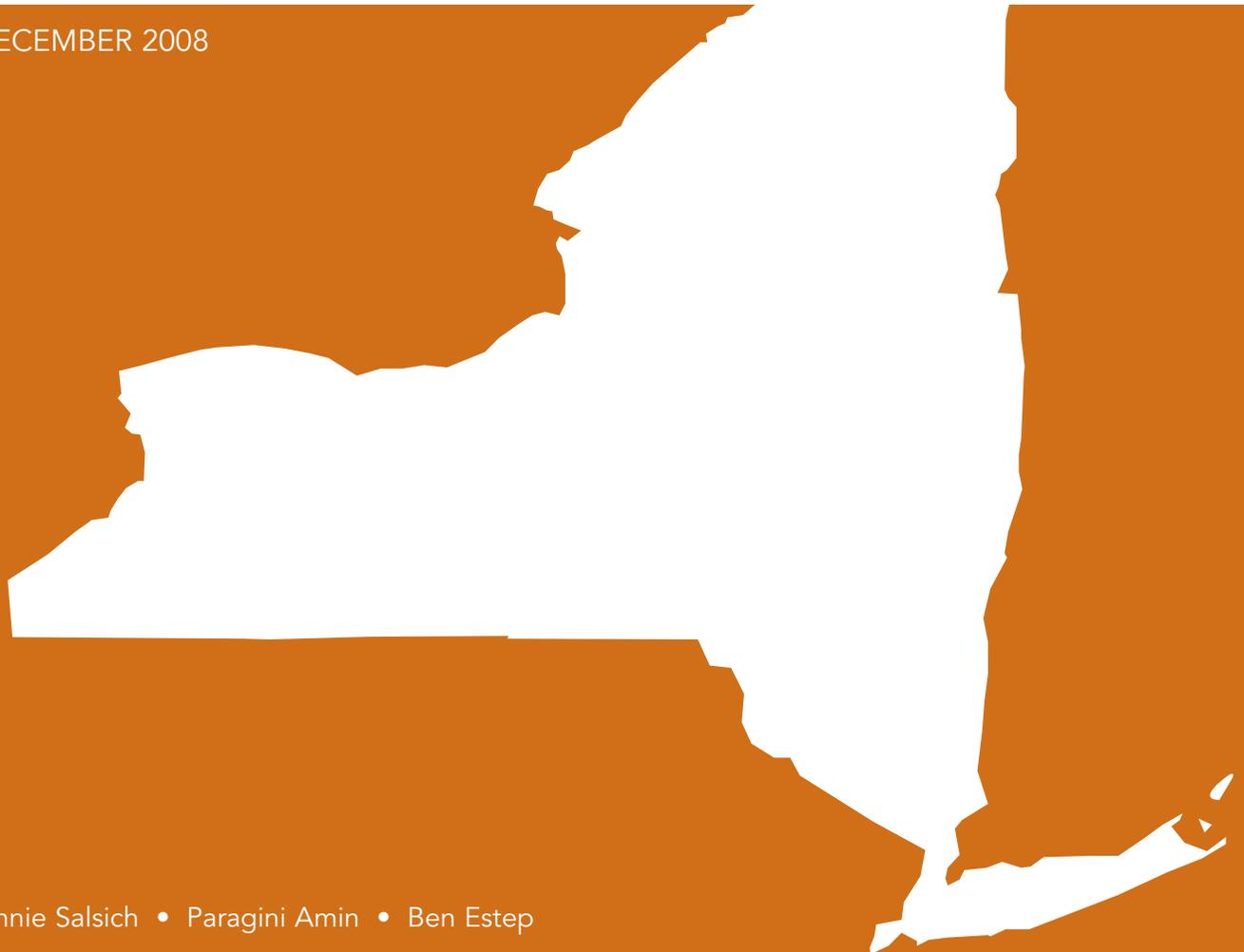


Widening the Lens 2008

A Panoramic View of Juvenile Justice in New York State

DECEMBER 2008



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CENTER ON YOUTH JUSTICE

An Analysis of System Indicators for State and Local Planning
2004 to 2006 Data

Executive Summary

In New York State, the juvenile justice system is fragmented across a number of agencies, including law enforcement, probation, detention, family court, and social services. Each agency is required to collect and report particular data elements. A wealth of information is therefore housed at various juvenile justice agencies. However, until recently, this data had never been compiled or distributed to offer a comprehensive overview of the juvenile justice system.

In 2005, the New York State Office of Children and Family Services established the New York State Task Force on Juvenile Justice Indicators to address this issue. The task force was charged with developing and institutionalizing a set of statistical indicators—data that offers insight into an organization’s work or the environment in which it operates—that would inform juvenile justice planning at both the local and state levels. In early 2007, the Vera Institute of Justice and the task force published the first-ever set of statewide indicators. The publication, *Widening the Lens: A Panoramic View of Juvenile Justice in New York State*, summarized the indicators within five key areas of the juvenile justice system: arrest, referral to court, detention, court processing, and disposition. The report drew on 2004 data and allowed practitioners, policymakers, and officials to view the juvenile justice system in its entirety for the first time.

A follow-up to that first publication, this report draws on three years of data, from 2004 to 2006. *Widening the Lens 2008* sets forth analytical observations from the most recent figures and also highlights three-year trends, an important development since the original publication. By examining how county and state juvenile justice systems have been operating from 2004 to 2006, the report allows local and state stakeholders to identify promising trends and areas that need reform.

Trends identified in this report include:

- > The statewide proportion of juvenile delinquency (JD) cases that are referred to court has remained unchanged since 2004, at 66 percent.
- > JD out-of-home placements (court-ordered commitments to residential care) have decreased statewide by 8 percent since 2004, in spite of a small spike in placements in 2005.
- > Compared to their representation in the general population, youth of color continue to be disproportionately represented in JD secure detention admissions and out-of-home placements.
- > System responses to Persons in Need of Supervision (PINS)—youth up to age 17 who enter the juvenile justice system for non-criminal behavior, such as truancy, incorrigibility, or running away—have changed dramatically since 2004. PINS court petitions have decreased by 41 percent, and PINS out-of-home placements have decreased by 28 percent.

Since the first publication, the Division of Criminal Justice Services (DCJS), the state agency that houses arrest data, has raised concerns about the reliability of juvenile arrest data for 2005 and 2006. Due to these concerns, the current report does not include an analysis of arrest indicators. According to officials at DCJS, the agency is addressing these reporting issues to ensure that juvenile arrest data is included in future reports.

As in the previous publication, the observations and trends presented here are intended as examples only. Local stakeholders are encouraged to examine the full set of indicators (available at www.nyskwic.org) with an eye toward their own particular questions, needs, and concerns.

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Introduction

In February 2007, the Vera Institute of Justice and the New York State Task Force on Juvenile Justice Indicators, a committee of key juvenile justice stakeholders chaired by the New York State Office of Children and Family Services (OCFS), published the state's first-ever set of statewide juvenile justice statistical indicators—data that offer insight into an organization's work or the environment in which it operates. Using 2004 data collected from four state agencies, *Widening the Lens: A Panoramic View of Juvenile Justice in New York State*, summarized indicators within five key areas of the system: arrest, referral to court, detention, court processing, and disposition (sentencing). The report allowed practitioners, policymakers, and officials to view the juvenile justice system in its entirety for the first time, making it possible to begin pinpointing system needs and designing and implementing data-driven reforms.

This new publication, which relies on data from 2004 to 2006, is the first sequel to the 2007 report. It sets forth analytical observations from the most recent juvenile justice figures and identifies state and local trends, an important development since the first report. With a snapshot of how county and state juvenile justice systems have been operating from 2004 to 2006, stakeholders will be able to begin to identify promising trends and isolate areas that are ripe for reform. The observations and trends provided in the report are intended as examples only; local stakeholders are encouraged to examine the full set of indicators with an eye toward their own particular needs and concerns.

The report begins with general background on how the task force developed and institutionalized the indicators. This first section also describes some key limitations of the recent data and explains the absence of 2005 and 2006 juvenile arrest figures. Sections two through five describe and analyze each of the four remaining points of the juvenile justice system: court referral, detention, court processing, and disposition.

The full set of county and state indicators, along with data narratives and conceptual definitions, is available online at the Kids' Well-being Indicator Clearinghouse (KWIC), www.nyskwic.org, which is operated by the New York State Council on Children and Families. To browse the indicators, select a region and click on "juvenile justice" in the "select profile type" box on KWIC's homepage.

Background: Developing and Institutionalizing the Indicators

As is the case in many states, the juvenile justice system in New York State is operationally divided among several agencies. These include law enforcement, probation, detention, family court, and social services. Each agency plays its respective role in responding to young people at various points of the system, and each is required to collect and report particular data elements. Although a wealth of data is housed in these various agencies, until recently this data had never been compiled to offer a systemwide view of the juvenile justice system.

In 2005, OCFS established the New York State Task Force on Juvenile Justice Indicators and charged it with developing a set of indicators that would pull data from various agencies, provide a view of the juvenile justice system as a whole, and inform local and state planning efforts. Although interest in system indicators has recently grown in every area of public administration, the juvenile justice field has yet to develop a strong tradition of using them. Effective indicators can help officials monitor systems and, when necessary, correct system assumptions or standards; alert managers to demographic shifts or policy changes affecting a system; and provide benchmarks for stakeholders interested in improvement and reform.

To ensure collaboration among stakeholders, the task force included representatives from key state agencies, including the Division of Criminal Justice Services (DCJS), the Division of Probation and Correctional Alternatives (DPCA), and the Office of Court Administration (OCA). From the local level it included representatives of select probation and social service agencies, as well as several mental health commissioners and family court judges.

The group began its work by identifying five points within the juvenile justice system that it considered central to juvenile justice procedure and policy making: arrest, referral to court, detention, court processing, and disposition. It then assessed the juvenile justice data collected and maintained at the state level within each of these points. Based on information that members felt would be most significant to local and state juvenile justice planners, the group selected a subset of data from each point of the system.¹ Vera staff, supported by OCFS, then transformed the raw data from 2004, the most recent year that comprehensive statistics were available at the time the task force was established, into a final set of indicators.

After releasing a final report in February 2007, the task force launched a small advisory committee—chaired by OCFS, facilitated by Vera, and comprising representatives from DCJS, DPCA, OCA, and the New York State Council on

Children and Families—to institutionalize the indicators. This involved developing effective mechanisms within each participating agency for annually calculating the indicators and reporting them to KWIC. This report, the first product of that process, presents data from 2005 and 2006 alongside the original 2004 figures. The state hopes to release similar reports on an annual basis as new data becomes available.²

Although useful in many ways, the most recent indicators presented here have two key structural limitations. First, DCJS, the state agency that houses arrest data, has recently raised concerns about how local law enforcement agencies defined and reported juvenile arrests in 2005 and 2006. Due to these concerns, an analysis of the most recent arrest indicators is not included in this report.³ Officials from DCJS have stated that the agency is actively working with local police agencies to address these reporting issues and to ensure that juvenile arrest data is included in future reports. The second structural limitation relates to an important organizing principle of the task force's work, which was that data for all counties should conform to a standardized structure. To conform with this principle the task force selected indicators drawn from statewide data systems. The New York City Department of Juvenile Justice (DJJ) collects extensive and high quality juvenile detention data. However, from 2004 to 2006, the agency did not use a data system that matched the statewide reporting system. Therefore the data from DJJ is not included in the full set of indicators reported on KWIC.

Observations

As noted earlier, the task force identified five key points in the juvenile justice system where the application of indicators would be useful in gauging the system's performance and guiding policymakers: arrest, court referral, detention, court processing, and disposition. Due to the forementioned concerns raised by DCJS about the reporting of juvenile arrest data, the following sections focus on the latter four points of the system, starting with referral to court and ending with disposition.

