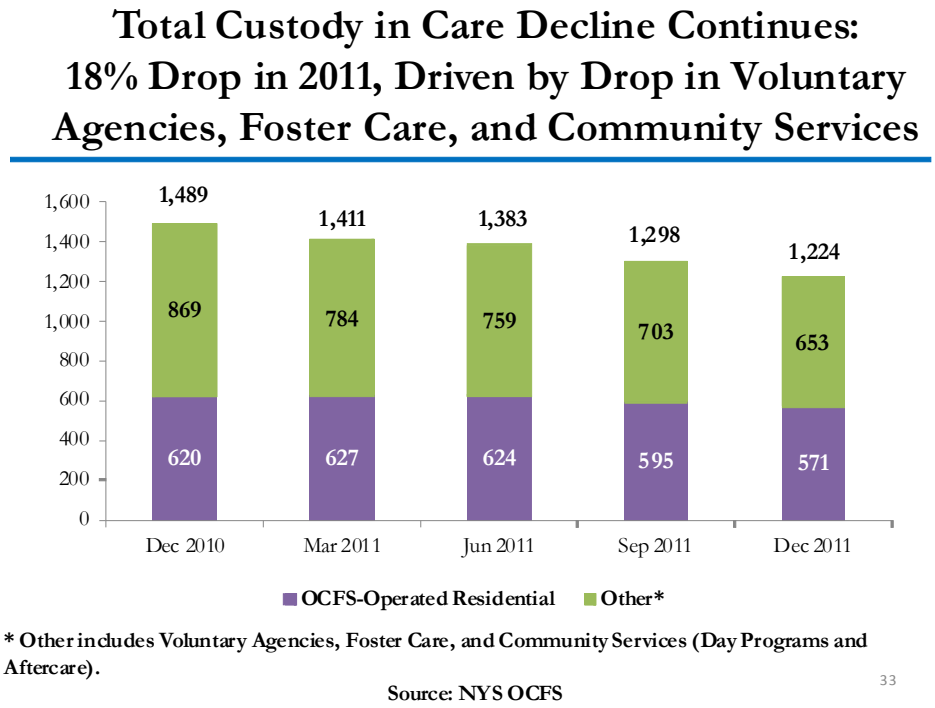
The total number of youth in custody at OCFS operated facilities continued to decline in 2011, with a six percent decline since 2010 and an 18 percent decline over the last five years.



II. Major 2011 Juvenile Justice Reforms

Governor Andrew M. Cuomo highlighted the need to close underutilized juvenile justice facilities in his inaugural State of the State address in 2011. He followed that call with budget proposals that shifted fiscal incentives to support community-based interventions for low-risk youth and to eliminate excess capacity in the out-of-home placement system. Both initiatives were approved by the state Legislature, significantly shifting New York's juvenile justice landscape.

Detention Financing Reform

The State Fiscal Year (SFY) 2011-12 budget included a new, permanent funding stream to support community based services for youth who are at risk of becoming alleged or adjudicated juvenile delinquents (JDs); youth alleged or adjudicated to be persons in need of supervision (PINS); and youth alleged to be or convicted as juvenile offenders (JOs), in order to divert these youth from detention or residential care. Called the Supervision and Treatment Services for Juveniles Program (STSJP), the state reimbursed 100 percent of a municipality's expenditures, up to the limit of its STSJP capped distribution amount, in the first year of implementation. In subsequent years, the state reimbursement will be available for 62 percent of such expenditures.

STSJP provides support for youth with mental health disorders, substance abuse problems, or learning disorders that place the youth at risk for detention or residential placement, or return to detention or residential placement; temporary respite care; family therapy or support, or alternative housing options for youth who are at risk for detention or residential placement due to the absence of an available home; post-release support to a youth in the community; or programs and services to reduce arrest rates or recidivism. Municipalities are encouraged to target these funds toward system reforms and programs that effectively serve youth who are most at risk of detention as the most cost effective way to reduce detention, which should also result in lower residential placements.

In addition to this new, permanent funding stream for community-based services, the SFY 2011-12 capped state funding for the pre-adjudication detention of youth. The traditional open-ended funding stream, in which the state provided reimbursement for half of the cost of detention for every youth detained, was replaced with a capped allocation for local detention services. The new detention funding mechanism also includes a local option to shift detention funds from reimbursement for detention expenses to community-based services allowed under the STSJP funding stream. This combination of a cap of state funding for detention along with local flexibility to utilize detention funding for community-based alternatives to detention and placement had an impact. Seventeen upstate counties exercised their ability to shift funds from their detention allocation to their STSJP allocation**. These 17 upstate counties shifted a total of nearly $2 million ($1,973,195.00) from their detention allocation to use in funding programs and services intended to prevent the detention or placement of eligible youth. This represents an increase to the upstate STSJP allocation of more than 40 percent.**

Detention Risk Assessment

The SFY 2011-12 budget also implemented a statewide requirement for the use of an objective risk assessment instrument (RAI) to inform detention decisions. The New York State Family Court Act section 320.5 was amended to require the court to include a youth's risk assessment level when issuing a detention order in juvenile delinquency cases. If the assessed level is medium or low, the court must state the reasons why detention of the youth was determined to be necessary. The amended law permits the sharing of information among law enforcement, probation, courts, detention administrators, detention providers, and the attorney for the child upon retention or appointment, for the sole purpose of the accurate completion of a detention RAI in juvenile delinquency cases. A copy of the completed RAI must be made available to the detention provider and to the court. In addition, section 530(2)(a) of the Executive Law was amended to require localities to implement the use of a detention risk assessment instrument to inform detention decisions.

While New York State has implemented the Youth Assessment Screening Instrument (YASI), a validated, standardized risk and needs screening and assessment instrument used at probation intake in every county outside of New York City, there has been no statewide validated, standardized risk assessment that would determine the need for the detention of youth. Given the significant variation among counties in detention risk assessment practice, New York State enacted this significant statutory change to require the use of a detention risk assessment instrument and is developing a validated, standardized risk assessment for use statewide.

Closure of Empty Juvenile Justice Placement Beds

As noted in the section on data trends, the number of Family Court dispositions that required out-of-home placement in the custody of OCFS has continued to decline. There was a 21 percent decline in admissions to OCFS custody between 2009 and 2010 mirroring past trends. OCFS custody admissions of New York City youth have decreased 41 percent since 2006 and OCFS custody admissions of youth from the rest of the state have declined by 44 percent over that same period of time. These substantial reductions in the number of youth in need of state operated placement led to unnecessary excess capacity in OCFS facilities. Operating a costly system (over $250,000 per youth per year) with significant excess capacity resulted in state and local budgets being used to support the maintenance of largely empty facilities. Even though OCFS steadily closed excess capacity beginning in 2007, closures had not kept pace with the rapid and sharp population declines. In August of 2011, OCFS closed an additional 376 empty beds; 18 residential facilities and three evening reporting centers remain operational.

