



Building on Success: Next Steps in New York City Detention Reform



NYC[™]



DRAFT

Description: New York City has embarked on several important reforms in its juvenile justice and detention systems over the past several years, including the creation of a risk assessment instrument, which gives stakeholders scientifically validated information about the risk level of individual youth to inform detention decisions; the launch of the Weekend/Holiday Arraignment Initiative, which grants juveniles the opportunity to have their cases assessed for release by the Probation and Law Departments or presented to a judge every day of the year; and, the implementation of several well-regarded community-based alternatives-to-detention and placements for juveniles. This work has paved the way for the City’s reform plan, as we now have more information about youth who are being detained, and have valuable experience operating community-based alternatives.

New York City’s Detention Reform Action Plan is being launched by the City, following the proposed integration of the Department of Juvenile Justice into Children’s Services operations and the introduction of ACS’s new Division of Youth and Family Justice.

The purpose of detention is to prevent reoffending between court dates and ensure youth are present for court appearances. The plan that follows focuses on strategies that will result in more targeted use of detention and alternatives to detention. Subsequent plans will be issued focusing on conditions of confinement and reducing case processing times for juvenile delinquents and juvenile offenders. This Plan, when completed, will accomplish three goals:

1. Promote public safety and reduce recidivism through more targeted use of both secure and non-secure detention
2. Expand the range of alternatives-to-detention for additional youth who can be safely served in community-based alternatives
3. Bolster the child welfare system’s response to juvenile delinquency by providing targeted solutions to youth with child welfare needs, including youth in foster care, to prevent the need for detention

Research has consistently found that detention of youth increases the likelihood of persistent and increasing involvement in juvenile and adult justice systems.¹ For many youth who have cases pending in the juvenile justice system, risk can be best managed through close monitoring and improved family and youth functioning. Further, for youth who must be detained to prevent re-offending or to address a flight risk, the detention stay should last only so long as is necessary.

Through careful implementation of strategies that supervise and support appropriate youth in community based programs, detention populations will be sufficiently reduced to permit closure of the Bridges detention facility. This closure will improve conditions of confinement for youth in secure detention and permit better utilization of DJJ staff.

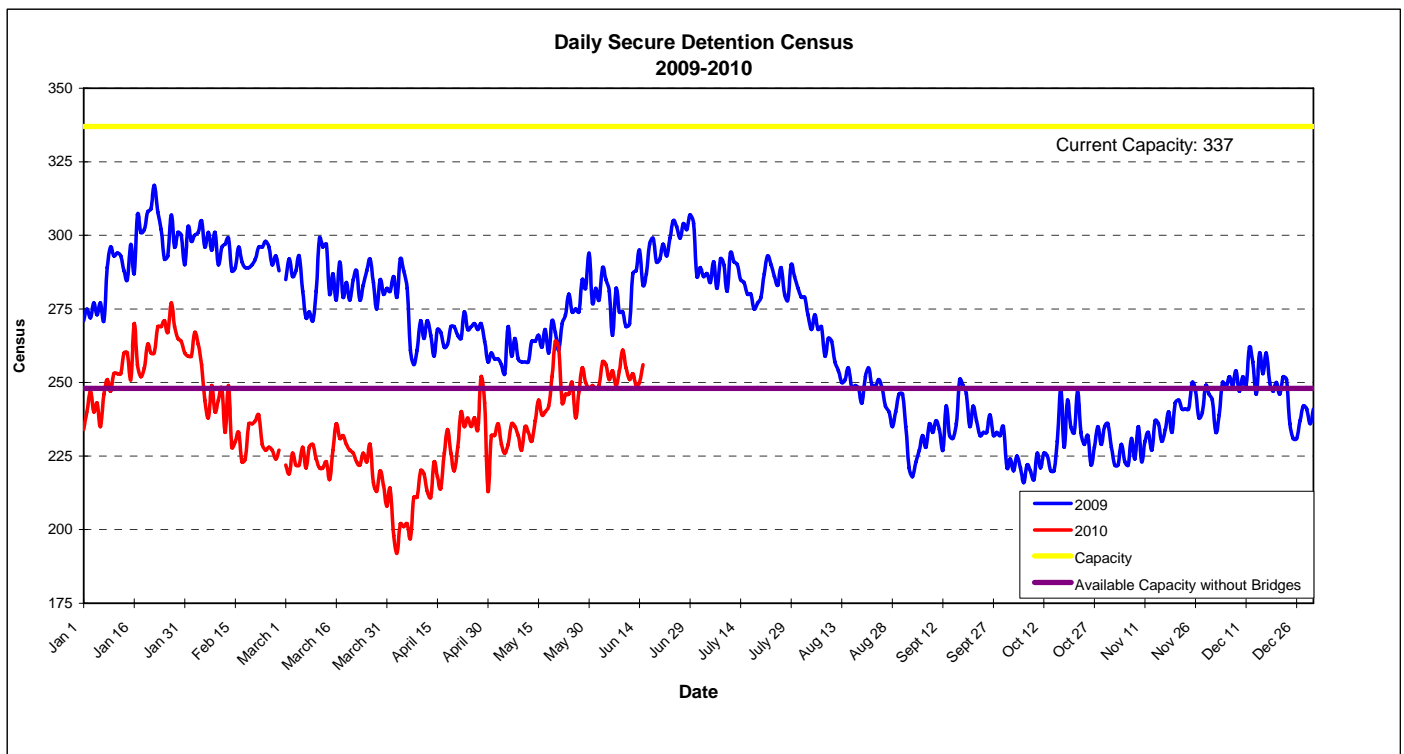
¹ (Bernburg & Krohn, 2003; Huizinga, Schumann, Ehret, & Elliot, 2001; Sampson & Laub, 1997; Vitaro, Tremblay, & Bukowski, 2001).