REFERRAL TO FAMILY COURT (DATA SOURCE: DPCA)

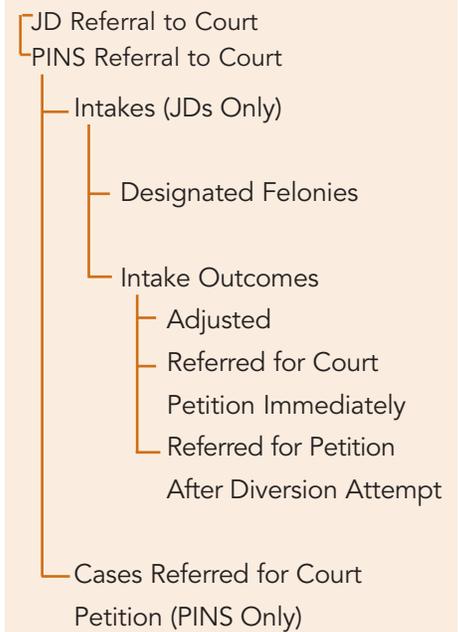
The decision to recommend to the local presentment agency (prosecution) that an alleged juvenile delinquent (JD)—a youth under the age of 16 who is arrested—be referred to court occurs at probation intake. Probation officers generally have discretion to either refer a young person immediately for court petition or divert the youth from court by referring him or her to services in the community.⁴ This critical point in the juvenile justice system greatly affects later points of the system by laying the groundwork for who enters the court system and who does not.

In making this decision, probation officers consider factors such as the severity of the case and the youth's prior legal history and previous compliance with diversion services. Some cases, however, fall outside the discretion of the probation department and are required to go directly to prosecution. Such cases include the most serious crimes (known as designated felonies), offenses in which the victim or arresting precinct demands court access, and crimes in which the offender has previously received diversion services for a prior offense in the same category.⁵

The Division of Probation and Correctional Alternatives supervises county probation departments and the use of correctional alternative programs throughout the state. The agency also maintains aggregate data on court referrals for juvenile delinquents. DPCA's statewide juvenile justice data source is the DPCA-30, a data submission form that local probation departments submit each month. The DPCA-30 summarizes aggregate information regarding probation intakes and court referrals for all 62 counties. The DPCA-30 does not track demographic data, however. The task force was therefore unable to establish indicators to assess probation intake and court referral rates by demographics.

Pulling from the available data, the task force selected the indicators outlined in the right sidebar.

REFERRAL TO FAMILY COURT INDICATORS



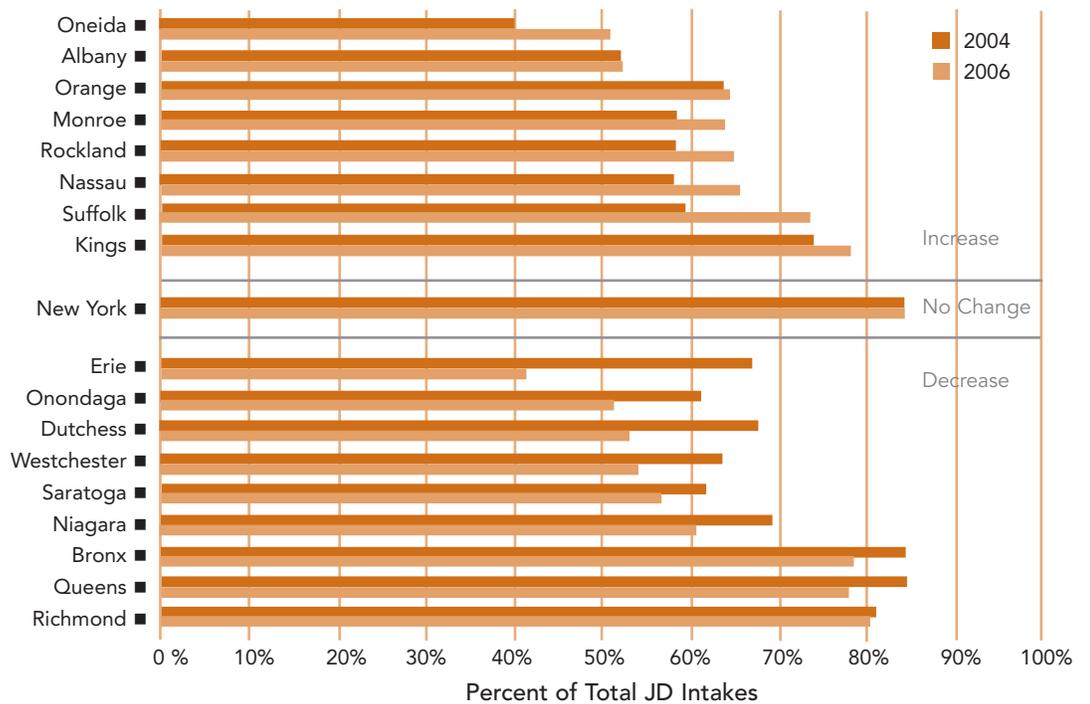
An analysis of the three-year indicators suggested the following two observations:

1. Large counties are split between those that have seen an increase in the percentage of JD intakes referred to court and those that have seen a decrease.

The statewide proportion of JD intakes that are referred to court—either immediately or after an attempt at diversion—has remained unchanged since 2004, at 66 percent. In 2006, probation departments from across New York State reported a total of 25,603 JD intakes (a slight increase of 5 percent since 2004). Fifty-nine percent of the 2006 JD intakes were referred for court petition immediately, 7 percent were referred for court petition after a failed attempt at diversion, and 32 percent were successfully diverted from court.

Figure 1 compares the 2004 and 2006 percentages of court referrals in the 18 largest counties. (For all graphs in this report, counties with populations less than 200,000 are marked with a hollow square; counties with populations equal to or greater than 200,000 are marked with a solid square.)

Figure 1: Percentage of JD intakes resulting in a court referral in the 18 largest counties, 2004 and 2006

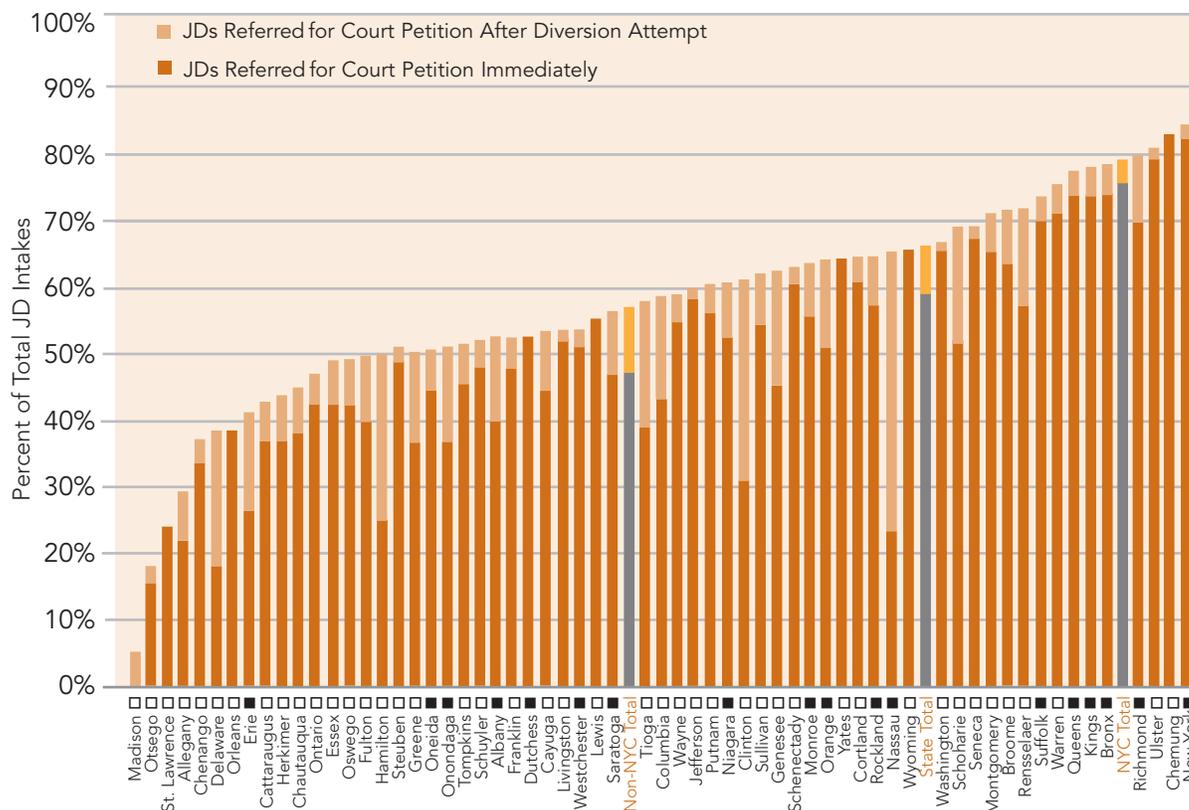


Eight counties show an increase in the percentage of delinquency cases referred to court, one shows no change, and nine show a decrease. Dutchess and Erie counties show the greatest changes, with 15 and 25 percentage point decreases, respectively.

2. Intake outcomes for JD cases in 2006 varied widely across the state, with court referral percentages ranging from 5 to 84 percent.

As in 2004, the data for 2006 shows that counties differ enormously in the percentage of JD probation intakes they referred to court. Figure 2 shows the percentage of cases referred immediately to court and those referred after an attempt at diversion in all 62 counties.

Figure 2: Percentage of JD intakes resulting in a court referral, 2006



DETENTION INDICATORS

- JD Secure Detention
- JD Non-Secure Detention
- PINS Non-Secure Detention
- Unique Individuals
- Admissions
- Gender
 - Female
 - Male
- Race
 - Black or African American
 - White
 - Native American
 - Asian
 - Other/Unknown
- Ethnicity
 - Hispanic
 - Non-Hispanic
 - Missing
- Charge Severity (JDs Only)
 - Felony
 - Misdemeanor
 - Missing
- Truancy Included as Allegation (PINS Only)
- Admission Authority
 - Police Admissions
 - Proportion of Police Admissions with warrants
 - Court Remands
- Violation of Probation
- Length of Stay
- Juvenile Offender (JO) Secure Detention
 - Admissions

Other counties (large and small), such as Delaware, Erie, Onondaga, Columbia, Tioga, and Genesee, refer a larger percentage of cases to court after an attempt at diversion services. Since 2004, Nassau County has been the only large county in the state in which more than half of all court referrals occur after an attempt at diversion.

DETENTION (DATA SOURCE: OCFS)

The decision to detain a youth prior to adjudication—a finding by the judge that the youth committed some or all of the acts outlined in the court petition—is another important point in the juvenile justice process.⁶ Detention prior to adjudication in either a secure or non-secure juvenile detention facility primarily occurs after court hours (if the arresting officer recommends immediate detention and the detention facility authorizes the stay) or during court hours as a result of a judicial order.