III. New York State Juvenile Justice Strategic Plan

Planning Process

The JJAG recognizes that the juvenile justice system is a highly complex network of public and private law enforcement and social service organizations; courts; policies, and procedures at a state and local level, as well as a myriad of connection points to other systems. Improving outcomes for youth and for communities therefore requires a coordinated, strategic effort by multiple parties working toward a shared vision and common goals. That vision must encompass all juvenile justice agencies, courts, and other organizations. It must take into account the needs of youth, families, and communities, as well as ensuring coordination with other relevant systems. To that end, the JJAG, in partnership with several private foundations, commissioned a statewide juvenile justice strategic planning process.

From September 2010 to June 2011, a Juvenile Justice Steering Committee of key leaders from across the state worked to create a shared vision for juvenile justice, from the point of initial contact to aftercare and re-entry. The Steering Committee included key senior leadership from city, county, and state agencies; private organizations such as The Legal Aid Society; the advocacy community; the judiciary; and the New York City Department of Education. Additionally, the Steering Committee established three Working Groups, each with a range of system stakeholders, to help develop strategies, goals, metrics, and critical next steps toward creating an effective juvenile justice system. The process included data-driven analysis, extensive interviews with stakeholders, and bench-marking of effective practices across New York State and the nation.

Major Findings of the Plan

In order to build a system that is responsive to and meets the needs of all stakeholders – including the public, local communities, system professionals, involved youth and their families, and victims – the Steering Committee noted that the juvenile justice system must be grounded in four overarching principles: **fairness:** treating youth equitably at all points in the system, regardless of factors including race, ethnicity, gender identity, sexual orientation, religion, or parental involvement; **effectiveness:** providing system-involved youth with a continuum of timely, contextually appropriate, youth and family-guided, community-based, evidence-informed options that reduce recidivism and promote youth success while being vigilant not to involve youth further into the system than necessary; **safety:** ensuring the safety of system-involved youth, the public, victims, and system professionals; and **accountability:** holding systems, agencies, courts, and other organizations, individually, collectively, and publicly responsible for achieving results.

With these four guiding principles, the vision for the 2016 New York State Juvenile Justice System was developed to both promote youth success and outcomes, and to ensure public safety across the state by maintaining four core components of system excellence:

Top 10 Near-Term Action Steps

The Steering Committee set forth a vision to transform the juvenile justice system in New York State, making significant system improvements by 2016. An extensive set of stakeholders around the state has worked to translate this vision to practical strategies and next steps, and over the next four years, the structures and approaches that will greatly improve outcomes will be set in place as a result of the following 10 critical near-term action steps:

Critical Near Term Action Steps

1. **Ongoing Coordination:** Evolve the current Steering Committee into a Strategic Planning Action Committee (SPAC), housed in the Office of the Deputy Secretary for Public Safety, and commit to an ongoing state level support structure with devoted staff time from the Governor's Office, DCJS, and OCFS, to ensure implementation of the vision and action steps.

2. **Multi-Stakeholder Input:** Evolve the existing **Working Groups** to establish an ongoing role in providing regular feedback and guidance to the SPAC on implementation and helping to drive the work forward.

3. **Performance Measures:** Finalize **agreement on a set of high-level system outcomes and performance measures** toward which all agencies, organizations, and courts will align their work, and **begin to monitor progress** toward these measures to promote accountability through transparency and learning.

4. **Data Infrastructure and Analysis:** Establish the **data infrastructure and analytical capacity** necessary to improve outcomes for individual youth and overall system performance, to ensure equitable treatment of youth across the system, and to inform policy, including:
   a. Utilize existing **state-level data coordination team** made up of key representatives from the juvenile justice and other relevant systems to guide data use across the system.
   b. Conduct a **data inventory** to assess the current state of data availability, sharing, and use.
   c. Explore development and implementation of **interagency agreements or policies** (e.g., uniform MOU, universal waiver) that will allow for case- and aggregate-level data to be collected, shared, and analyzed.

5. **Analysis of Continuum:** Conduct **analysis of current continuum of providers across the state** (including public, private, detention, placement, Alternatives to Detention, Alternatives to Placement, and other community-based services and treatment), and **assess relative to juvenile delinquency** (including number, type, and location of delinquent acts committed and risk and need data) to identify current system gaps, barriers to access, and promising practices, and to ensure system players are aware of all available options for youth.

6. **Ongoing Input from Localities:** Utilize a workgroup of agency staff to develop a plan that leverages existing or develops new **local interagency advisory teams** (at the county, region, and /or city levels) to provide planning support and recommendations to the state support structure and coordinate local implementation of statewide reforms.

7. **Feedback Mechanisms:** Establish **regular mechanisms to gather feedback** from, **incorporate feedback** where necessary, and **share emerging plans** and strategies for system reform with key stakeholders (e.g., youth, families, victims, communities, agencies, organizations, courts) around the state, including discussion of approaches to address system effectiveness, fairness, safety and accountability.

8. **Performance Contracting and Quality Standards:** Implement and effectively utilize uniform **performance-based contracting** and **quality standards** for public and private providers of detention, placement, alternatives to detention and placement, and other community-based services and treatment.

9. **Financing Models and Oversight Structures:** Conduct analysis of **potential financing models, oversight structures, and case jurisdiction responsibilities** between states and counties and **support quick resolution** between New York State and counties to implement optimal structure(s).

10. **Support for What Works:** Establish an interactive, **best practice clearinghouse to** expand the capacity of agencies, organizations, and courts across the state to adopt both New York State based and national innovative research-driven and evidence-informed practices.

Strategic Plan Implementation

In September 2011, the Steering Committee evolved into the Strategic Planning Action Committee (SPAC), co-chaired by Elizabeth Glazer, New York State Deputy Secretary for Public Safety, and the Honorable Sharon S. Townsend, Vice Dean for Family and Matrimonial Matters, New York State Judicial Institute. Currently, the SPAC is responsible for overseeing the implementation of the Strategic Plan and recommendations, as proposed by the Steering Committee. In addition, the SPAC has formed two working groups to assist in the efforts to complete specific stages of the 10 near-term action steps: the Local Analysis Coordination/Continuum Working Group and the Data and Performance Working Group. The SPAC provides the necessary feedback and guidance on work group recommended implementation plans, progress, and obstacles. The immediate goals of the SPAC include development of a comprehensive database of programs and services for young people involved in the juvenile justice system, improved and accessible data, implementation of juvenile justice system performance metrics, and creation of a coordination structure that establishes an effective feedback mechanism between localities and New York State.