The Plan that follows describes eight strategies that the City will implement in 2010.

Priority #1: Target Use of Secure Detention

As we implement strategies and assessment tools that will better identify which youth require secure detention, it is expected that we will reduce the average daily population in secure detention by 50 to 60 youth, which is the approximate difference between the highest daily census in the past twelve months (307) and the capacity that would remain in Horizons and Crossroads without utilizing reserve beds (248).

Juvenile Justice Reforms to Date have Decreased the Use of Secure Detention (Secure Daily Census 2009 & 2010)



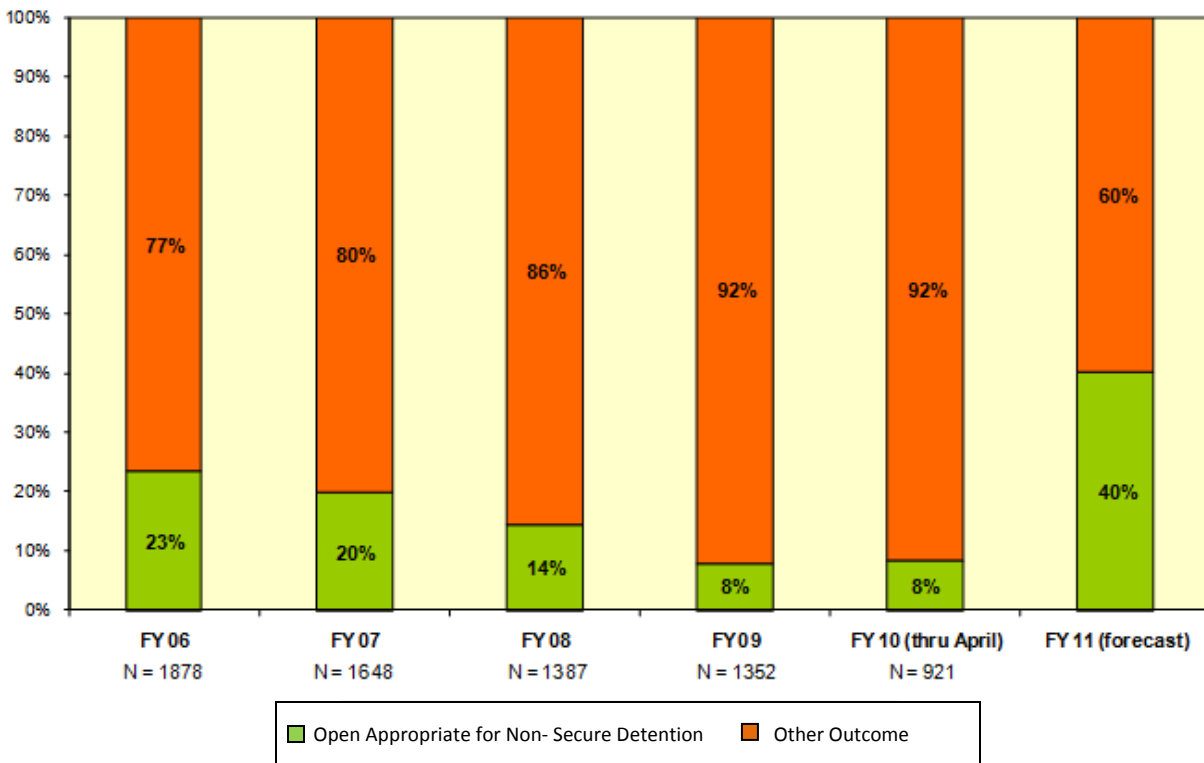
1. Focus the decision-making process for youth in detention with an “open remand” court order on risk of violence and flight: While judges often specify whether a youth should be held in secure or non-secure detention pending adjudication of their case, many youth are detained with DJJ on an “open remand” status by a judge. This authorizes DJJ to make the decision whether to detain youth in secure or non-secure detention. Currently, when a judge orders a youth detained on an “open remand,” DJJ holds the young person under observation at Bridges for 3 days, before making the determination whether to place the youth in secure or non-secure detention.