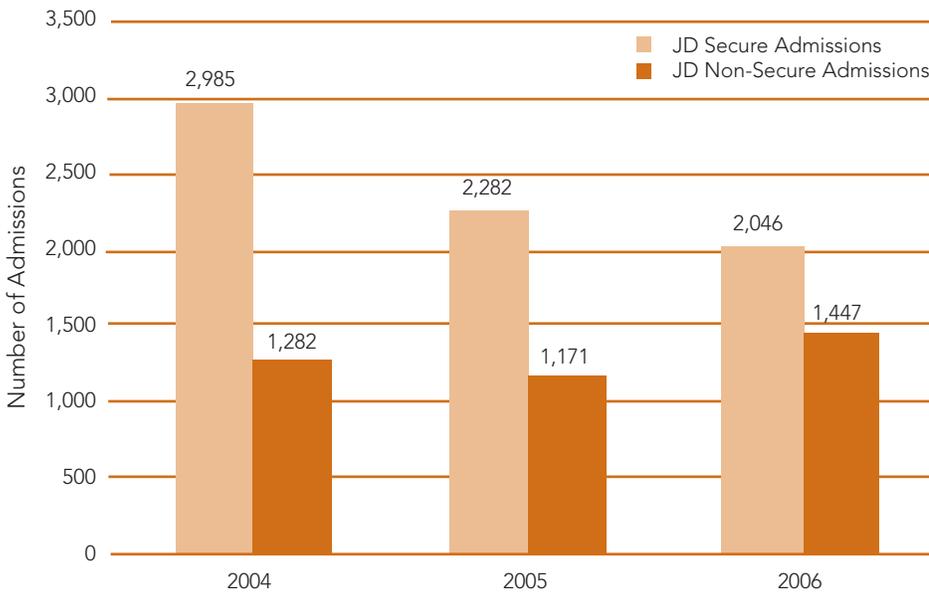
The Office of Children and Family Services is the primary agency responsible for maintaining juvenile detention data in New York State. This data can be accessed through the agency's newly designed Juvenile Detention Automated System (JDAS). All counties except the five New York City boroughs have routinely submitted data to JDAS since its development in 2004.

The task force recommended the detention data in the left sidebar as the most useful indicators for juvenile justice officials. These indicators point to five observations about juvenile detention from 2004 to 2006.

3. Statewide delinquency detention admissions—secure and non-secure combined—have decreased by 18 percent since 2004, excluding New York City.

Research indicates that a stay in a secure detention facility may increase the chances that a youth will further penetrate the juvenile justice system, even after controlling for other factors.⁷ For this reason, a careful examination of detention data is critical. In 2006, counties across the state (excluding the five New York City boroughs) recorded a total of 3,493 JD detention admissions, an 18 percent decrease since 2004. Figure 3 shows the secure and non-secure detention admissions from 2004 to 2006.

Figure 3: Statewide juvenile detention admissions (excluding New York City), 2004 to 2006



From 2004 to 2006, two divergent trends surface. JD admissions to secure detention facilities decreased by 31 percent, while JD admissions to non-secure detention facilities increased by 13 percent (despite an initial decrease in 2005).

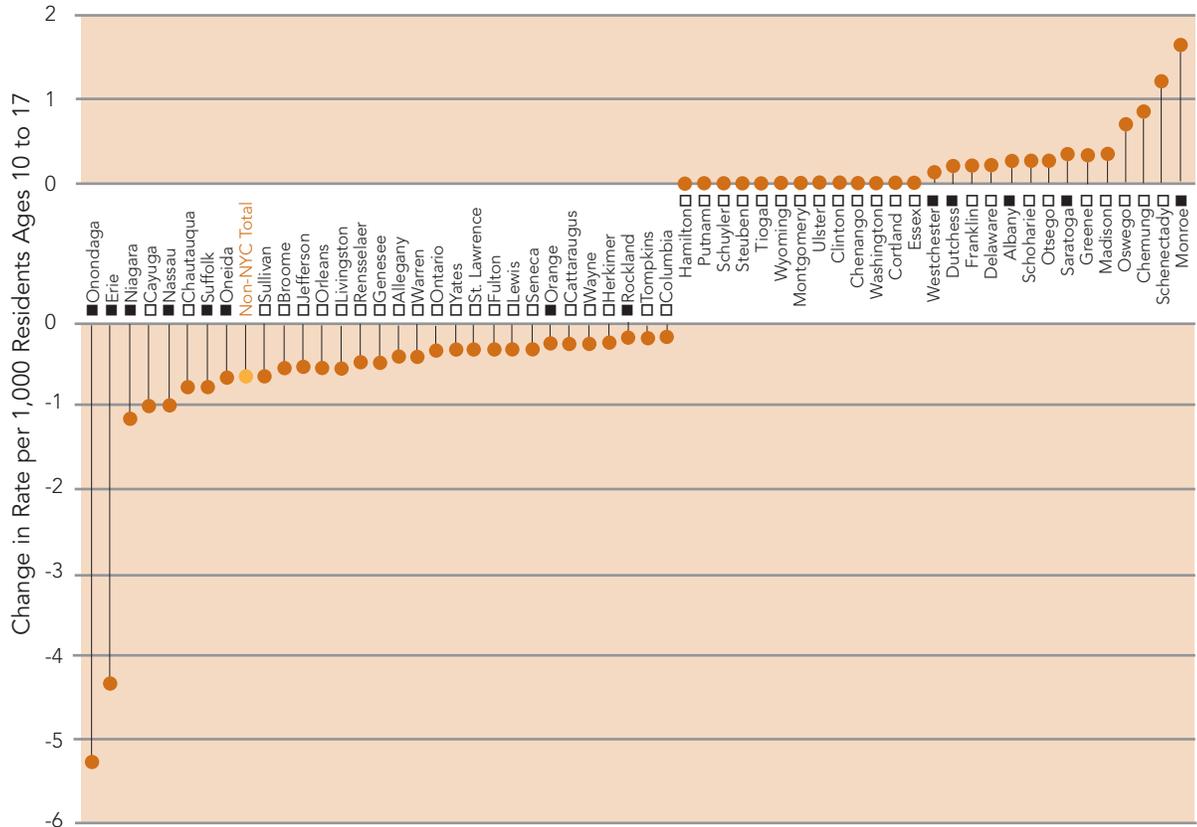
Although not illustrated in figure 3, the indicators also reveal the number of unique individuals who represent those admissions. In 2006, 1,719 children accounted for the state's 2,046 admissions to secure detention. This indicates that some youth were admitted more than once (possibly several times) in one year. That same year, 1,183 youth accounted for the state's 1,447 JD non-secure admissions.

4. Thirty counties have seen a decrease in JD secure detention rates since 2004. The most striking decreases were in two of the largest counties: Onondaga and Erie.

Rather than include raw numbers alone, the indicators also reflect the rates at which young people are placed in detention facilities across the state. Local JD secure detention rates are calculated based on the number of admissions of JD youth to a secure detention facility (which may be located in another county) per 1,000 county residents ages 10 to 17.⁸ Detention rates used in this way—in lieu of raw numbers—allow practitioners and policymakers to more appropriately and thoughtfully gauge and compare detention usage across counties of varying size.

Figure 4 shows the change in local JD secure detention rates from 2004 to 2006.

Figure 4: Change in JD secure detention admission rates (excluding New York City), 2004 to 2006



In some counties, the rate changes are quite small. In other counties, they are more significant. In 2004, Onondaga recorded 7.1 JD secure detention admissions for every 1,000 county residents ages 10 to 17. By 2006, the rate was only 1.9 admissions per 1,000. Similarly, Erie County dropped from a rate of 5.9 in 2004 to 1.6 in 2006. These figures amount to dramatic decreases in JD secure detention rates of 5.2 points in Onondaga County and 4.3 points in Erie County. Converting these rates into raw numbers shows that the impact of these changes can be significant. Onondaga County had 99 JD secure detention admissions in 2006, down from 369 in 2004 (a 73 percent decrease). Erie County had 160 admissions in 2006, down from 614 in 2004 (a 74 percent decrease).

These changes reflect the willingness of local officials in both counties to re-examine and reform their juvenile detention policies and practices. In 2005, OCFS funded two years (2005 to 2006) of detention reform assistance to Onondaga, Erie, and Albany counties, which were selected because of their historically high detention rates and commitment to reform. With research and strategic planning support from Vera, each county designed and implemented strategies to reserve juvenile detention for youth who pose a risk of re-offending or failing to appear in court. Youth who would be better served in the community are directed to an appropriate level of supervision there. Although each jurisdiction's detention reform strategies are specifically tailored to local needs,

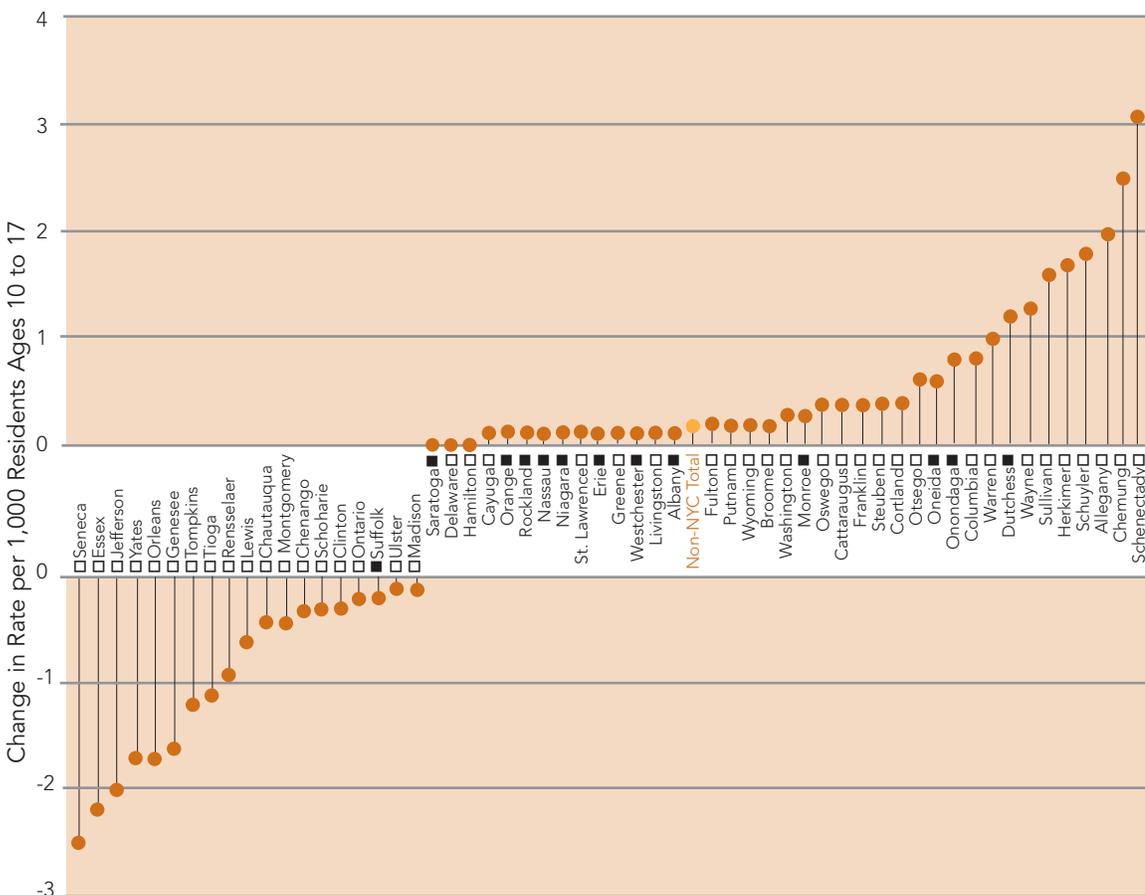
the development of juvenile detention risk assessment instruments and community-based alternatives is the common thread across the reform efforts.⁹

More recently, in 2006 and 2007, New York City and Monroe County began reform efforts similar to those implemented in Onondaga, Erie, and Albany, also with technical support from Vera. In particular, New York City designed and launched an empirically designed juvenile detention risk assessment instrument, the first of its kind in the country.¹⁰ As these two sites continue their reforms, subsequent reports on the statewide juvenile justice indicators will reveal how their strategies are affecting local detention admission rates.

5. Thirty-five counties saw an increase in JD non-secure detention rates since 2004.

As figure 5 illustrates, large and small counties alike have seen increases in JD non-secure admission rates. Of the state's 13 largest reporting counties, all but Suffolk and Saratoga saw an increase.