Data and Performance Work Group

- **Action Steps 3 & 4:**
  - Performance Measures
  - Data Infrastructure and Analysis
- **System Outcomes and Performance Measures:**
  - Finalize agreement on a set of high-level system outcomes and performance measures
  - Begin to monitor progress toward these measures to promote accountability through transparency and learning
- **Data Infrastructure and Analysis:**
  - Utilize existing state-level data coordination team made up of key representatives from the juvenile justice and other relevant systems to guide data use across the system
  - Conduct a data inventory to assess the current state of data availability, sharing, and use
  - Explore development and implementation of interagency agreements or policies (e.g., uniform MOU, universal waiver) that will allow for case- and aggregate-level data to be collected, shared, and analyzed

Local Analysis Work Group

- **Action Steps 5 & 6:**
  - Analysis of Continuum
  - Ongoing Input from Localities
- **Local Continuum:**
  - Ensure system players in each community are aware of all available options for youth
  - Identify the existing needs for the youth in each community
  - Overlay Youth Assessment Screening Instrument data with current continuum of services to identify system gaps
  - Recommend programs with proven performance and outcomes to fill existing gap
- **Local Coordination Structure:**
  - Local coordination structures provide a means of communication between localities and state oversight; feedback mechanism
  - Community engagement is an essential component
  - Assess current coordination structure to leverage existing or develop new local interagency advisory teams (i.e., coordination structures), at the county, region, and / or city levels, to provide planning support and recommendations to the state support structure and coordinate local implementation of statewide reforms
  - New structure will increase the capacity of agencies, organizations, and courts across the state to adopt both New York State-based and national innovative research-driven and evidence-informed practices

IV. Innovative Projects to Support Effective Juvenile Justice Policies and Programs

The JJAG has transformed its funding philosophy over the last three years, moving toward strategic use of ever-decreasing federal funds. Instead of a piecemeal approach to funding small, discreet projects, the JJAG now strives to provide funding to programs that drive local innovation and support transformative systems change. To that end, the JJAG has focused on major initiatives that impact the "front door" of the juvenile justice system, including:

- innovative strategies to reduce school-based arrests;
- detention alternatives for low- and moderate-risk youth for whom return home is not a viable option;
- community capacity building mentoring; and
- implementation of risk-based decision making at arrest and probation intake.

Supporting Responses to Keep High-Risk Youth in School

Research has shown that there is a strong link between school disengagement and delinquency.[i] The JJAG currently supports several different innovative strategies to keep youth positively engaged in school in the face of non-violent behavior that could otherwise lead to a school-based arrest. Diversion from school-based arrests has the potential to maintain youth accountability and community safety, while also decreasing the risk of recidivism that is attendant to juvenile justice system involvement. The JJAG has funded three programs: Utica Wise Arrest Decision-Making Intervention Initiative (WISE), Syracuse Move Ahead Positively (MAP) Program, and New York City Promise Zone Initiative. The projects are structured to address non-violent, school-based incidents that could be framed as delinquent activities in ways that keep young people engaged in school and that promote academic success.

Utica Wise Arrest Decision-Making (WISE) Program

The city of Utica, through the Utica Safe School Healthy Students Partnership, has been implementing the Wise Arrest Decision-Making Intervention Initiative using the OJJDP wrap-around/case management approach to divert non-serious illegal acts from arrest within the three secondary schools of the Utica City School District. A Youth Intervention Specialist provides services to young people in place of an arrest, completing an assessment with each youth and developing diversion plans that include accountability mechanisms and support services. In addition, this initiative includes a high school peer mediation program, *Peers Making Peace,* located in both the high school and the community teen center. The mediation program strives to reduce the number of discipline referrals for interpersonal conflicts. The programs strive to serve 90 at-risk youth in the city of Utica.

During the 2010-2011 school year, the WISE program exceeded initial service goals, serving a total of 95 youth. Forty young people received wrap around/case management services in the pre-arrest diversion program and another 55 youth participated in the peer mediation program. Results reported by the program in its first year of operation are encouraging, with 87 percent of young people successfully

completing the program. In addition, 58 percent of participating youth improved their school attendance; 57 percent improved their grade point averages over the course of the school year; and 46 percent of youth decreased their office disciplinary referrals from the previous year. A total of 40 youth were diverted from arrest as a result of the program, leading to a 56 percent reduction in school-based arrests.

Syracuse City School District MAP Program

The Moving Ahead Positively (MAP) program was developed and implemented in partnership with the Center for Community Alternatives, Huntington Family Center, the Syracuse Model Neighborhood Facility and the Syracuse City School District to reduce the use of in-school student arrests by providing school administrators, teachers and school-based police with an alternative to suspending or arresting students. The program is guided by a positive behavioral support intervention that uses a Trauma-focused Cognitive Behavioral Therapy (TF-CBT) approach followed by a community service component. The program serves six middle schools in the district with a Master's-level social worker working in two of the six schools. Youth are referred to the program by the principal, the school resource officers, or a team of school clinical personnel (including a school social worker, guidance counselor, and school psychologist). Assessment tools are utilized to measure stress and anxiety levels resulting from experiences of trauma and to identify each young person's social competencies. Case plans include 12 to 16 sessions of TF-CBT and community service; opportunities for engagement in pro-social activities are also developed and implemented.

During the first year of the program, 142 youth referrals were received and 102 youth were accepted to the program. Approximately 64 percent of youth successfully completed the program (34 of 53, with 49 students still active). The program reported that only one youth was arrested while in the program and one other youth was arrested six months after program participation. The program reported a total of 60 arrests diverted over the course of the first year of implementation.

New York City Department of Mental Health and Hygiene Promise Zone Initiative

New York Promise Zones for Urban Education (PZ) is a strategy to formalize partnerships between local school districts and child-serving public agencies to achieve New York State's goals of student engagement, academic achievement, dropout prevention, social and emotional competence, and positive school culture and school safety. The PZ initiative is a cross-systems effort, spearheaded by the New York State Office of Mental Health. The JJAG has supplemented these efforts through federal Title V funds provided to New York State. These funds currently support training efforts in the Bronx County PZ, utilizing Turnaround for Children, Inc. as an external change partner that works across 17 Bronx schools. Their work is designed to build school capacity to support high-need students, improve school climate and establish positive learning environments for all students. The work of the external change partner includes trainings for school staff (social workers, counselors and administrators) in improved identification of mental health issues and access to available mental health and other community support services. Teachers and other school personnel also participate in trainings designed to build students' social and emotional skills, create a supportive school climate and work with behaviorally at-

risk students. To date, JJAG funding has supported Turnaround for Children in its training of 153 school staff in these behavior management techniques.

Alternatives to Detention

With detention reform in New York State as a primary goal, the JJAG continues to support and provide funding for various alternatives to detention (ATD) programs. These ATD programs create options outside of a detention setting for youth who would otherwise be sent to detention solely because their home is not a viable option. The following New York City-based projects are piloting different types of strategies for keeping these youth who are not a risk to public safety out of juvenile detention settings.

Project READY Respite Program

In an effort to further reduce the detention rate and improve overall outcomes among moderate-risk youth under the age of 16 in Staten Island/Richmond County, the Center for Court Innovation in collaboration with the New York Foundling, created the city's first respite program designed exclusively for arrested youth who did not present a serious risk to the community, but who could not return home. Goals for the program include: (1) minimizing the use of detention for eligible youth who pose no threat to public safety but who cannot return to their own homes, (2) reducing the recidivism rate among youth who complete respite care and successfully return home, and finally, (3) to lessen the level of conflict and improve communication among participating families through the provision of family therapy and service linkages. The services model is rooted in the use of Multi-dimensional Treatment Foster Care (MTFC) homes as a 21-day respite option for youth. Youth and families receive family therapy, transition planning, and skill building sessions during the respite stay in order to facilitate a successful return home for each youth.