Strategy:

- The process will be changed so that the DJJ assessment sharpens its focus on risk of violence or flight. The decision-making process will also be accelerated so that it will occur while youth are still in court. The revised tool will rely on facts pertaining to the current charge, the youth’s history of violent findings, and warrant or flight history - to ensure that youth who are identified as high risk are detained in secure detention and those who present a lower risk are placed in non-secure detention.

Projected Result: Reduce Average Daily Population in Secure Detention by 30 youth

Risk-Based Assessment Process will Increase Proportion of Youth Housed in Non-Secure Detention*



*100 % represents all open remand orders received by the Department during the reporting period. Other Outcomes include youth who screened not-appropriate or non-secure based on the existing screening instrument, those youth released from detention before the screening was completed, and those youth whose screening had not yet been completed at the end of the reporting period.

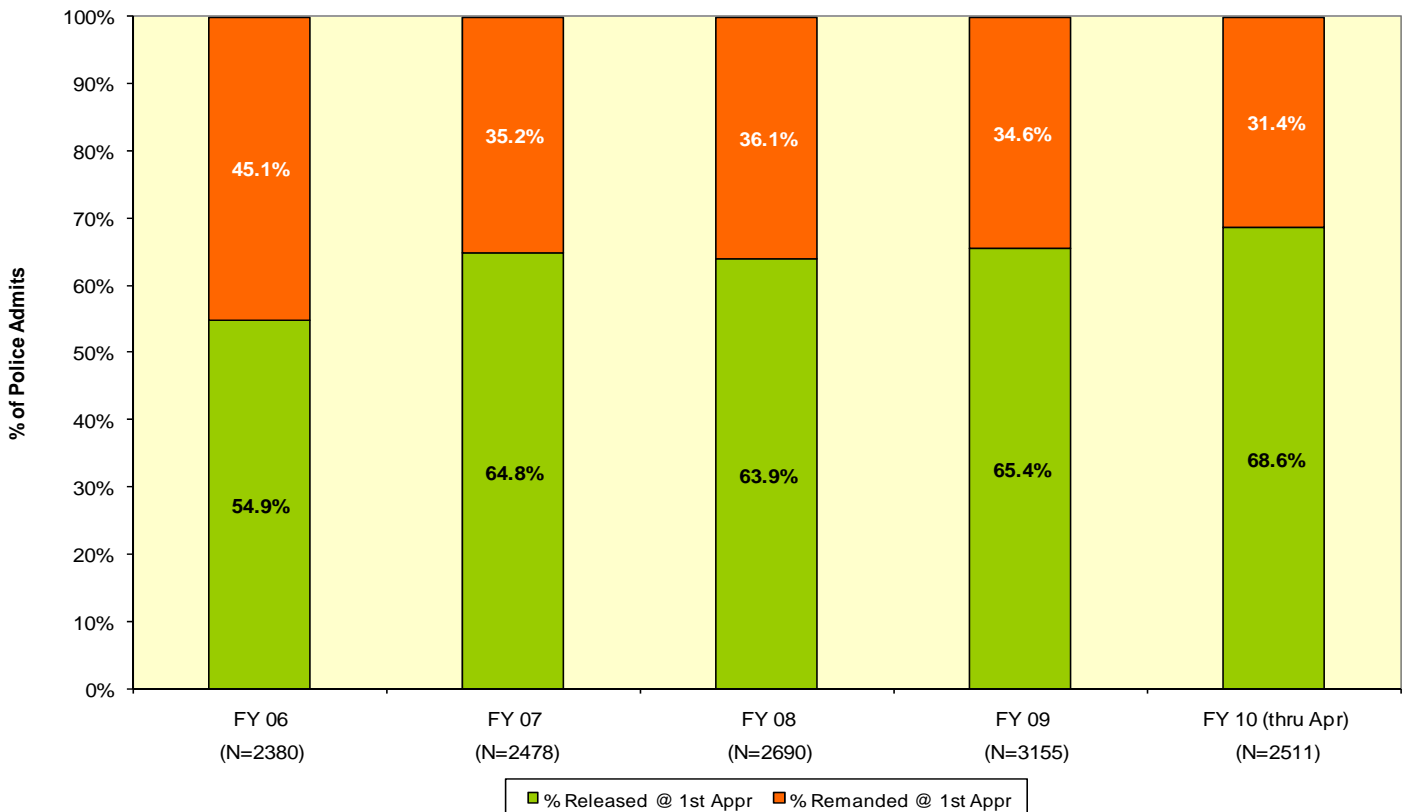
2. Expedite screening of police admissions: More than two-thirds of youth who are arrested and brought by the Police Department directly to secure detention are released the very next day at the courthouse by the Department of Probation, the Law Department or a judge. There is currently a screening done by DJJ upon admission to secure detention to determine if youth qualify to be released to their parent. If youth qualify, parents are called and given the option of picking up their child. For many reasons, parents are not always available to pick up their children. Therefore, there are a significant number of ‘one-night’ stays in secure detention.

Strategies:

- Arrange for transportation to bring youth home if they are eligible for release
- Develop a new protocol among City agencies, including Probation, to screen youth for release at the time of admission to secure detention

Projected Result: Reduce Average Daily Population in Secure Detention by 5-10 youth

A Majority of Youth Admitted to Detention by the Police are Released at Family Court Intake