Figure 5: Change in JD non-secure detention admission rates (excluding New York City), 2004 to 2006

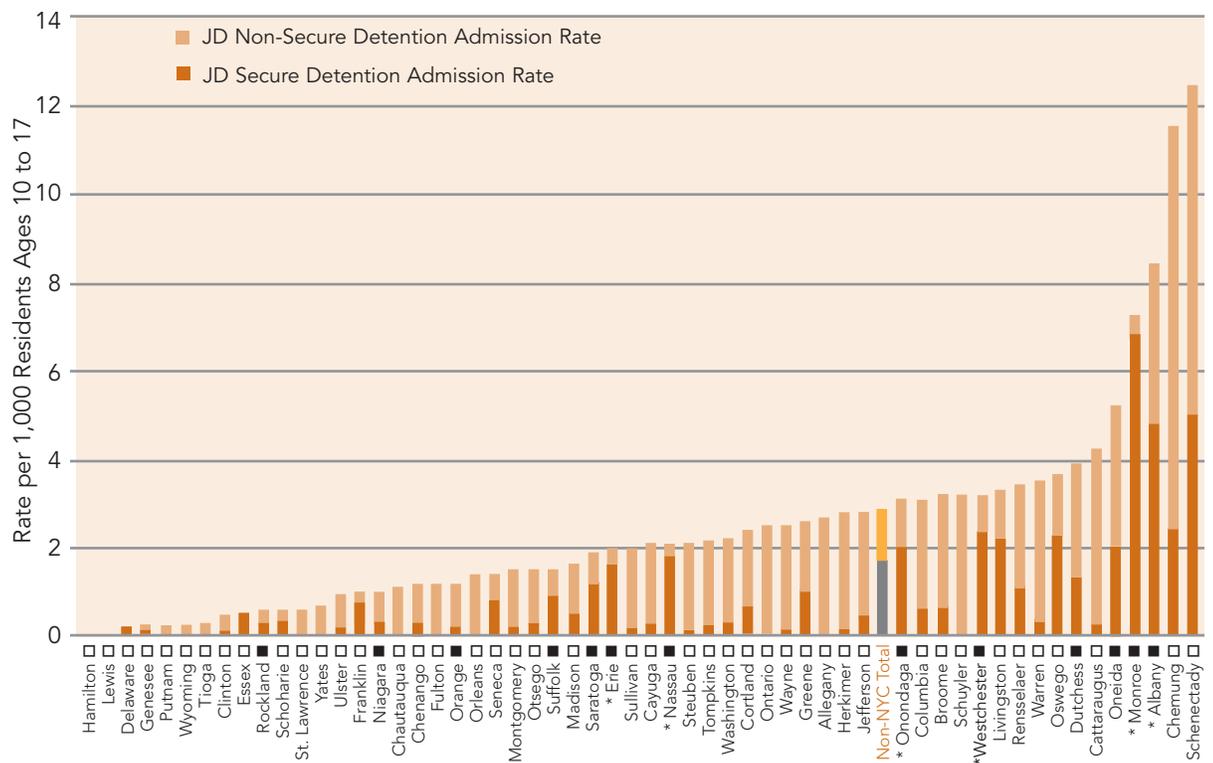


Counties' overall patterns of change vary. For example, several counties, such as Erie and Onondaga, saw a decrease in JD secure detention admission rates and slight increases in JD non-secure admission rates. The total number of JD detention admissions, however, is still significantly lower than in 2004. Suffolk, Rensselaer, and Jefferson counties have seen a decrease in both JD secure and non-secure admission rates since 2004. Monroe, Chemung, and Dutchess counties have seen increases in both JD secure and non-secure admission rates.

6. JD detention admission rates—secure and non-secure combined—varied widely across the state in 2006.

Figure 6 shows the JD detention admission rates—secure and non-secure combined—for all 57 reporting counties.

Figure 6: JD secure and non-secure detention admission rates (excluding New York City), 2006



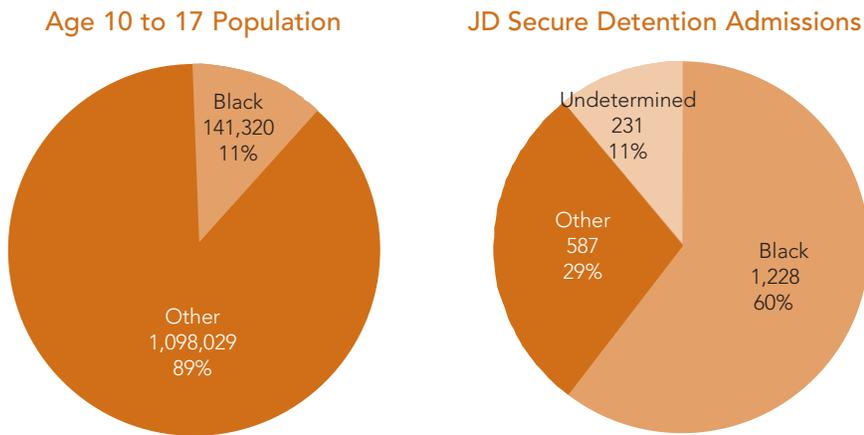
The 10 counties with the highest overall JD detention rates are quite diverse. Six are small (Schenectady, Chemung, Cattaraugus, Oswego, Warren, and Rensselaer) and four are large (Albany, Monroe, Oneida, and Dutchess). Of these counties, Schenectady, Chemung, Albany, and Monroe show detention rates far exceeding other counties.

Counties that have a local secure detention facility (marked with an asterisk—Albany, Monroe, Onondaga, Westchester, Nassau, and Erie) often have comparatively high secure detention rates. However, as was the case with the 2004 data, several counties that do not have a local facility, such as Schenectady, Chemung, Oswego, and Livingston, show similarly high rates.

7. Youth of color continue to be disproportionately represented in JD secure detention admissions compared with their representation in the general population.

As figure 7 illustrates, in 2006 black youth accounted for only 11 percent of the statewide population of youth ages 10 to 17, yet they accounted for at least 60 percent of all JD secure detention admissions (both figures exclude New York City).¹¹

Figure 7: Comparative racial breakdown (excluding New York City), 2006



The 2006 breakdown follows the 2004 trend, when black youth accounted for 55 percent of all JD secure detention admissions (excluding New York City).

Figure 8 indicates that the overrepresentation of black youth in detention is prevalent in each of the 10 counties with the largest number of secure detention admissions.¹² The New York State figures mirror national statistics.¹³

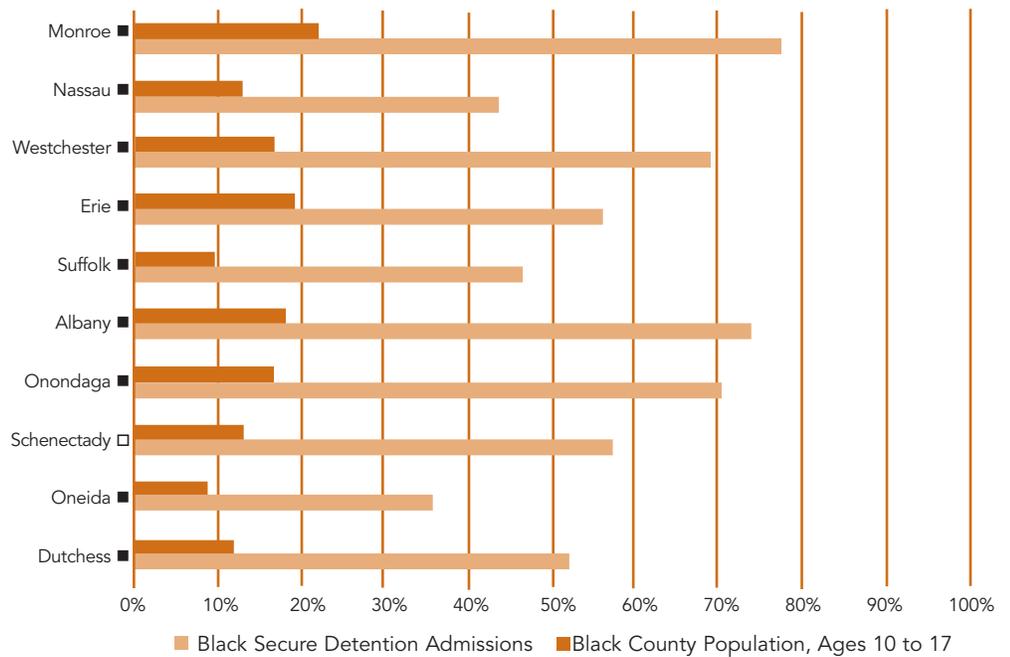
NEEDED: SYSTEMWIDE DATA ON RACE AND ETHNICITY

As jurisdictions across the country pay more attention to the widespread overrepresentation of youth of color in the juvenile justice system, a phenomenon often referred to as disproportionate minority contact (DMC), it is critical for states and localities to collect and analyze data on race and ethnicity at all points of the juvenile justice process.

In the 2004 to 2006 New York State juvenile justice indicators, race and ethnicity data is only available at two points of the system: juvenile detention and out-of-home placement (court-ordered commitment) in Office of Children and Family Services custody.¹⁴ The data sources used for calculating indicators at juvenile arrest (DCJS), court referral (DPCA), and court processing (OCA) do not currently collect and/or report race or ethnicity data.¹⁵ These limitations critically hamper a comprehensive and much needed analysis of DMC across the New York State juvenile justice system. In particular, the lack of race and ethnicity data at the early points of the system—juvenile arrest and court referral—make it virtually impossible to assess the cumulative effect of juvenile justice system decision points on a particular racial or ethnic group.

A concerted effort to record race and ethnicity data throughout all stages of the juvenile justice system would allow for a more comprehensive and meaningful picture of DMC. To support this effort, it is recommended that the state's DCJS, DPCA, and OCA add juvenile demographic data to their standardized reporting systems.

Figure 8: Representation of black youth in JD secure detention admissions compared to black county population, ages 10 to 17, 2006



COURT PROCESSING (DATA SOURCE: OCA)

Every case that results in a court referral and eventual court petition goes through a series of court processes, including arraignment (initial appearance in court), adjudication (fact finding), and disposition (sentencing). Some cases take longer to move through this process than others, and this amount of time can have a significant effect on both youth and the outcome of cases. According to research, unnecessary delays (as opposed to delays directly linked to due process and rational case scheduling) can increase the time that young people spend in detention and the chances that they will fail to appear in court.¹⁶

The Office of Court Administration is the administrative arm of the court system. It was established by and works under the chief administrative judge, who is responsible for supervising the administration and operation of the trial courts. OCA tracks and houses data related to all juvenile justice court cases in New York State. The Universal Case Management System (UCMS) is OCA's comprehensive, centralized database. UCMS collects information about all docketed cases, including records of court events, their purpose (for arraignment, trial, and disposition), and their outcomes. Race, ethnicity, and gender data are not available in UCMS.