Initial outcomes from this project show promising results. Overall, most program participants remained in the community without re-arrest or remand; 14 of the 20 youth served avoided re-arrest while in the program, and 17 out of 20 returned home after a successful respite home stay. Those participants who successfully reunified with their families typically experienced challenges re-adjusting to a home environment with new rules and expectations. At the same time, the majority of youth were able to successfully reach the closure of their respite case and ATD case without re-arrest or remand. In all, 18 of the 20 participants with scheduled court dates (90%) successfully attended all scheduled court appearances.

Successful completion of program requirements is most accurately illustrated by tracking success at multiple milestones throughout the life of each participant's case (from January 2011-December 2011):

- *Reunification*: successful return home after completion of the 21 days in the respite home;
- *Closure of the Respite Case*: a youth's READY Respite case is closed successfully when the youth and family are stable and referrals have been completed for ongoing community-based treatment; and

- *Closure of the ATD Case*: a youth's ATD case is closed when the youth reaches the 120-day maximum or the youth receives a final disposition, whichever occurs first.

The table below shows cumulative data on the number of youth who successfully completed program requirements at the reunification, respite case closure, and ATD case closure milestones:

Successful Completions : January 2011 - December 2011		
Milestone	***Successful Completions***	
Reunification	17	85% (of the 20 youth at this milestone)
Respite Closure	13	68% (of the 19 youth at this milestone)
ATD Closure	11	58% (of the 19 youth at this milestone)

In addition to the completion of program requirements, the achievement of community-based dispositions and ongoing engagement in community-based therapeutic services were strong indicators of success for Respite youth:

- Since program inception, 13 READY Respite youth have reached the disposition stage of their delinquency case, and 12 out of those 13 received a community-based disposition (92%).
- 19 youth and families (95%) received family therapy while participating in the program.
- 11 of the 19 participants who completed both READY Respite and its related ATD program successfully remained in the community at the time of their final case closure.
- 14 of those youth (70%) avoided re-arrest while in program; 6 of those youth (30%) were re-arrested.

Way Home Program – New York Foundling

The Way Home Program was developed to reduce the number of youth in detention who are not a threat to public safety, along with eliminating the use of detention solely because the juvenile did not have a viable home. Additionally, the Way Home is intended to reduce Disproportionate Minority Contact (DMC) at the point of detention. Low-to-moderate risk youth who pose little risk of re-arrest or flight (according to a validated Risk Assessment Instrument), but for whom a return home is not a viable option, are referred to the Foundling by the Administration for Children's Services (ACS) Division of Youth and Family Justice on the day the Bronx or Manhattan Family Court remands the youth to detention.

The model includes:

- conducting Family Team Conferencing (FTC), including people important to the family, in order to improve critical decision making regarding the child's safety, well-being, and permanency;
- pairing FTC with an Intensive Family Preservation Service component including four to six weeks of counseling for both the youth and their families;
- crisis intervention services to any family of a paroled youth within 24 hours of any family crisis; and
- collaborating with other ATD providers.

The program has served a significant number of youth since its inception and is reporting significant success in returning low-risk young people to community based settings. Program performance data, through December 2011, includes:

Demographics:

- 82 youth have been served
- 25 females were served and 57 males, both with an average age of 15
- 82 percent of those served were minority youth

Performance Measures:

- 77 of the 82 youth served received FTCs due to lack of a viable family home at time of remand
  - 79 percent of these were conducted within three to five days of remand
- *Way Home* has two full-time and one part-time staff trained in DMC-related issues (ie. increasing awareness of cultural differences, cultural context, bias, creating multicultural workplaces, etc.)
- 98 percent of youth were spared from unnecessary detention – 93 percent of FTCs resulted in youth being returned home
- 98 percent of youth were paroled to a caregiver or other approved adult as a result of FTC
- 95 percent of youth and families met weekly for counseling with therapist
- 65 percent of families reported improved relationships

Community Capacity Building Mentoring

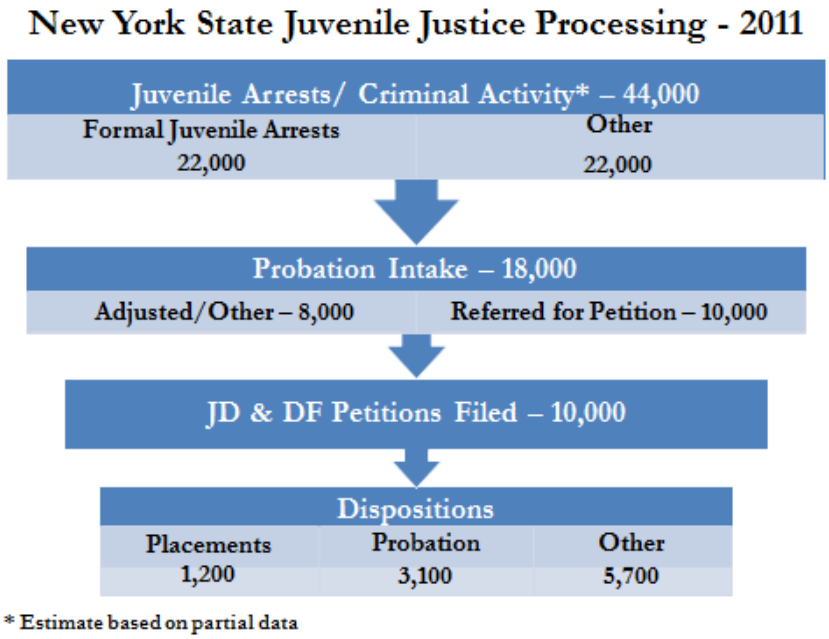
The JJAG recognizes that juvenile justice system involvement tends to be concentrated in certain neighborhoods throughout New York. As a result, the JJAG has been interested in developing neighborhood-specific approaches to coordinated service delivery that provides youth long-term, pro-social connections in their home communities. In addition, the JJAG is interested in building capacity in

these highly distressed neighborhoods to sustain positive interventions for justice involved youth. To that end, the JJAG awarded funds to Community Connections for Youth (CCFY), a Bronx-based not-for-profit, to develop a mentoring program for youth from the Mott Haven neighborhood in the Bronx. This unique program is designed to implement mentoring, a model shown to be successful with youth involved in the juvenile justice system, in a way that also builds capacity to support these young people in the Mott Haven neighborhood. Building on the strengths of that community, CCFY provided funds to four community-based agencies in the Mott Haven neighborhood, including several faith-based partners, to recruit and retain mentors. CCFY provides training and technical assistance to the community-based partners, coordinates all grant activity, and tracks program outcomes for youth. In addition, CCFY works closely with the New York City Office of Corporation Counsel to obtain referrals to the program, which serves as a prosecutorial diversion option for youth from Mott Haven.