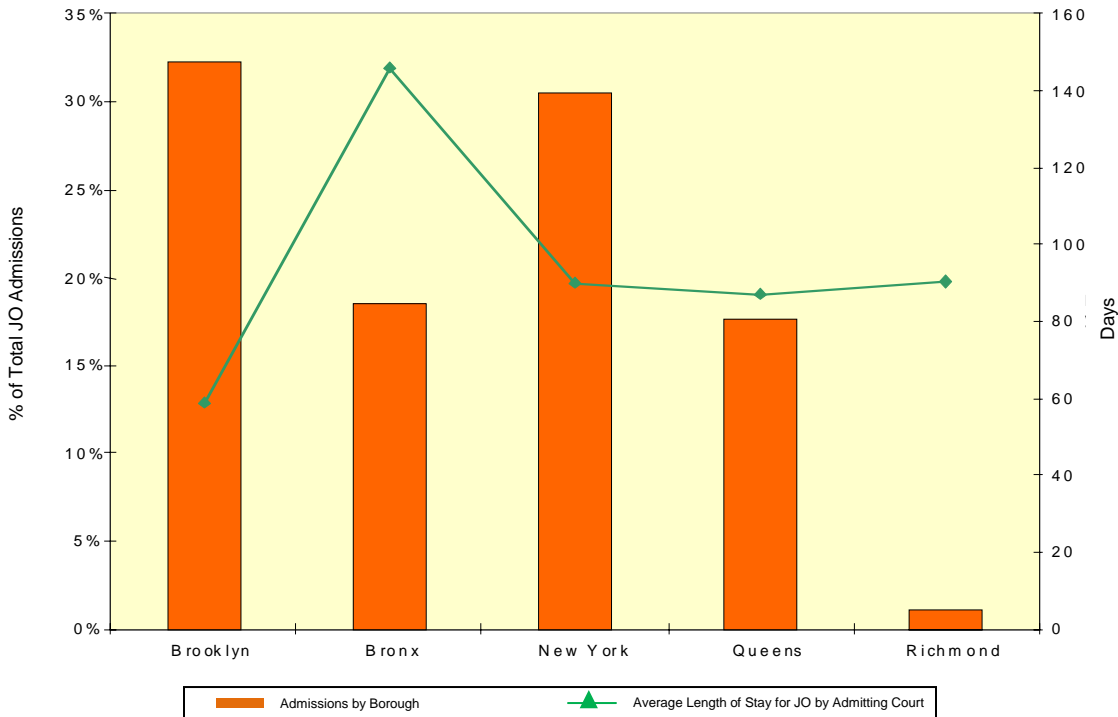
3. Expand options for Juvenile Offenders: Juvenile Offenders make up a small percentage of detention admissions (5%) but account for a substantial portion of the average daily population in secure detention (25%) because of long lengths of stay in detention in cases processed in certain boroughs. While juvenile offender cases involve serious charges, there is widespread agreement among all stakeholders that there should be intensive, evidence-based services available to this population, and that certain youth charged as juvenile offenders could be safely maintained in the community were these services to be offered.

Strategies:

- Offer step-down or alternative options to judges overseeing juvenile offender cases, such as electronic monitoring, and other alternatives-to-detention and placement to reduce remands and shorten length of time in detention.