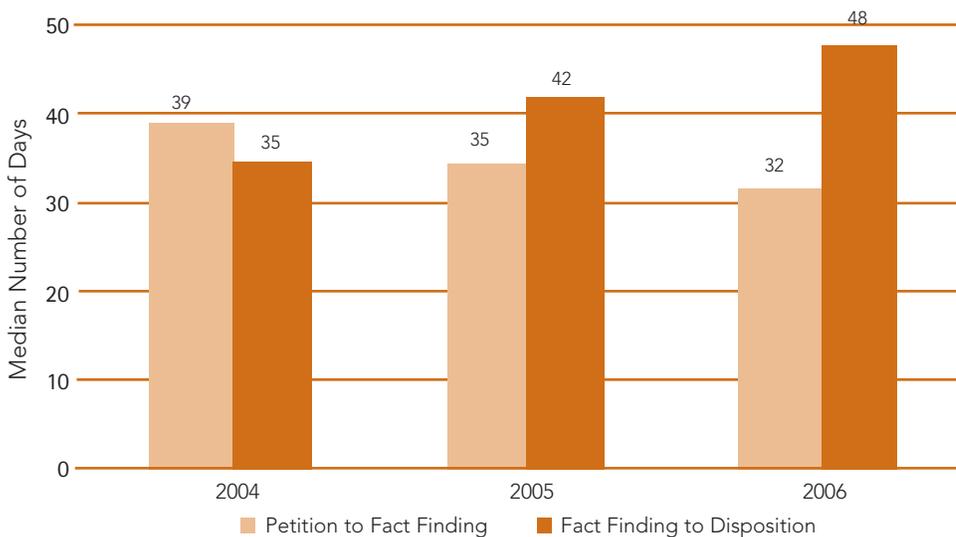
All 62 New York counties enter data directly into UCMS. Based on the available data, the task force selected the court processing indicators outlined in the right sidebar.

An analysis of these data led to three observations:

8. Since 2004, the median case processing time from court petition to fact finding in JD original court petitions has decreased statewide by seven days, and the median case processing time from fact finding to disposition has increased by 13 days.

In 2006, courts across the state recorded a total of 14,065 original juvenile delinquency petitions. The statewide median processing time for these cases, from petition to disposition, was 71 days, the same as in 2004. As figure 9 illustrates, however, two opposing trends emerge when case processing times are broken down. The processing time from petition to fact finding has steadily decreased while the processing time from fact finding to disposition has steadily increased.

Figure 9: Median court processing times in JD original court petitions, 2004 to 2006, statewide



Since 2004, 33 counties have seen an increase in overall case processing times from petition to disposition, and 26 have seen a decrease.

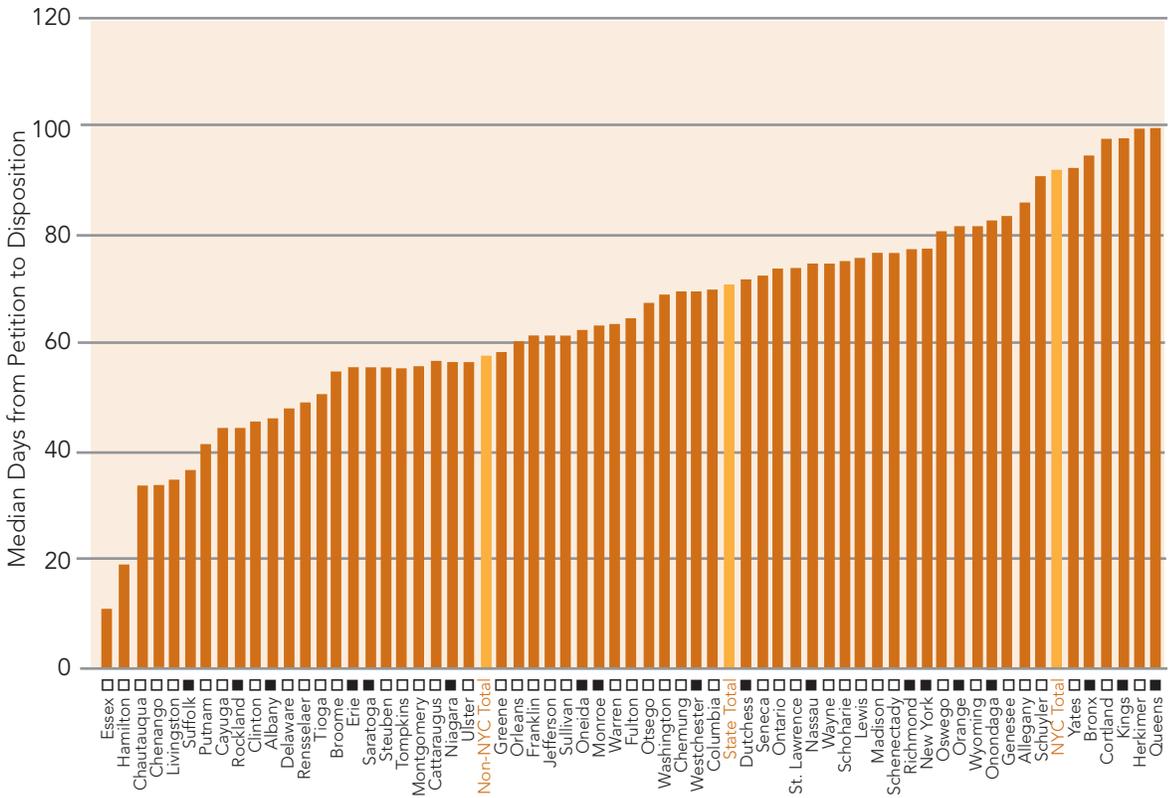
COURT PROCESSING INDICATORS

- JD Court Processing
- PINS Court Processing
 - Original Petitions
 - E Petitions (Designated Felonies - JDs Only)
 - Age at Petition
 - Cases Disposed at Initial Appearance
 - Days from Petition to Disposition (For All Original)
 - Days from Petition to Disposition (For Cases NOT Withdrawn/Dismissed) (PINS Only)
 - Days from Petition to Disposition (For Cases Withdrawn/Dismissed) (PINS Only)
 - Days from Petition to Fact Finding (For All Original) (JDs Only)
 - Days from Fact Finding to Disposition (For All Original) (JDs Only)
 - Cases Involving Detention
 - Days from Petition to Disposition (For Cases Involving Detention)
 - Adjournments
 - Violation Petitions
 - Days from Petition to Disposition (For Violations)

9. Median case processing times from petition to disposition in JD original court petitions varied widely across the state in 2006, from 11 to 100 days.

Figure 10 shows court processing times, from petition to disposition, in all 62 counties. As in 2004, the 2006 indicators show both large and small counties at various points along the spectrum.

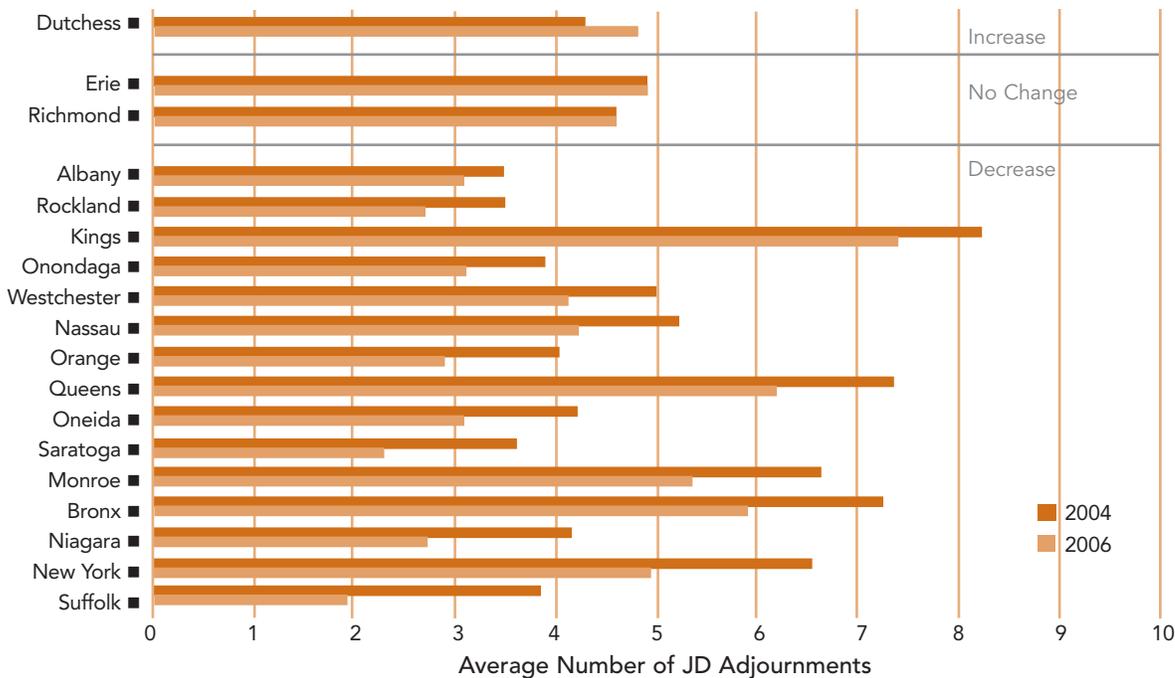
Figure 10: Median days from petition to disposition for JD original court petitions, 2006



10. All but three of the 18 largest counties saw a decrease in the average number of JD adjournments.

An adjournment—suspension of a court proceeding to another time—can be requested by various constituencies involved in a delinquency case, from social service and defense staff to prosecutors, judges, and probation representatives. Since 2004, 44 counties have seen their average number of adjournments decrease. Fifteen of the 18 largest counties have seen a decrease, as shown in figure 11.

Figure 11: Average number of JD adjournments, 2004 and 2006



The 2007 edition of *Widening the Lens* surmised that higher numbers of adjournments may drive extended court processing times. This hypothesis is called into question, however, with the 2006 data, which shows that five of the 18 largest counties—Bronx, Kings, Rockland, Orange, and Onondaga—had an increase in median case processing times, as previously cited, alongside a decrease in average JD adjournments. In other words, having fewer JD adjournments did not necessarily correlate with shorter court processing times.

DISPOSITION (DATA SOURCES: OCA AND OCFS)

The next step in the juvenile justice process is disposition, or sentencing. Judges may dispose of a case in a number of ways. They may withdraw or dismiss a case, discharge it on a conditional basis (JDs only), adjourn it in contemplation of dismissal, mandate a period of probation supervision, or order an out-of-home placement in the custody of either the Office of Children and Family Services or a county social service department.¹⁷

Both the Office of Court Administration and OCFS maintain data relating to these outcomes. OCA’s Universal Case Management System (UCMS) tracks juvenile justice case dispositions across the state. It does not, however, include data on gender, race, or ethnicity. A periodic file that comes directly from OCFS’s statistical database, STATSPop, documents JDs and juvenile offenders who are placed in OCFS custody (state custody, as opposed to local county custody).¹⁸ Unlike UCMS, STATSPop includes demographic information.

From these data sources, the task force established disposition indicators from OCA (right sidebar) and OCFS (next page, left sidebar).

