



# Charting a New Course

## A Blueprint for Transforming Juvenile Justice in New York State

DECEMBER 2009

**A Report of Governor David Paterson's  
Task Force on Transforming Juvenile Justice**



# Executive Summary

**N**EW YORK STATE'S juvenile justice system has two primary responsibilities: to keep the public safe and to care for and rehabilitate young people. Since the 1980s, this system has relied on a punitive, corrections-based model to meet these responsibilities. On both counts this model has failed. The need for systemwide reform is urgent.

More than 1,600 youth enter the state's institutional placement facilities each year, at an estimated annualized cost of \$210,000 per child. Currently, there is no standardized, state-wide system in place for determining whether youth placed in state custody truly pose a risk to public safety. However, we do know that in 2007 the majority of these young people—53 percent—had a misdemeanor as their most serious adjudicated offense. This heavy reliance on incarceration is not protecting the public from juvenile crime. The most recent reliable recidivism data—which, troublingly, is more than a decade old—indicates that of all youth released from state custody between 1991 and 1995, 75 percent were re-arrested, 62 percent were re-convicted, and 45 percent were re-incarcerated within three years of their release.

This punitive approach is also failing the young people it is meant to serve. Youth are placed in facilities that are located hundreds of miles away from the support networks of their

families and communities. These institutions are often sorely under-resourced, and some fail to keep their young people safe and secure, let alone meet their myriad service and treatment needs. In some facilities, youth are subjected to shocking violence and abuse. A recent investigation of four New York State facilities by the U.S. Department of Justice found, for example, that staff consistently responded to minor incidents with excessive force, resulting in serious physical injuries to young people. It comes as no surprise, then, that not only do youth leave facilities without having received the support they need to become law-abiding citizens, but many are also more angry, fearful, or violent than they were when they entered.

By incarcerating thousands of children in facilities, the largest of which closely resemble adult prisons, New York State is harming its children, wasting money, and endangering its public. This cannot continue.

Under the new leadership of Commissioner Gladys Carrión, officials at the Office of Children and Family Services (OCFS)—the state agency that oversees New York State's juvenile placement system—have begun the crucial work of repairing this badly broken system. Several counties around the state are doing the same. To accelerate and spread these reform efforts, Governor David Paterson formed the Task Force on Transforming Juvenile Justice in Sep-

tember 2008. Composed of national, state, and county experts from government, law enforcement, community-based organizations, academia, and labor, the Task Force was asked to move the state toward a system that promotes public safety, holds youth accountable for their actions, and produces positive outcomes for young people and their families. In particular, the governor asked the Task Force to focus its efforts on one particular stage of the system: the point after a young person is adjudicated (found guilty of a crime) in family court.

With technical assistance and logistical support from the Vera Institute of Justice, the Task Force began its work by reviewing data, conducting interviews with stakeholders, and consulting national and local juvenile justice experts. The group also visited programs and facilities across New York and other states, including Missouri and the District of Columbia, to gain a firsthand account of the services provided to youth placed in state custody. Based on its findings, the Task Force has crafted 20 recommendations that provide a framework for an effective juvenile justice system. These recommendations are grounded in the best available research and literature. This report lays out those recommendations, and in many areas, it also offers specific strategies for accomplishing them. Each of these recommendations is an important part of a successful transformation of

the state's juvenile justice system, but the heart of the matter is this:

**Institutionalizing young people should be the choice of absolute last resort, reserved only for those who pose such a serious threat that no other solution would protect public safety. For the small fraction of youth who do need to be placed in an institutional facility, the state should treat and rehabilitate them, not hurt and harden them. In all other cases, young people can be well served, and the public kept safe, by community-based supports and services that align with best practices in the field.**

The report is divided into five chapters, most of which cover a specific category of reform. The recommendations in Chapter 1, however, apply to the entire system and are intended to inform every recommendation that follows.

The Task Force is hopeful that the state's executive, legislative, and judicial leaders will recognize that New York's juvenile justice system is in nothing short of a crisis and that they will use this report as a tool for the transformation that New York State so desperately needs.

The following is a summary list of the Task Force's recommendations:

# Task Force Recommendations and Strategies

## 1 The Fundamentals of Reform

**Recommendation 1:** Reduce the use of institutional placement, downsize or close underutilized facilities, and reinvest in communities.

**Recommendation 2:** Reduce the disproportionate representation of youth of color in institutional placement.

**Recommendation 3:** Ensure that New York State operates a unified and cohesive system of care that keeps all youth in its custody safe, whether in private or state-operated facilities.

## 2 Keeping More Kids at Home: A Shift to Community-based Services

**Recommendation 4:** Reserve institutional placement for youth who pose a significant risk to public safety, and ensure that no youth is placed in a facility because of social service needs.

**Strategy 4-1:** Amend section 352.2 of the Family Court Act to include the following provision for delinquency dispositions, other than those involving designated felony acts: The court may order institutional placement only when a child poses a significant risk to public safety and, even then, only when no community-based alternative could adequately mitigate that risk.