Projected Result: Reduce Average Daily Population in Secure by 10 youth

Juvenile Offenders: Opportunity to Reduce Case Processing Time
CY 2009



4. Improve management of New York State Office of Children and Family Services (OCFS) AWOLS and Revocators: Juvenile delinquents and juvenile offenders in the legal custody of OCFS, but who are absent without leave or not complying with conditions of release, are brought to DJJ by the police or sheriff and detained in secure detention, before being returned to an OCFS facility.

Strategies:

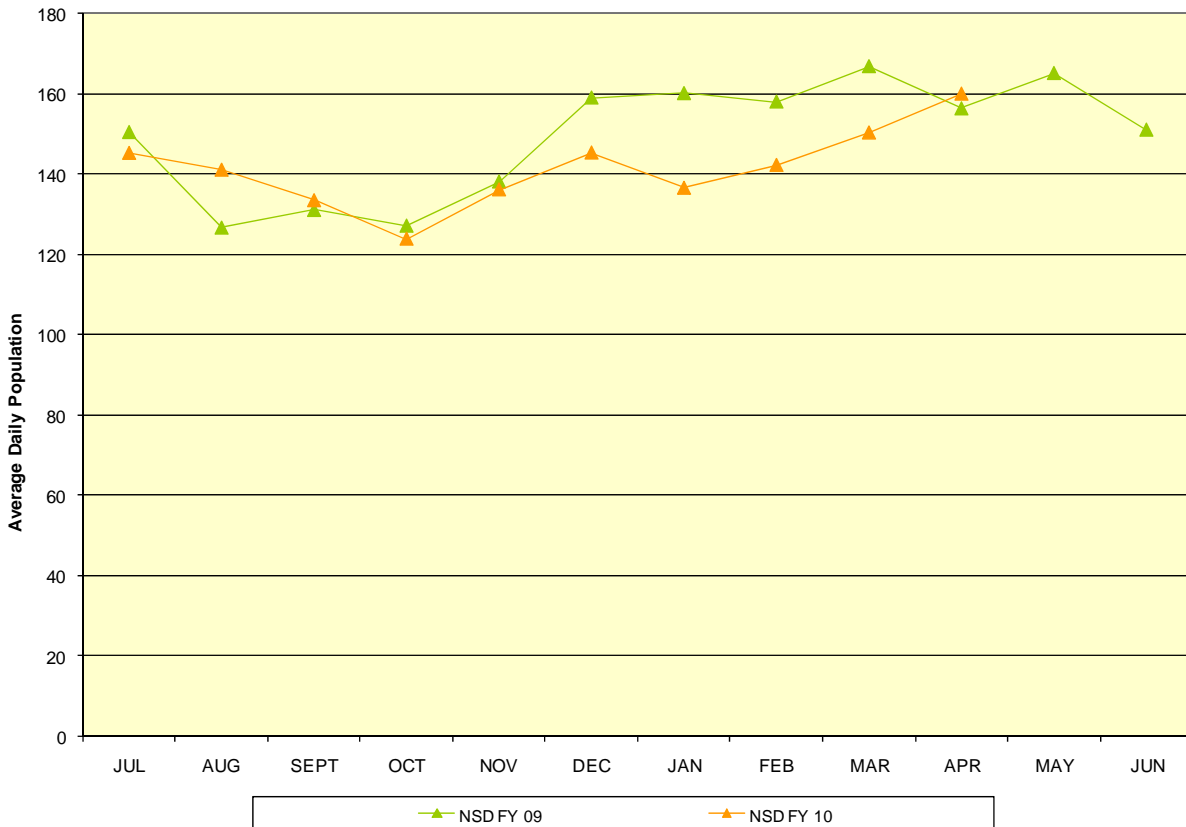
- Work with OCFS to minimize the length of stay for OCFS youth in secure detention through expediting case processing time and pick up of OCFS youth. Coordinate analysis with OCFS of case processing times for OCFS youth who have been brought to secure detention because of a warrant.

