

## New York State's Juvenile Justice System

Two recent reports documenting the woeful conditions found in New York State's juvenile justice facilities provide a sense of urgency to implement long overdue reforms. The first, issued in August 2009 from the U.S. Department of Justice, details conditions at four upstate New York facilities. The second, released in December by the Governor's Task Force on Transforming Juvenile Justice, recommends twenty strategies for reform. In addition, the Legal Aid Society of New York City recently filed a class-action lawsuit on behalf of 500 youths in ten facilities, seeking limits on the use of force, treatment for mental health problems and monetary damages.

A picture of Juvenile Justice in New York State today:

- New York's statute defines the age of the juvenile justice system's jurisdiction from 7 to 15.
- Teens, 16 and older, automatically come under the jurisdiction of the adult criminal justice system.
- More than 1,600 youth enter juvenile justice facilities in New York yearly, most of them between the ages of 12 and 15. This represents a decline of one-third since 2000. Over that time period, several jurisdictions including New York City, Erie, Onondaga, and Suffolk Counties have made concerted efforts to increase access to community-based services and reduce placements into juvenile justice facilities.
- In 2007, there were 845 youths in 18 non-secure, limited secure and secure Office of Children and Family Services-operated facilities. Median length of stay was 10.5 months.
- OCFS also contracts with 49 private agencies to provide placement services. In 2007, 808 youth were placed with these agencies. Median length of stay was 11.6 months.
- Only 2% are placed in "day placement", an underused non-residential option.
- OCFS has closed or downsized 11 facilities under Commissioner Carrión's leadership.
- More than 80% (93.5% of NYC youth) of those in placement are black or Latino; they represent only 44% of the youth population in the state.
- 76% of the youth in custody are from New York City area; most facilities are upstate, far from families and communities.
- In 2007, 53% of the youth in juvenile justice facilities were there for misdemeanor offenses ranging from shoplifting and graffiti to robbery without a weapon.
- 48% of the youth were assessed at entry as needing mental health services; 70% had substance abuse issues.
- The state spends approximately \$210,000 annually for each youth in a juvenile justice facility.
- Nearly three-fourths of those released between 1991 and 1995, the last years for which data is available, were re-arrested, 62% were re-convicted, and 45% were incarcerated within three years.

Under Commissioner Carrion's leadership, the State Office of Children and Family Services, the agency responsible for the juvenile corrections system, took steps to move the system from a "custody and control" model to one that provides youth a therapeutic environment with appropriate treatment and structure. Since 2007, juvenile justice facilities were closed; a training center was added; new restraint policy was implemented; additional mental health staff were hired; and the Office of the Ombudsman was revitalized. The Sanctuary Model, which recognizes that trauma is often at the root of a child's antisocial tendencies, was adopted. In addition, OCFS increased the number of community-based alternatives to incarceration that hold youth accountable for their offense and help them turn their lives around with a combination of treatment, skills development, relationships and opportunities.

Now more is needed. The two reports plainly conclude that New York State is failing these youth. The reports' recommendations lay the foundation for a long overdue discussion in New York—how to care for, educate, and protect young people in trouble. The recommendations deserve full attention. The ensuing conversation about how best to respond to youth's needs should start with the question - Do they belong in the system at all?