CCFY spent its first year of operation in a planning phase, developing a research partnership with John Jay College of Criminal Justice, structuring program policies and procedures, and awarding funds competitively to community-based partners. The agency began serving young people in July of 2011 and enrolled 21 active program participants between July and December 2011.

Risk-Based Decision Making at Arrest and Probation Intake

Data analysis of the flow of youth through the juvenile justice system reveals that only about 3 percent of youth who experience a juvenile arrest end up confined as a result of their delinquency involvement. The vast majority of young people experience the juvenile justice system through their contact with police and probation only, with about one-quarter of those youth moving on to some involvement in a Family Court proceeding. The flow chart below illustrates that flow of youth through the juvenile justice system.

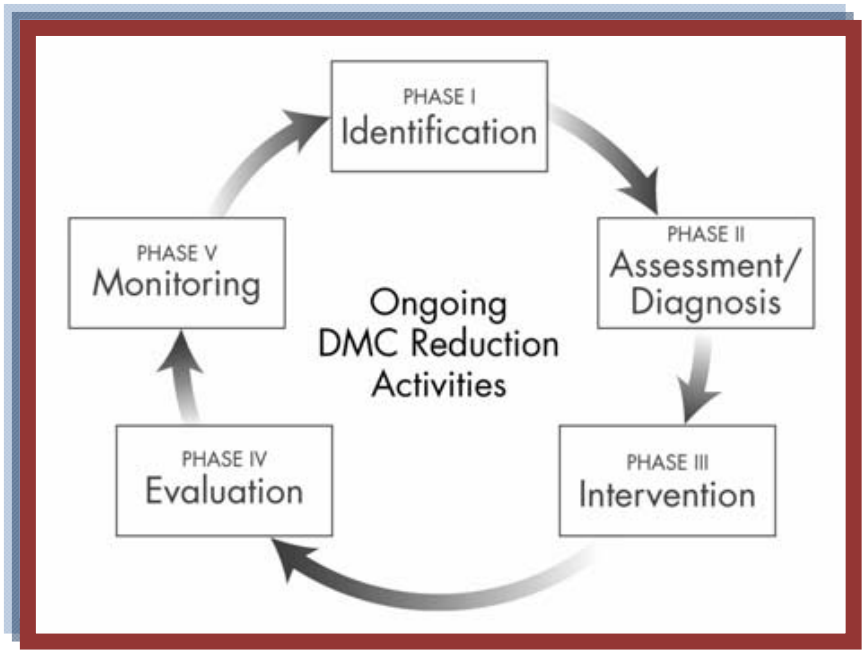


While the largest volume of youth touched by the juvenile justice system never receive a Family Court disposition, juvenile justice resources are largely spent on the 3 percent of young people who are sent to an out-of-home placement. Recognizing that a focus on the front-end of juvenile justice system involvement holds significant promise for providing early interventions that will reduce system penetration and reoffending rates, the JJAG funded four new projects in 2011 to alter practice at arrest and probation intake. The projects, located in Monroe and Nassau counties, and the cities of New York and Albany, will take varying approaches to providing police access to risk assessment results at the moment of arrest to inform arrest and detention decisions, providing a respite alternative to detention of low and moderate-risk youth, and altering probation intake and adjustment practices to provide quick "off-ramps" for low-risk youth who have committed less serious offenses. These projects will begin operation in early 2012, and the JJAG will be monitoring outcomes to determine the efficacy of these front-end system reforms.

V. Addressing Disproportionate Minority Contact

Disproportionate minority contact (DMC) occurs when the proportion of youth of color at various points in the juvenile justice system is greater than the proportion of youth of color in the general population. New York, like much of the nation, has struggled with the significant over-representation of youth of color throughout its juvenile justice system. While minority youth represent approximately 46 percent of the state's juvenile population, they account for nearly 65 percent of juvenile arrests[ii]; the disproportionality becomes increasingly higher as youth progress through the system, with the greatest disproportion generally occurring at points of incarceration: detention and placement. Led by a full-time coordinator working to address the issue across the state, the JJAG has remained committed to addressing DMC utilizing the five phase reduction model developed by the federal Office of Juvenile Justice and Delinquency Prevention.

DMC Reduction Cycle



Although DMC has been a core requirement of the JJDPA for more than 20 years,[iii] there is much confusion (even among juvenile justice stakeholders) as to what it is, what contributes to it, and what can be done to reduce it. In an effort to educate and sensitize selected counties/municipalities and local juvenile justice professionals to the federal DMC mandate, the statewide DMC Coordinator provided several training sessions on DMC in 2011, including sessions for both basic and advanced juvenile police officer training participants, the Middle Atlantic States Correctional Association Conference, and New York City-based juvenile justice grantees. Additionally, materials that provide an overview of DMC have been developed to be used locally to increase awareness of the issue and possible contributing factors. Samples of these materials are posted to the JJAG website (http://www.nysjjag.org/our-work/disproportionate-minority-contact.html).

The JJAG has also recognized that young people are key stakeholders in the juvenile justice system, and therefore created a statewide Juvenile Justice Youth Advisory Council (YAC). Throughout 2011, the council met on a quarterly basis in Albany; three regional councils based in New York City, Syracuse, and Rochester have also been recently established. YAC members represent communities across the state from New York City to Buffalo and have personal interest in and/or experience with the juvenile/criminal justice systems. These young adults (ages 16 to 25) have participated in site visits and the monitoring of funded programs; served as representatives to the JJAG, local DMC workgroups and other justice-related committees; and have launched a project to develop useful "get ready for court" materials for justice involved youth and their caregivers.

The JJAG also invested in a significant project to advance analytical understanding of New York's DMC data in 2011. A research-based assessment of whether there is *disparity,* not just disproportionality, between youth of color and similarly situated non-minority youth was commissioned through a partnership with Spectrum Associates Market Research. The three-phase assessment project, which began in 2011 with interviews with key stakeholders, targets three New York State jurisdictions: New York City, Westchester County, and Oneida County. It is anticipated that a final report of this multi-variate analysis, which will seek to determine whether race is a factor in decision making at various system points, will be completed in late 2012.