Projected Result: To be determined upon completion of analysis

Priority #2: Target Use of Non-Secure Detention:

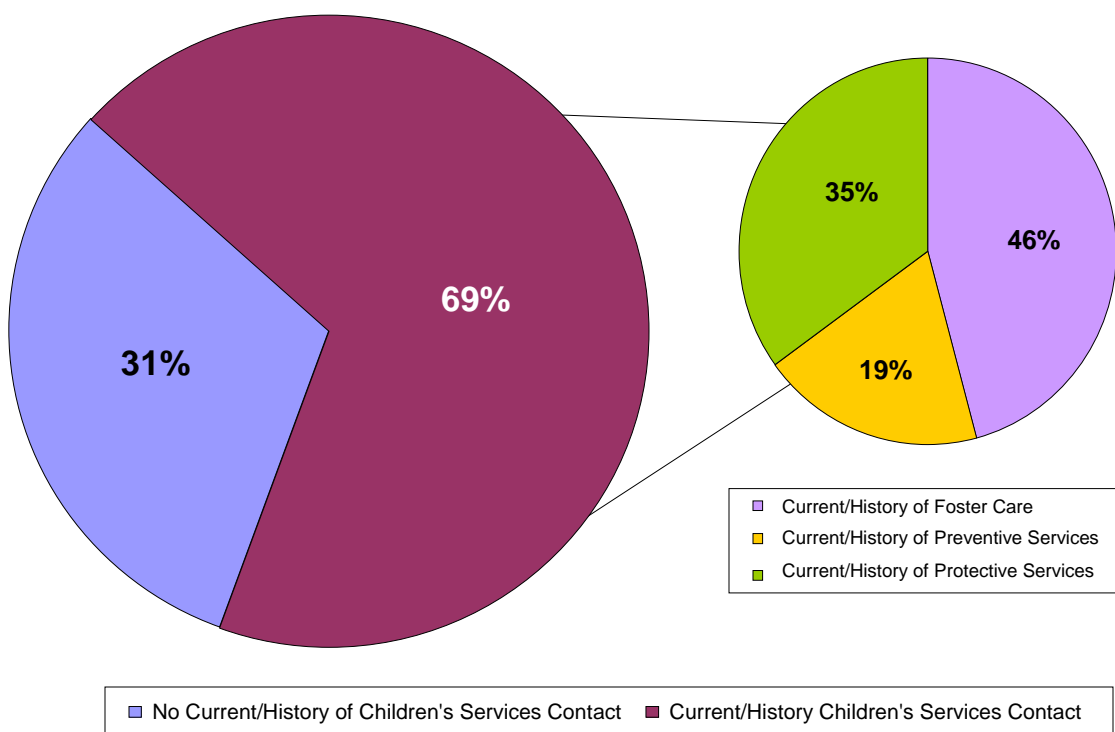
Although non-secure detention utilizes less security measures and appears more “home-like” than secure sites, it is nevertheless a form of group confinement, with regulations, staffing and security not found in normal home settings. Like their secure detention counterparts, youth in non-secure detention experience long-lasting consequences as a result of being detained, including a disruption of the family relationship, and negative educational and employment effects. Data demonstrates that many low-risk and medium-risk youth are held in non-secure detention, not because of high RAI risk level, but because a parent or other adult resource is not available or willing and able to provide supervision in the home.