DISPOSITION INDICATORS (OCA)

- JD Dispositions
- PINS Dispositions
 - Original Petitions
 - Withdrawn/Dismissed
 - Conditional Discharge (JDs Only)
 - Adjourned in Contemplation of Dismissal
 - Probation Supervision
 - Placement
 - Percent of Placements Having Felony Finding (JDs Only)
 - Other
 - Violation Petitions
 - Violation Petitions Having Placement Disposition
 - All Placements (Original & Violation)

DISPOSITION INDICATORS (OCFS)

Admissions to OCFS Custody

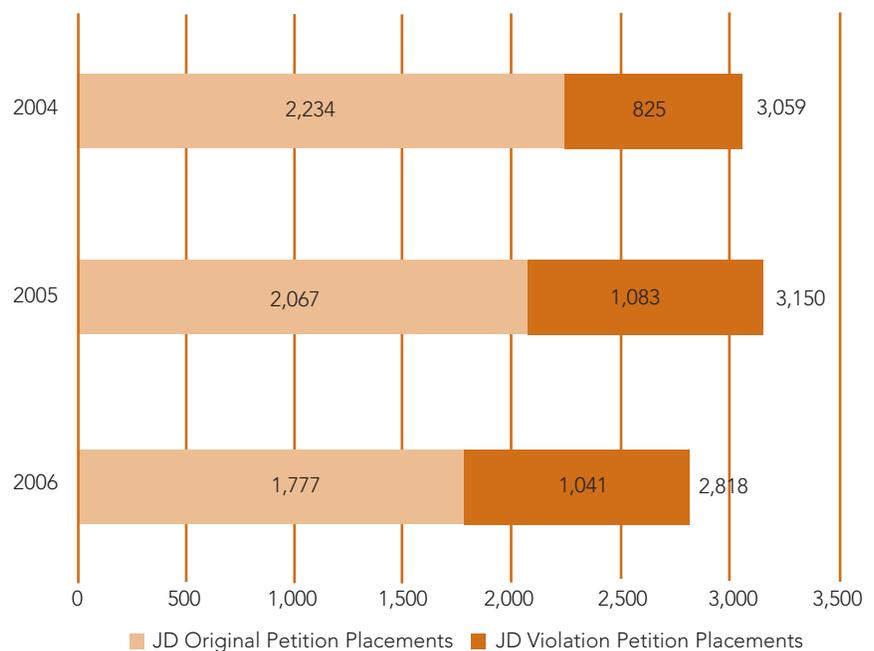
- Gender
 - Female
 - Male
- Age
 - Age 13 and under
 - Age 14 to 15
 - Age 16 and older
- Race
 - African American
 - White
 - Native American
 - Asian
 - Other
 - Not Specified by Youth
- Ethnicity
 - Hispanic
 - Non-Hispanic
 - Unknown
- Placement Type
 - OCFS-Operated Facility
 - Mental Health
 - Substance Abuse
 - Voluntary Agency
- Top Adjudicated Offense
 - Crimes against Persons
 - Assault
 - Homicide/Kidnapping
 - Robbery
 - Sex Offense
 - Crimes against Property
 - Non-Motor Vehicle (MV) Larceny-Theft
 - Other Property (Burglary & MV)
 - Criminal Mischief
 - Arson
 - Other Crimes
 - Controlled Substance
 - Firearm, Weapon
 - Other

A comparison of these indicators from 2004 to 2006 led to five observations:

11. JD placements have decreased statewide by 8 percent since 2004, despite a small increase in placements in 2005.

As figure 12 illustrates, 2,818 delinquency court petitions ended in out-of-home placement in 2006, an 8 percent decrease since 2004—despite a 3 percent increase between 2004 and 2005. Placements result from either original petitions or violation petitions, which assert a violation of probation or a violation of a dispositional order. Figure 12 shows the number of placements within each of these two petition categories.

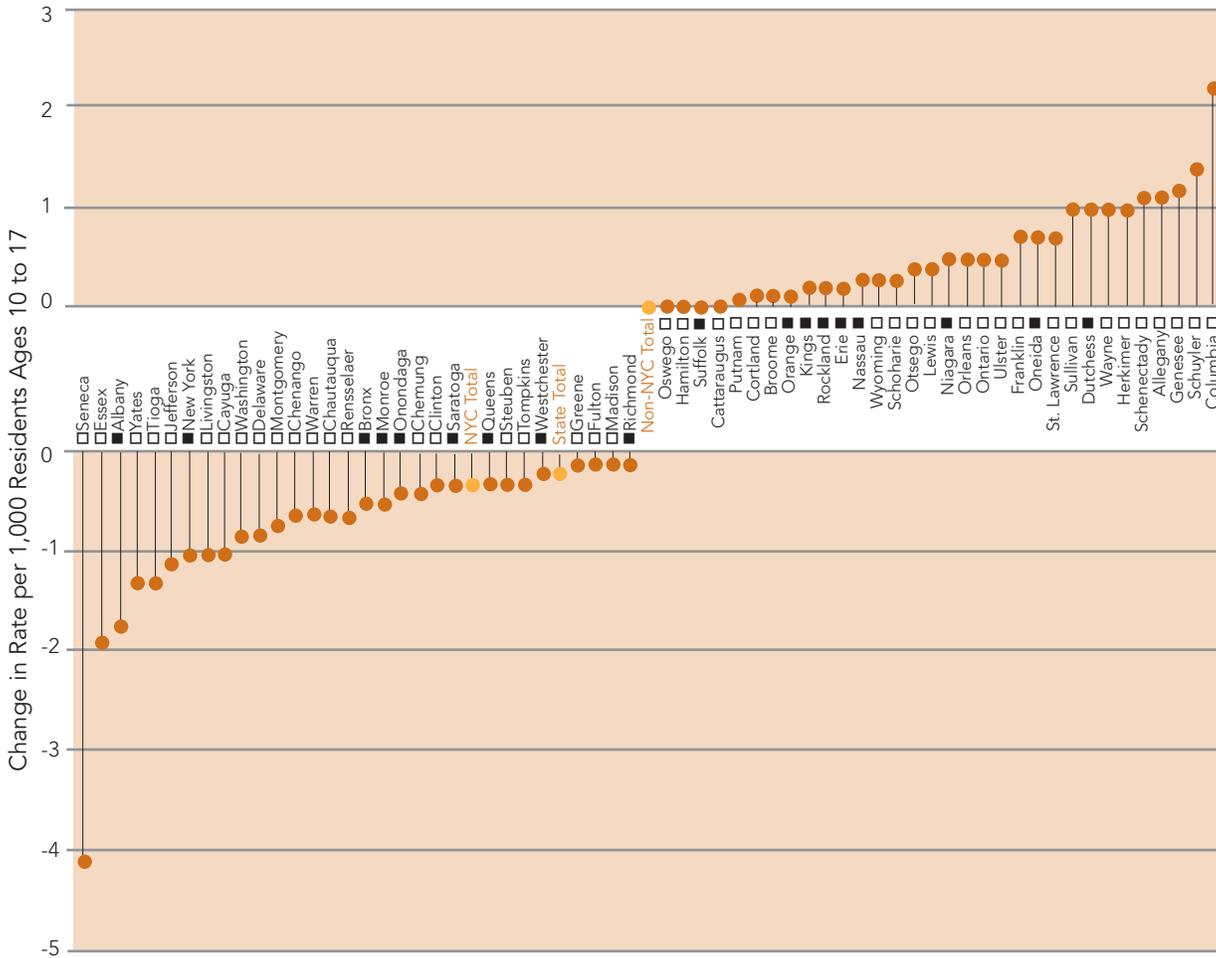
Figure 12: Statewide JD placement dispositions from 2004 to 2006



12. Large and small counties alike are split between those that have seen a decrease in JD placement rates since 2004 and those that have seen an increase.

JD placement rates are calculated based on the number of JD placements, from both original and violation petitions, per 1,000 county residents ages 10 to 17. As figure 13 shows, several local rates have shifted since 2004.

Figure 13: Change in JD placement rates, 2004 to 2006



Four counties have seen no change in their JD placement rate, 28 have seen an increase, and 30 have witnessed a decrease, with large and small counties falling at both ends. Seneca County has seen the most significant decrease in its placement rate, from 24 JD placement dispositions in 2004 to eight in 2006.

Of the 10 counties showing the greatest decreases, eight are relatively small (Seneca, Essex, Yates, Tioga, Jefferson, Livingston, Cayuga, and Washington) and two are large counties with urban hubs (Albany and New York). The change in actual numbers of JD placements in the latter two counties is remarkable.

Albany decreased by 50 percent, from 111 JD placements in 2004 to 56 in 2006, and New York saw a 38 percent decrease, from 336 JD placements in 2004 to 207 in 2006.

PLACEMENT REFORM IN NEW YORK CITY AND NEW YORK STATE

For the past several years, New York City has been developing innovative, community-based alternatives to placement for juvenile delinquent youth. Vera and the city's Department of Probation collaboratively launched a citywide alternative-to-placement program, Esperanza/Hope, in 2002. An intensive, home-based program, Esperanza/Hope is a dispositional alternative for JD youth who would otherwise be placed by the court in a residential facility. Therapists work closely with enrolled youth and families over the course of approximately four to six months, providing both individual and family counseling. As of June 2008, the program had admitted a total of 678 youth; 64 percent had completed the program successfully.¹⁹ From 2002 to 2007, the number of New York City youth placed out of the home as a result of their family court delinquency case decreased by 27 percent.²⁰

More recently, in February 2007, the New York City Administration for Children's Services launched the Juvenile Justice Initiative, an \$11 million program designed to provide intensive family-based services to youth in lieu of residential placement or as a provision of aftercare for youth returning from placement. A year after the launch date, the program had enrolled a total of 275 youth.²¹

Building on these local reform efforts and based on the lessons of research and national best practice, New York State as a whole is now working to move away from a punitive model of residential care toward a community-based, rehabilitative approach that will better protect communities and improve outcomes for youth in the state's care. In particular, OCFS is committed to ensuring that youth who do not pose a risk to the safety of others remain at home through community-based alternatives and that young people who do need residential care receive support in rehabilitative environments focused on youth development.

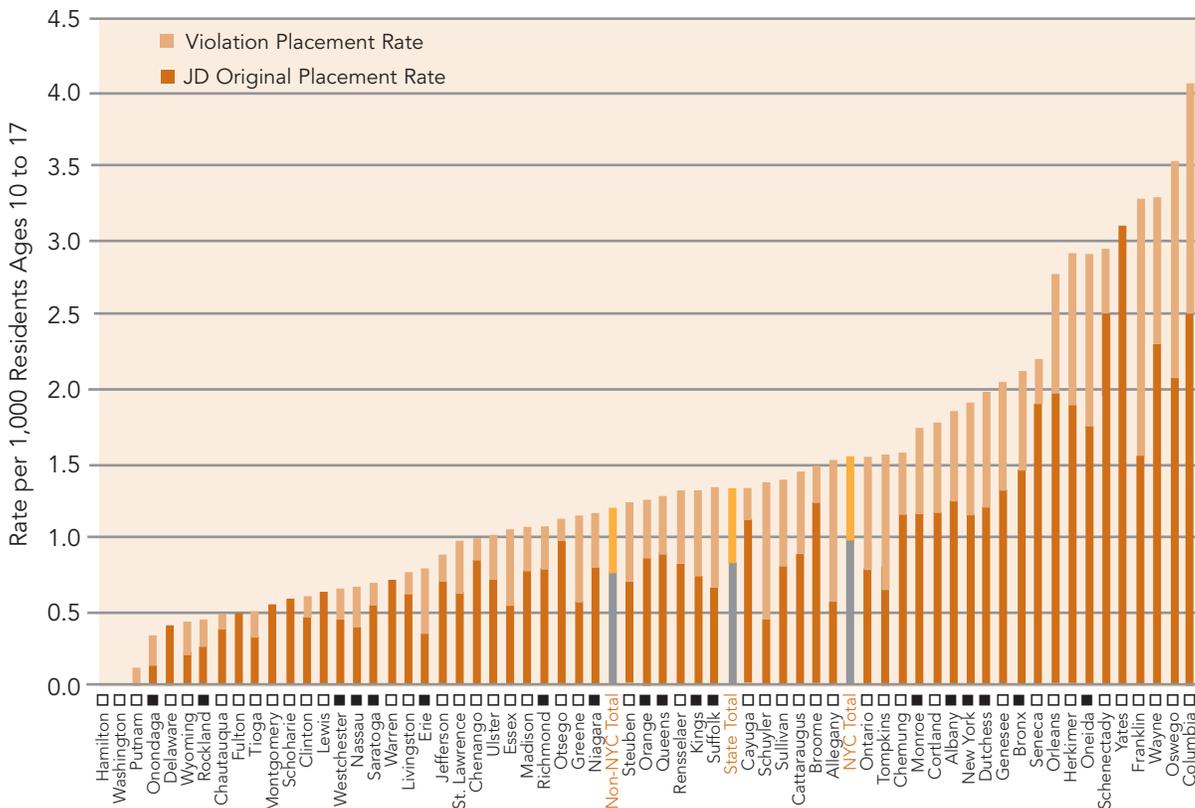
To support this commitment, Governor David Paterson has commissioned a statewide Juvenile Justice Task Force that is charged with creating a blueprint for transforming the state's residential care system to a rehabilitative model. With support from OCFS, national experts, and the Center on Youth Justice at the Vera Institute of Justice, the Paterson Task Force is examining the current system, youth needs, and available community resources alongside best practices demonstrated within local jurisdictions and elsewhere to develop a thoughtful strategy for redefining the state's system of care.