**Strategy 4-2:** Use validated instruments to measure risk to public safety and guide placement decisions.

**Recommendation 5:** Develop and expand community-based alternatives to institutional placement.

**Strategy 5-1:** Expand the use of evidence-based alternatives to placement.

**Strategy 5-2:** Broaden the evidence-based field by supporting and conducting evaluations of new, innovative programs that apply the principles of best practice.

**Strategy 5-3:** Build a continuum of alternative-to-placement programs with graduated levels of supervision and services, including respite care for young people with families in crisis and programs for sexually exploited youth.

**Strategy 5-4:** Ensure that courts order community-based alternatives when making dispositional decisions.

**Strategy 5-5:** Ensure that OCFS uses its authority to use day placement as a community-based alternative for youth in its custody.

**Strategy 5-6:** Provide counties with a financial incentive to use probation supervision and other alternative-to-placement programs.

**Recommendation 6:** Redirect cost savings into neighborhoods that are home to the highest number of youth in the juvenile justice system.

## 3 Rethinking Institutional Placement

**Recommendation 7:** Place youth close to home.

**Strategy 7-1:** Establish a standard distance within which all youth are placed, and provide transportation to families with children in custody.

**Recommendation 8:** Develop a standard process to accurately assess a youth's risks and needs.

**Recommendation 9:** Require all facilities' culture and physical environments to be conducive to positive youth development and rehabilitation.

**Strategy 9-1:** Ensure that youth are safe and protected from excessive use of force or restraints as a form of punishment.

**Strategy 9-2:** Promote a culture of caring and mutual respect.

**Strategy 9-3:** Make the physical appearance of facilities less punitive and more nurturing.

**Recommendation 10:** Fund and provide services and programs, including education and mental health treatment, which prepare youth for release.

**Strategy 10-1:** Engage youth, families, treatment providers, and facility staff in the treatment planning process.

**Strategy 10-2:** Design, implement, and invest in a coordinated continuum of facility-based services and programs that address the full range of youth needs.

**Strategy 10-3:** Provide access to a high-quality education within facilities that prepares youth for success in the community.

**Strategy 10-4:** Conduct a thorough examination of the educational and vocational curricula used in all facilities.

**Strategy 10-5:** Establish OCFS as its own school district and accredit all facility schools.

#### **Recommendation 11: Support and invest in staff.**

**Strategy 11-1:** Train all facilities' staff in cultural competency, positive youth development, and relevant treatment approaches and philosophies.

**Strategy 11-2:** Provide funding to ensure that all placement facilities are adequately staffed to serve youth needs.

**Strategy 11-3:** Ensure that OCFS's Voluntary Agency Services unit has adequate staff and resources to monitor the needs of youth in private facilities.

**Strategy 11-4:** Recruit and retain a professional workforce.

**Strategy 11-5:** Make salaries for hard-to-recruit positions competitive with salaries for similar positions in other agencies.

#### **Recommendation 12: Provide localities with equal reimbursements for youth who are placed in OCFS custody, regardless of the type of facility.**

## **4 Ensuring Successful Reentry**

**Recommendation 13:** Limit the amount of time youth spend in institutional facilities.

**Recommendation 14:** Begin reentry planning and preparation at the time of disposition, and actively engage different stakeholders in this process.

**Recommendation 15:** Ensure that reentry plans are individualized and provide for seamless, well-supported transitions from facilities back to the community.

**Strategy 15-1:** Provide a continuity of care that addresses youth's reentry experiences and their general needs.

**Strategy 15-2:** Ensure that OCFS partners and coordinates with relevant state and local agencies and community groups to provide transitioning youth access to a full range of services and interventions.

**Strategy 15-3:** Foster collaborations between OCFS, the New York State Education Department, and local school districts to facilitate a successful return to an educational or vocational setting for all reentering youth.

## **5 Creating System Accountability and Transparency**

**Recommendation 16: Improve and expand the use of data and other performance measures to guide decision making, enhance accountability, and drive system improvement.**

**Strategy 16-1:** Collect and report data for a comprehensive view of the juvenile placement system.

**Strategy 16-2:** Review, analyze, and report data on youth placed in the custody of local social service agencies.

**Strategy 16-3:** Establish and track standardized performance measures for each placement facility and alternative-to-placement program.

**Strategy 16-4:** Fund research and development efforts to evaluate reforms and promote innovation.

**Strategy 16-5:** Disseminate research and information to educate staff, stakeholders, and the public and to encourage system transparency.

**Recommendation 17: Track and report disproportionate representation of youth of color at every system point.**

**Recommendation 18:** Ensure that allegations of abuse and staff misconduct in facilities are thoroughly investigated and handled appropriately.

**Recommendation 19:** Establish and fund an independent, external oversight body to monitor and report on OCFS's juvenile justice policies and practices.

**Recommendation 20:** Provide regular progress reports on the status of implementing the Task Force's recommendations.