Non-Secure Detention Average Daily Population Remained Relatively Constant Between FY09 - FY10



5. Reduce the number of youth in foster care who are detained and, for those who are detained, reduce the length of stay in detention: There are youth in foster care who are detained primarily because parental resources are not identified at arrest or in court, and the current alternative-to-detention programs do not address their needs. These youth should have the same opportunities to participate in alternative-to-detention programs as non-foster youth.

**Youth in Detention have a Variety of Child Welfare Needs
(7,480 Unique Youth Admitted to Detention in Fiscal Years 2008 & 2009)**



Strategies:

- Children's Services will bolster Confirm, the program within Children's Services responsible for responding to arrests of foster care youth, in order to improve the response of foster care agencies to the youth in their care who have been arrested.
- Foster care agencies will be provided with training and support by Children's Services to assist them in handling the complex needs presented by these youth.
- Develop alternatives-to-detention that are specially tailored to the complex needs of "dual jurisdiction" (ACS and DJJ) youth.

Projected Result: Reduce average daily population in non-secure detention by 10 youth

6. Expand options for youth on probation at risk of, or following, a violation of probation: There are more than 300 youth each year that violate terms of probation and are subsequently detained.

Strategy:

- In order to reduce remands to detention, the Department of Probation will initiate an "enhanced probation" program for youth at risk of a violation of probation for non-compliance of technical conditions. This program will improve public safety outcomes by reducing technical violation of probation filings by 50%. The program has three primary elements: 1) reduced probation caseloads to 30 per officer, 2) contract with a youth development-oriented, in-home family service program to augment services and supervision, and 3) contract with an educational advocate to assist with school-related problems, one of the leading reasons for technical violations.
- Additionally, for youth who are remanded to non-secure detention on a violation of probation case, Children's Services will pilot an assessment and step-down model that will provide in-home monitoring in cases where there is a parent that is willing and able to supervise the young person.

Projected Result: Reduce Average Daily Population in Non-Secure Detention by 30 youth

7. Provide respite care with permanency planning (both family-based and residential) for youth remanded to non-secure detention who have no parent due to neglect or abuse, or no immediately willing parent to take the youth home, so that youth may participate in alternative-to-detention services: There are currently no community-based alternatives able to serve court-involved youth who do not have a responsible adult with whom they live. These are youth who score low-risk or medium-risk on the risk assessment instrument, and thus are eligible for an alternative-to-detention, but who are unable to participate because they lack a willing, responsible resource. These youth are brought before the Family Court for a determination as to whether detention is needed. Without reassurance that the youth will be monitored by a responsible adult in the community to prevent re-arrest and ensure court attendance, the court often has no choice but to detain the youth in detention.

Strategy:

- Children's Services plans to provide a continuum of respite and foster care services, all of which will have a permanency planning focus and aftercare designed to support reunification with a parent or release to a responsible adult's home. Models being evaluated include both family-based and residential care, and would address the complicated situational factors presented by these youth and families.