Local DMC Reduction Planning Projects

Monroe and Onondaga counties and New York City each engaged in JJAG-supported DMC reduction strategy planning activities in 2011, supported by technical assistance from the Burns Institute (BI) and focused on developing data-driven efforts to increase equity throughout the system. Following the BI model of data analysis, identifying a target population and developing strategies to reduce DMC, stakeholder groups in the three jurisdictions developed DMC reduction strategies in 2011. Detailed reports from each jurisdiction's local DMC workgroup can be found on the JJAG website. Highlights from each jurisdiction are as follows:

Rochester/Monroe County

According to the BI data template completed by the Monroe County DMC Workgroup, black youth are overrepresented in Monroe County's juvenile justice system. Black youth comprise 21 percent of Monroe County's youth population between the ages of 10-16, but they represented 58 percent of arrests in 2010 and 76 percent of detention admissions for 2010.[iv]

The rate at which black youth were arrested also was significantly higher than white youth in 2010. For every 1,000 white youth in the Monroe County youth population, there were 5.9 arrests. For every 1,000 black youth, there were 30.7 arrests. In comparing these rates, black youth were five times more likely than white youth to be arrested. Black youth were also admitted to secure detention at significantly higher rates than white youth in 2010. For every 1,000 white youth in the Monroe County, there were 1.7 admissions to secure detention. For every 1,000 black youth, there were 34.7 admissions to secure detention. In comparing these rates, black youth were 20 times more likely than white youth to be admitted to secure detention.

Despite many challenges in data collection, the local DMC workgroup identified the following target populations for DMC reduction strategy efforts: admissions for technical and administrative violations; [v] low-level criminal law offenses; youth detained for one to four Days; and youth with a low Risk Assessment Instrument scores.

According to local 2010 detention data obtained from the Monroe County Department of Human Services (DHS), technical or administrative violations comprised 28 percent of all admissions to secure detention. The most frequent technical or administrative violations contributing to detention admissions were technical violations of probation (68 youth) and OCFS or DHS Warrants (68 youth). Although the percentage of total detention admissions that were technical or administrative was higher for white youth than for youth of color, 26 percent of all black youth admitted to detention were admitted as the result of a technical or administrative violation; and 30 percent of all Latino youth admitted to detention were admitted as the result of a technical or administrative violation.

Of youth placed in Monroe County juvenile detention, 39 percent of total admissions for all youth in 2010 stayed for a period of four days or less (N=251). Further analysis indicated that:

- Although more than half (57%) of one to four day admissions were the result of Monroe County Family Court remands and warrants from OCFS, the remainder of the detention population was admitted by police agencies, which do not perform objective screening for detention.
- 63 percent of the total one to four day admissions stayed only one day in detention.
- Court remands and police admits comprised 78 percent of one day admissions (each are at 39%).

Based on this information, follow-up questions regarding the level of public safety risk these "short-stay" youth actually posed were raised. Initial analysis of the offenses for 2010 one-day detention placements indicated that 19 of the 67 court remands (28%) were the result of burglary/robbery charges. The second most frequent offense (10%) was misdemeanor assault, which included domestic assault. Other charges ranged from drug possession to misdemeanor criminal mischief. An analysis of police admissions to detention in which youth stayed only one day showed that burglary/robbery was the most frequent offense at 26 percent (27 of 105), followed by assaults (13%).

Monroe County has utilized an Risk Assessment Instrument to guide decision-making around detention admissions since 2009. The county has seen a 43 percent reduction in its annual detention population from its baseline year 2006 to 2009. The RAI has been used during regular court hours. According to protocol, youth who achieve a low score on the RAI should be released; youth who achieve a medium score on the RAI should be released to an alternative to detention; and youth who achieve a high score should be securely detained. Youth who are referred to secure detention after court hours are admitted to secure detention and screened by the RAI the following day. During the first six months of 2010, there were 115 youth who were screened by the RAI and subsequently detained. Sixty-two percent of these detained youth received either a low or medium score on the RAI. Fifty percent of these youth (57 youth) were low-scoring youth. These statistics require stakeholders to investigate further to understand why youth who score for release still comprise close to half of admissions to detention for those youth screened with the RAI.

Syracuse/Onondaga County

Although the overall population of youth in detention in Onondaga County significantly decreased (-74%) between 2004 and 2010,[vi] youth of color are still grossly overrepresented in detention. While black youth comprised only 15 percent of Onondaga County's youth population and only 38 percent of the City of Syracuse's youth population, they represented almost three-quarters (73%) of the admissions to secure detention (Hillbrook) in 2010. Black youth were detained at a rate almost five times as high as their proportion in the county's population.

An analysis of offense admissions to secure detention in Onondaga County revealed that 28 percent of youth were admitted on misdemeanor charges and 9 percent on technical violations of probation. A closer look at the top five specific offenses for which young people were admitted to secure detention in 2010, disaggregated by race, revealed that two of the top five offenses were misdemeanors, and all of the young people detained on those charges were black.

Of the 75 black youth detained in 2010, 38 percent were admitted because of misdemeanor offenses or technical violations of probation for low-level offenses that generally did not pose significant public safety risks.

Onondaga County has used a detention screening instrument (RAI) since 2007. However, it has been used only when an arrest occurs after the close of Family Court or on a weekend, and the officer seeks

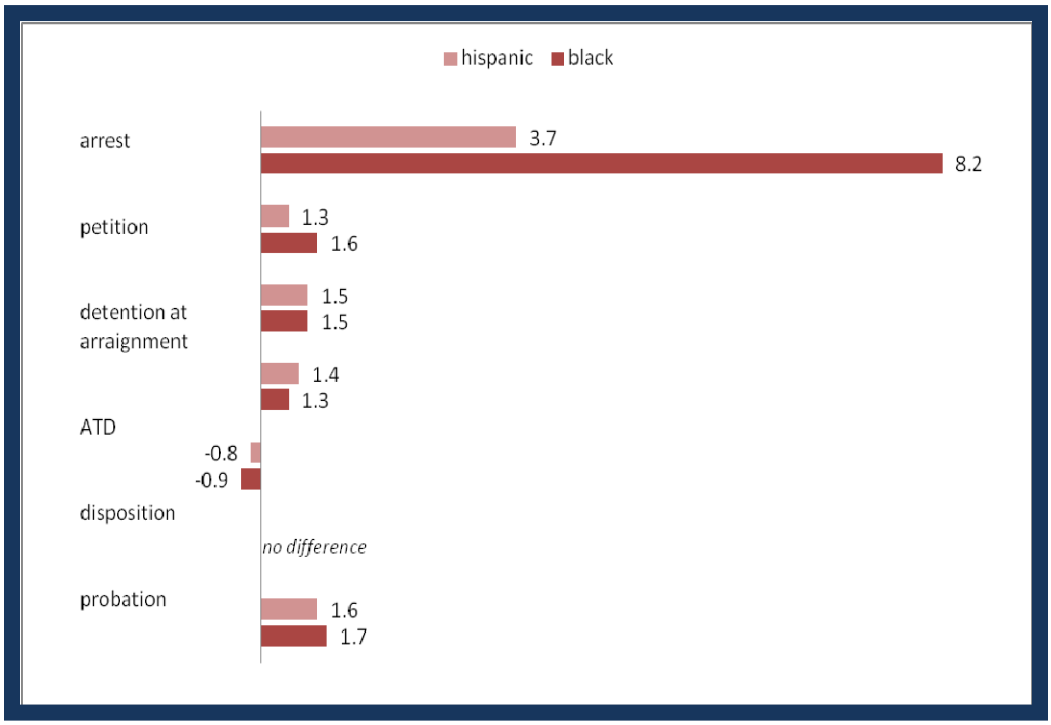
to detain the young person. In 2010, almost half (48%) of secure detention admissions were remands from Onondaga County Family Court, where no RAI has been administered.