The task force consists of 35 stakeholders from New York State with a vested interest and expertise in the issue.

13. JD placement rates in 2006 varied greatly across the state. The highest rates were seen in smaller counties.

In 2006, local JD placement rates ranged from zero (Hamilton and Washington counties) to 4.1 (Columbia County). Figure 14 displays the total JD placement rates for all 62 counties, with a distinction between placements resulting from an original petition and those resulting from a violation petition.

Figure 14: JD placement rates, 2006

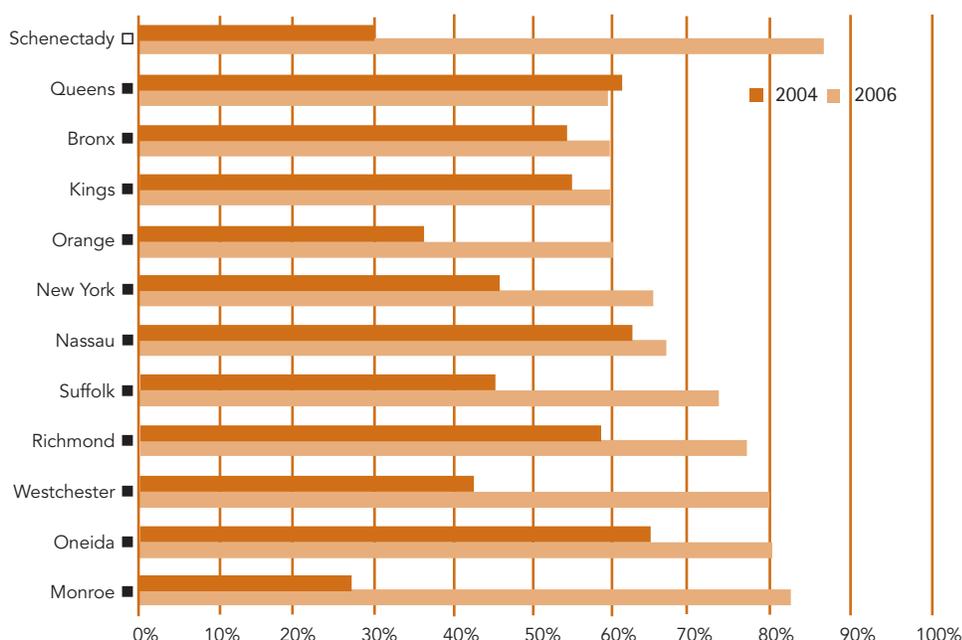


In 2004, the 10 counties that fell at the highest end of the spectrum were almost evenly split between large and small counties. In 2006, with the exception of Oneida County, each of the 10 counties with the highest placement rates was relatively small and rural (Columbia, Oswego, Wayne, Franklin, Yates, Schenectady, Herkimer, Orleans, and Seneca).

14. The percentage of JD placements (from original court petitions) that involve a non-felony adjudication has increased in nearly all large counties.

In analyzing court disposition data, it is important to view the charge severity behind out-of-home placements. Focusing on the 12 counties with the largest volume of JD placements (from original court petitions only) in 2006, figure 15 shows the percentage of those placements that included a non-felony adjudication. Non-felony adjudications include, but are not limited to, misdemeanors such as criminal mischief, disorderly conduct, petit larceny, and simple assault.

Figure 15: Percentage of JD original petition placements with a non-felony adjudication, 2004 and 2006



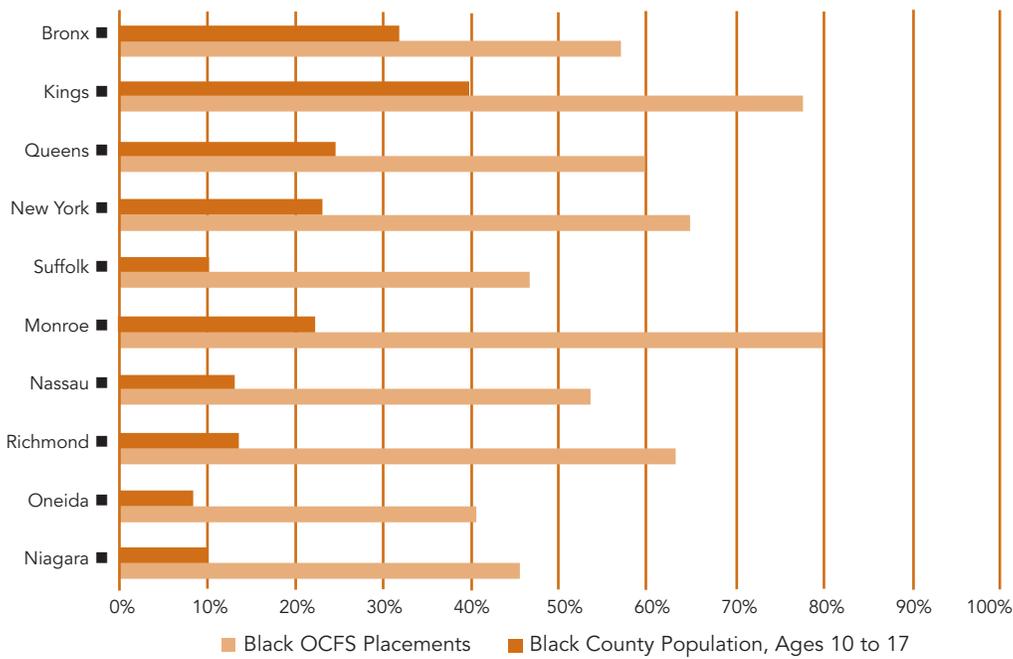
With the exception of Queens, all of these counties have seen their percentage of non-felony placements increase since 2004. In each county, more than half of the JD original petition placements in 2006 resulted from a non-felony adjudication, from 59 percent in Queens, Bronx, and Kings counties to 86 percent in Schenectady County.

15. Youth of color are widely overrepresented in JD placements in OCFS custody.

Youth who receive an out-of-home placement may be placed under OCFS state custody or local county custody. In 2006, OCFS recorded a total of 1,994 state placements. As was the case at the point of detention, youth of color are widely overrepresented in the state custody population in comparison to their representation in the general population: black youth accounted for 60 percent of all OCFS placements in 2006, compared to 19 percent of the statewide youth ages 10 to 17.

Figure 16, which displays the 10 counties with the highest volume of OCFS placements, compares the percentage of placements of black youth ages 10 to 17 to the percentage of youth in the same age range in the general black population.

Figure 16: Representation of black youth in OCFS placements compared to black county population, ages 10 to 17, 2006



All 10 counties show wide overrepresentation of black youth in OCFS custody compared with their county populations of black youth ages 10 to 17, ranging from a 25 percent difference in Bronx County to a 58 percent difference in Monroe County.

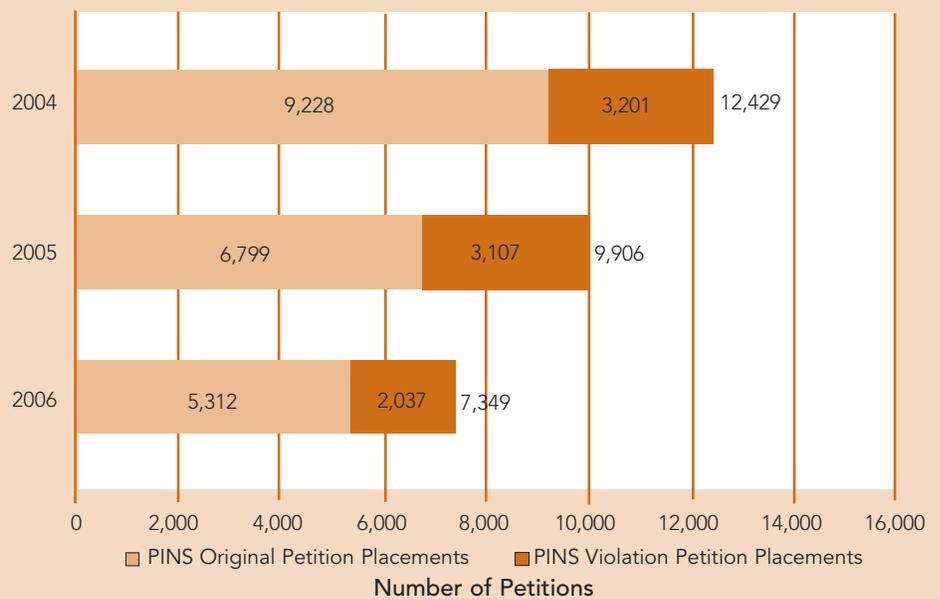
REFORMING SYSTEM RESPONSES TO PERSONS IN NEED OF SUPERVISION (PINS)

Persons in Need of Supervision (PINS)—status offenders (youth up to 17 years of age who enter the juvenile justice system for non-criminal behavior, such as truancy, incorrigibility, or running away)—are an important population in the juvenile justice system in New York State. Since 2004, dramatic changes have occurred in the way that the system responds to these cases. Although recent PINS reforms cannot be attributed to any single factor, many were made in response to a change in legislation that went into effect on April 1, 2005. At that time, New York State’s Family Court Act was amended to enhance diversion requirements for PINS cases, discourage the filing of PINS court petitions, and narrow the circumstances under which PINS youth may be detained.

16. PINS court petitions have decreased across the state by 41 percent since 2004.

Figure 17 shows that court petitions for PINS cases have steadily decreased statewide since 2004, from a total of 12,429 in 2004 to 7,349 in 2006. This amounts to a 41 percent decrease.

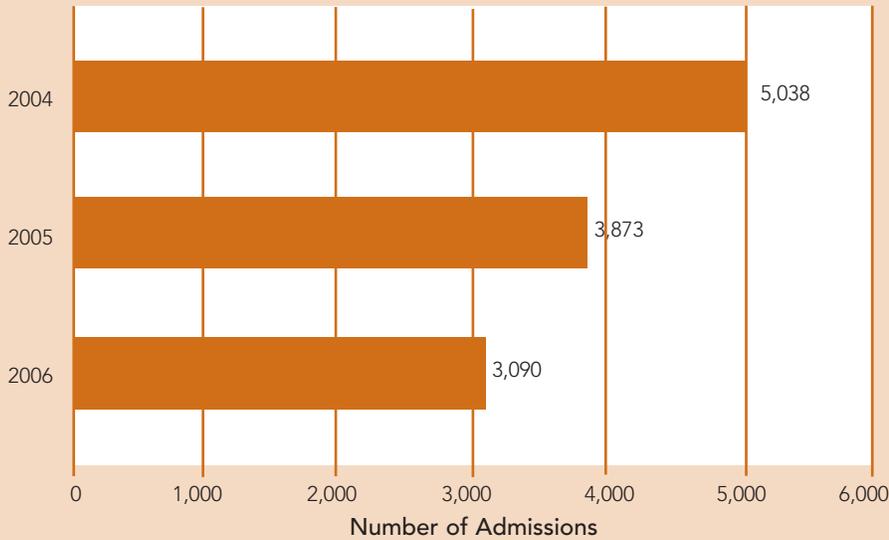
Figure 17: PINS court petitions, 2004 to 2006



17. Admissions of PINS youth to non-secure detention facilities have decreased by 39 percent across the state (excluding New York City).