Projected Result: Reduce Average Daily Population in Non-Secure Detention by TBD

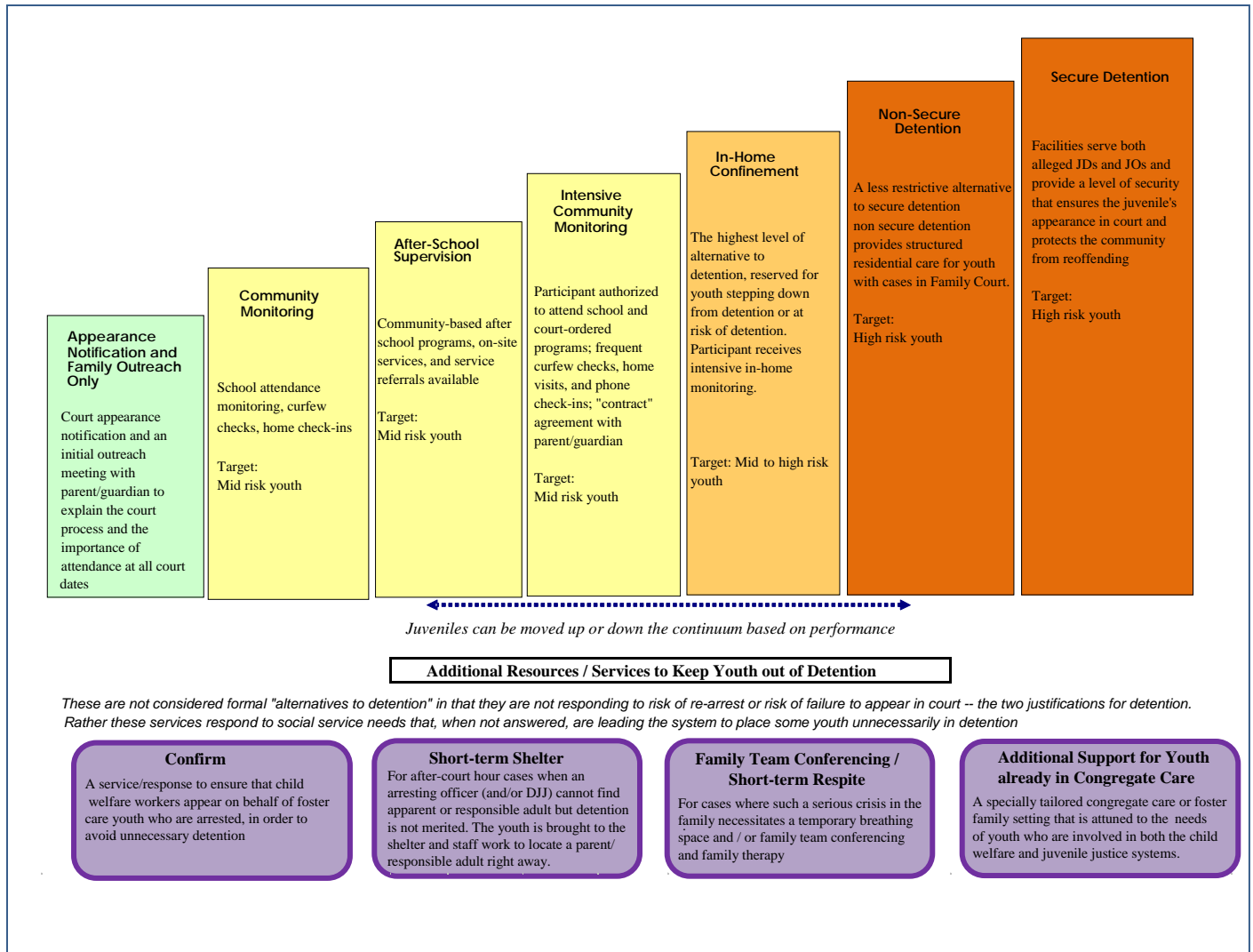
8. Reduce the number of youth detained on a low charge: There currently are youth with a high RAI score, but a low charge who are being detained.

Strategy:

- Expand the Department of Probation’s Intensive Community Monitoring Program to offer intensive monitoring services to the court for 100 youth per year that present a high RAI score but are a low risk to community safety.

Projected Result: Reduce Average Daily Population in Detention by 2 youth

Continuum of Options for Youth Awaiting Dispositions





Michael R. Bloomberg, *Mayor*

Linda I. Gibbs, *Deputy Mayor for Health and Human Services*

DRAFT