A deeper look at the referral source for admissions to secure detention revealed that 86 percent of the youth remanded from court to secure detention in 2010 were black compared to 68 percent of the youth brought by police to Hillbrook after court hours. The majority (55%) of secure detention admissions of black youth are due to court remands rather than police drop-offs. In addition, analysis of the RAI results and overrides for detained youth showed that three-quarters of the youth detained on RAI overrides were youth of color, while white youth comprised only 10 percent. These results highlight the need to fully implement a validated RAI with a commitment to rely on the RAI results.

New York City

The New York City juvenile justice system is populated almost exclusively by youth of color, many of whom come from poor and marginalized communities. Roughly 88 percent of the youth arrested in New York City are either black or Latino, groups that comprise only 64 percent of the City's total youth population. These youth constitute an even larger share of the juvenile justice population at later stages of case processing: 92 percent of youth entering detention; 90 percent of youth placed (post-sentencing) with private agencies; and 97 percent of youth entering OCFS-operated facilities. These alarming data raise questions about systemic fairness, which were the basis for local analysis. Citywide RRI data show that disproportionality occurs at every stage of the juvenile justice process, with the exception of court disposition. [vii]

New York City-wide Relative Rate Indices, 2010



Since 2006, New York City has been working to reduce its reliance on juvenile detention and placement, increase the availability of evidence-based programs within the community, ensure that decision-making is fair and objective, and track outcomes. The launch of a continuum of community-based placement alternatives has led to a 28 percent decrease in admissions to placement facilities, and the implementation of an empirically-designed risk assessment instrument (RAI) and a continuum of detention alternative programs has led to a 31 percent decrease in the proportion of youth detained at court arraignment. Taken together, these reforms have decreased the number of youth who are confined without compromising public safety.

With assistance from the city's Criminal Justice Coordinator and the Burns Institute, through this DMC planning project, the Vera Institute of Justice guided a working group of stakeholders toward the identification and creation of recommendations to eliminate racial inequities in the juvenile justice system. Seven DMC working group meetings were held, focusing on four different system points: arrest, front-door of detention, probation adjustment, and arraignment. The following are the findings included in the final report:

System Point One: Arrest

- **Black youth were significantly over-represented at the point of arrest.**
- **Both black and Latino youth are more likely to be arrested than white youth.**
- **White, black, and Latino youth were arrested for different types of offenses.**
- **Arrested black youth were more likely to be charged with mid- or high-severity offenses than were white or Latino youth.**
- **The majority of arrested youth of all racial and ethnic categories examined were charged with low severity offenses.**
- **In assault and felony robbery cases, youth of color accounted for the majority of juvenile arrests, juvenile suspects, and juvenile victims.**

System Point Two: Police Admission to Detention

- **Youth of color were more likely to be brought to detention by the police than were white youth.**
- **Youth of color charged with robbery or assault were more likely to be brought to detention by the police than were white youth charged with the same offenses.**
- **Many youth brought to detention by the police—primarily youth of color—were released the next day.**

System Point Three: Probation Adjustment

- **White youth had their cases opened for adjustment by Probation more frequently than youth of color.**
- **Low- and mid-risk white, non-Hispanic youth had their cases opened for adjustment at a higher rate than did youth of color at the same risk levels.**
- **White, non-Hispanic youth charged with marijuana or robbery offenses had their cases adjusted at a higher rate than did youth of color charged with the same offenses.**
- **Black Hispanic youth successfully completed adjustment at lower rates than did other youth.**

System Point Four: Detention at Arraignment

- **The rate of detention at arraignment was higher for youth of color than for white youth, but rates were more comparable when controlling for risk level or charge severity.**
- **Despite the implementation of the RAI, low-risk youth with low- and mid-level charge severity and mid-risk youth with low-level charge severity continued to be remanded to detention at arraignment.**
- **Black and Latino youth stayed longer in detention than did white youth.**

The local DMC reduction projects have made the following general commitments to sustain DMC reduction efforts:

- **Local DMC workgroups will continue beyond the formal grant period.**
- **The goal of DMC reduction will be incorporated into all local juvenile justice efforts.**
- **Jurisdictions will delegate local representatives to participate on the Statewide Committee to Address Racial and Ethnic Disparities, coordinated by DCJS staff.**
- **Detention alternatives designed to divert youth to less restrictive settings will be expanded in collaboration with community partners.**

Additionally, with support from additional JJAG funding, Monroe County through its Juvenile Delinquency Diversion Reform Project has made a commitment to screen all youth with a detention risk assessment instrument, including after court hours before detention's front door, in an effort to ensure equity.

Without access to quality data to review regularly and community members to contribute, it is unlikely that any DMC reduction efforts will be successful. It is for that reason, Onondaga County plans to address previously discussed data capacity issues through a commitment to coordinate race-specific data collection, monitoring, and analysis from the various juvenile justice sources (probation, detention, court) through its county-facilitated System of Care work. Additionally, the Center for Community Alternatives will continue to train community members to be effective participants on juvenile justice reform committees and the DMC workgroup. With support from the JJAG, a community organizer will be hired to coordinate the Community Task Force on Juvenile Justice Reform established in conjunction with the Burns Institute's Community Justice Network for Youth during the summer of 2011; train task force members to serve as members of the local DMC work group, and act as a liaison between the task force and the DMC work group/Juvenile Justice Reform Steering Committee to develop a Community Accountability Board.

In addition to juvenile justice projects specifically designated as "DMC projects," DCJS and the JJAG have recognized that disproportionate minority contact is an issue that all effective juvenile justice reform strategies should seek to address. To that end, all DCJS-funded juvenile justice programs began collecting race-specific data and participating in DMC-focused training activities in 2011. The JJAG intends to analyze all its reform work going forward through a DMC lens.

New York State DMC Reduction Recommendations

Based on the findings and challenges to the work of local DMC efforts, as well as input and feedback from technical assistance providers, DMC advisory committee members, workshop participants, parents, and youth affected by the juvenile justice system, the following list of recommendations for the development and implementation of intervention strategies to reduce minority overrepresentation in the juvenile justice system has been developed:

Identified Issues	Recommendations
➢ Although juvenile justice reform has been a "hot topic," **much confusion and misinformation exists re: DMC** which has limited the "buy-in" and support for reduction efforts.	While the issue of DMC must be addressed specifically, it should not be addressed separate and apart from other juvenile justice reform issues. **All statewide reform efforts should include discussion about DMC and the impact on communities of color.** **Basic DMC training for all juvenile justice system administrators and frontline staff should be required.** This would help to ensure that stakeholders are aware of the DMC issue and become more comfortable discussing a sensitive topic. **The participation of system stakeholders on DMC work groups or other committees addressing DMC issues should be monitored.** It is difficult to understand practices and make recommendations for improvement when key stakeholders are not present.
➢ **There is a significant breakdown in the relationships between traditional juvenile justice system stakeholders and community members.**	A commitment must be made to **recruit and train community members to participate in state and local DMC work groups and juvenile justice reform efforts.** **Local community task forces on juvenile justice should be developed in conjunction with the W. Hayward Burns Institute's Community Justice Network for Youth (CJNY).** These task forces should be designed to recruit and train community members to actively participate in juvenile justice reform. Maintaining these task forces will help promote transparency in the juvenile justice system and engage community members in DMC reduction efforts. **Periodic (perhaps bi-annual) reports to the community on the current state of DMC should be released**. Reports on DMC reduction efforts and progress should be accessible online and available in print format in various neighborhoods.
➢ **Youth and families affected by the juvenile justice system are confused as to how the system works/should work.** Their input is critical to the success of any juvenile justice reform/DMC reduction efforts as they are the people who have been and will be impacted by the system.	User-friendly, juvenile justice specific **outreach and education materials should be developed to help families gain an increased understanding of the way the system is designed to work.** **A "coaching system" for youth and parents in the juvenile justice system should be developed.** The coaches would be parents and youth who have had prior experience with the juvenile justice system and would be trained to mentor caregivers and young people currently involved in the system in order to help them effectively navigate it.
➢ **State and local jurisdictions currently have a limited capacity to collect and analyze reliable and consistent race-specific juvenile justice data:**	
o In some jurisdictions, **there is variability in the rates of system involvement among populations from arrests to detention admissions.** This may be a result of not accurately identifying or recording Latino youths' juvenile justice system involvement.	**Stakeholders across departments and agencies should ensure that there is a consistent and accurate methodology that allows youth to self-identify ethnicity, as well as race.** **Consistent methodology for recording these data** to allow comparisons across juvenile justice decision making points **should also be developed.**
o Significant juvenile delinquency **court data is missing race/ethnicity information** in many jurisdictions**.**	**A process should be implemented at the Office of Court Administration to regularly collect race and ethnicity data** in the Uniform Case Management System.

Identified Issues	Recommendations
o **Data from probation and detention, including RAI scores, are all maintained in separate databases**, resulting in inconsistencies.	**All NYS jurisdictions should utilize a centralized system for probation and detention data (ie. Caseload Explorer) that allows for race-specific data reports to be run regularly.** **Reporting for diversion, alternative-to-detention or alternative-to-placement programs must also be standardized, with data to be centrally collected.**
➢ Although some localities have utilized detention risk assessment instruments; **RAIs have not been used consistently across jurisdictions** at all possible points of decision-making.	**All youth should be screened with the RAI when deciding whether to detain -** including during and after court hours, before detention's front door.
➢ While jurisdictions have been successful in reducing overall detention rates, **the detention population overwhelmingly consists of youth of color.**	**RAI data must be broken down by race/ethnicity** to learn more about whether and to what extent disparities in the decision to detain low or medium risk youth can be noted.
➢ Although RAIs are utilized in some jurisdictions, **there has been a significant override rate.** This suggests that the people using the instrument lack confidence in its ability to appropriately assess risk.	**A commitment must be made to collecting and analyzing data necessary to validate the RAI**. Data on re-arrest during the pendency of the case and failure to appear must be collected in order to understand how the RAI is working. **Relevant stakeholders** (including police, probation officers, secure detention staff, prosecutors, defense attorneys, and judges) **should be fully trained in appropriately using the new RAI.** As part of the detention reform efforts and the launching of the new RAI, **override criteria should be developed and a maximum override rate should be considered.**
➢ Police and probation officers frequently seek overrides into detention because **there is a lack of other options for holding young people accountable in a less restrictive manner.**	Local alternatives, such as **Community Accountability Boards (CABs), should be investigated as a way to address low-level, first-time offenses.** **Graduated response grids should be developed** for use by probation officers **to prevent the use of detention for technical violations of probation.**
➢ **A significant population of youth held in secure detention stay fewer than four days**. It often appears that this decision to detain is based more upon individual/family service needs than risks of public safety or failure to appear in court.	**Follow-up questions regarding the level of risk these "short stay" youth actually pose need to be answered.** **Community program resource matrices should be developed and informational guides for youth and families** who come into contact with the juvenile justice system because of low-level offenses and do not require additional mandated interventions **should be developed and made available to local law enforcement and probation officers.**
➢ Where alternatives have been utilized, some **jurisdictions have relied heavily on intensive probation supervision and electronic monitoring as ATD programs**.	**Culturally competent alternative-to-detention (ATD) programs should be developed** with system stakeholders working in partnership with community organizations to develop programs that meet the system's accountability standards while utilizing the community members' substantive expertise on children in their neighborhoods.
➢ **There is limited awareness as to the effectiveness of existing ATD interventions.**	**Success measures for community alternatives should be clearly defined and tracked, and the data must be disaggregated by race, ethnicity, gender, geography, and offense**. This should be a collaborative effort that includes juvenile justice, service providers and community stakeholders.

VI. New York State Compliance with the Juvenile Justice and Delinquency Prevention Act

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

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

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

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

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

that ensures all adult jails, lock-ups and secure juvenile facilities are subject to an on-site inspection no less than once every three years (as federally mandated); and monitors a reporting system designed to track compliance and to identify and address any suspected violations of the core protections.

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

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[i] Balfanz, Spiridakis, Neild, & Legters. (2003). *Neighborhood High Schools and the Juvenile Justice System: How Neither Helps the Other and How that Could Change*. Pittsburgh: Johns Hopkins University Press; Wang, X, T. Blomberg, & S. Li. (2005). Comparison of the educational deficiencies of delinquent and nondelinquent students. *Evaluation Review*, 29(4), 291-312.

[ii] Based on 2009 data gathered by NYS DCJS and reported to OJJDP.

[iii] DMC, initially defined as Disproportionate Minority *Confinement*, was included in the 1988 Amendments to the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974. The 1988 Amendment required that States address DMC in their state juvenile justice plans. In 2002, the Act was amended to take into account racial differences at all stages of the juvenile justice system, and was accordingly redefined as Disproportionate Minority *Contact*.

[iv] Based on data included in Monroe County Local DMC Workgroup Final Project Report submitted by Monroe County Office of Probation to DCJS, October 2011.

[v] Technical or administrative violations include any detention admissions that were based not on allegations of a new criminal law violation, but rather on a technical or administrative violation associated with an underlying or prior criminal law violation.

[vi] Based on data provided by the Onondaga County Probation Department to the Center for Community Alternatives, and included in the Onondaga County Local DMC Workgroup Final Project Report submitted to DCJS in December 2011.

[vii] Data chart provided by the Vera Institute of Justice based on data gathered through the NYC Criminal Justice Coordinator's Office as part of the NYC Local DMC Workgroup Report submitted to DCJS, April 2012, entitled, "A Report of the New York City Working Group on Reducing Disproportionate Minority Contact in the Juvenile Justice System."