According to New York State statute, PINS may only be detained in non-secure detention facilities.²² As figure 18 shows, OCFS recorded a total of 3,090 PINS non-secure detention admissions in 2006 (excluding New York City), a 39 percent decrease from 2004.

Figure 18: PINS admissions to non-secure detention, 2004 to 2006

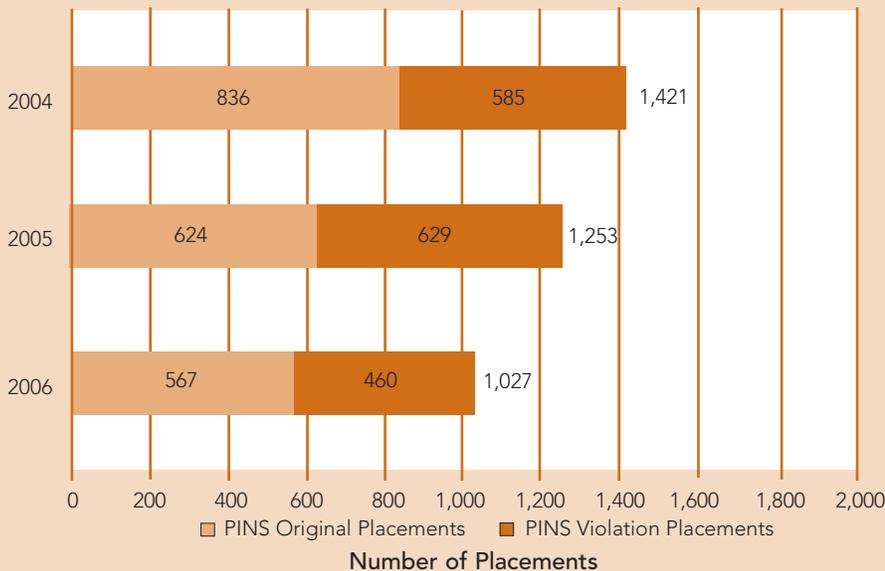


Despite these dramatic decreases, PINS admissions to non-secure detention facilities across the state (excluding New York City) continue to account for nearly half (47 percent) of the state’s total detention facility usage. (JD secure detention admissions account for 31 percent, and JD non-secure detention admissions account for 22 percent.)

18. PINS placements have decreased statewide by 28 percent.

Figure 19 shows the number of PINS dispositional placements statewide by original petitions and violation petitions. Since 2004, this number has decreased from 1,421 to 1,027, a 28 percent decrease in three years.

Figure 19: PINS placements (original and violation petitions combined), 2004 to 2006



Conclusion

As practitioners, policymakers, and officials work to gain a comprehensive understanding of how the New York State juvenile justice system has operated from 2004 to 2006, this report will be a useful tool. It provides stakeholders with a rationale for creating statewide juvenile justice indicators and a process for doing so. It also provides references to original data sources, initial observations gleaned from the most recent 2006 data, and three-year trends for four critical points of the system: court referral, detention, court processing, and disposition. Undoubtedly, stakeholders will find additional observations and trends of interest when they examine the full set of indicators, which include county by county numbers. This resource is located at www.nyskwic.org.

It is hoped that this follow-up to the original *Widening the Lens* report will be one of many. As the series continues, it will continue to allow stakeholders to stay up to date, track changes over an extended period of time, and identify areas that need improvement.

ENDNOTES

- 1 Although the consolidated information represented the first systemwide snapshot of juvenile justice in New York State, the information came from a collection of state agencies that do not necessarily follow identical reporting procedures. In other words, data was compared, not integrated.
- 2 Vera and OCFS will reconvene the full task force in early 2009 to review each agency's processes for institutionalizing the indicators, and to develop strategies to ensure that the indicators are reported in the most efficient manner going forward.
- 3 According to Federal Uniform Crime Reporting (UCR) requirements, law enforcement should report official police intervention in juvenile criminal activity as a "juvenile arrest," regardless of how the case is handled thereafter. Data quality reviews conducted by DCJS have shown that not all agencies in New York are reporting juvenile arrest data correctly. In recent years, several agencies have transitioned to automated crime reporting and now submit their data through the electronic Incident Based Reporting system. Recent quality reviews have shown that many of these agencies are under-reporting their figures because official police intervention in juvenile criminal activity is not recorded in the agency's computerized records management system that produces the electronically submitted reports.
- 4 Some juvenile arrests include youth who may be later convicted as juvenile offenders (JOs), juveniles age 13 to 15 who have committed a crime deemed serious enough to merit adult criminal court prosecution. (Penal Law Article § 10.18)
- 5 Designated felonies include the following acts committed by youth between the ages of 13 and 15: murder 1 and 2; kidnapping 1 and 2; arson 1 and 2; assault 1 (and 2, only for youth between the ages of 14 and 15 who have had a prior finding by a court of assault 2 or another designated felony); manslaughter 1; rape 1; criminal sexual act 1; sodomy 1; aggravated sexual abuse 1; robbery 1 and 2; and burglary 1 and 2. In addition, the following attempted acts are included as designated felonies for youth between the ages of 13 and 15: murder 1 and 2; kidnapping 1; and burglary 1.
- 6 There are nine secure juvenile detention facilities in New York State, located in seven counties: Albany, Erie, Monroe, Nassau, Onondaga, Westchester, and New York. Counties that do not have their own secure option rely on out-of-county detention facilities. In addition, there are more than 40 non-secure detention facilities across the state. Most counties have one or two non-secure facilities, often group homes that provide beds solely to the county. Typically, these facilities are privately run and staffed.
- 7 B. Holman and J. Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities* (Washington, DC: Justice Policy Institute, 2006).
- 8 Because legal authority over juvenile delinquents ends at age 16 in New York State, many youth who are arrested before their 16th birthday may spend time in a secure detention facility later in their court process, when they are 16 or 17 years of age.
- 9 Much of the detention reform work in New York State draws directly from lessons learned through the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative. See <http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative.aspx>.
- 10 Although the concept of juvenile detention risk assessment instruments is not new, the empirically based design approach employed in New York City is unique in the field of juvenile detention.
- 11 The sources cited in this report that include race data use two terminologies—black and African American. For consistency in the written text, we refer to this racial category as black.
- 12 Disproportionate minority contact also affects non-black minorities, but in New York State it tends to be most pronounced for black youth.
- 13 Recent research shows that youth of color account for approximately two-thirds of juveniles in public detention facilities across the nation, twice their national proportion. E. Cose, "Race and Redemption," *The American Prospect* (September 2005).
- 14 Although OCFS's Juvenile Detention Automated System includes questions regarding race and ethnicity data, local jurisdictions are not required to complete these fields.
- 15 Although race and ethnicity breakdowns were included in the 2004 juvenile arrest indicators, they applied to all youth under age 18 who were arrested, which include 16- and 17-year-olds who are arrested as adults under New York State law. DCJS has decided to remove those numbers from the indicators going forward, as they may be misleading.
- 16 A. Henry, *Reducing Unnecessary Delay: Innovations in Case Processing, in the Pathways to Detention* (Baltimore, Maryland: Annie E. Casey Foundation, 1999).
- 17 Under New York State law, PINS cases cannot be placed in OCFS custody.
- 18 STATSPOP is extracted from the Case Management Automation Project database maintained by OCFS.
- 19 Data provided directly from the New York City Department of Probation to Vera on August 22, 2008.
- 20 Ibid.
- 21 L. Kaufman, "A Home Remedy for Juvenile Offenders," *New York Times*, 20 February 2008.
- 22 New York City does not use non-secure detention facilities for PINS cases. The city's Administration for Children's Services is responsible for PINS cases that are remanded prior to adjudication.

Appendix A

ORIGINAL NEW YORK STATE TASK FORCE ON JUVENILE JUSTICE INDICATORS

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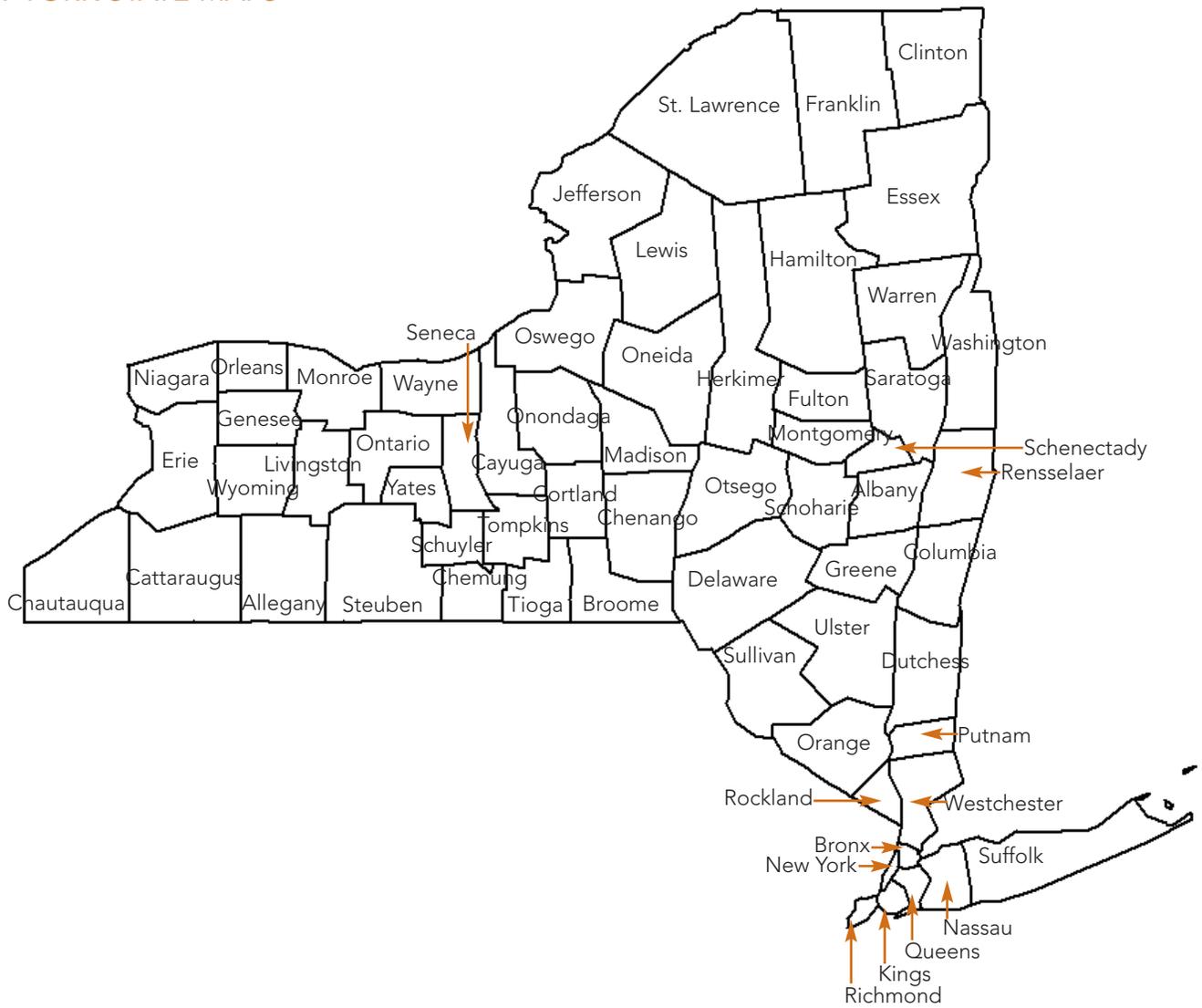
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Norma Tyler

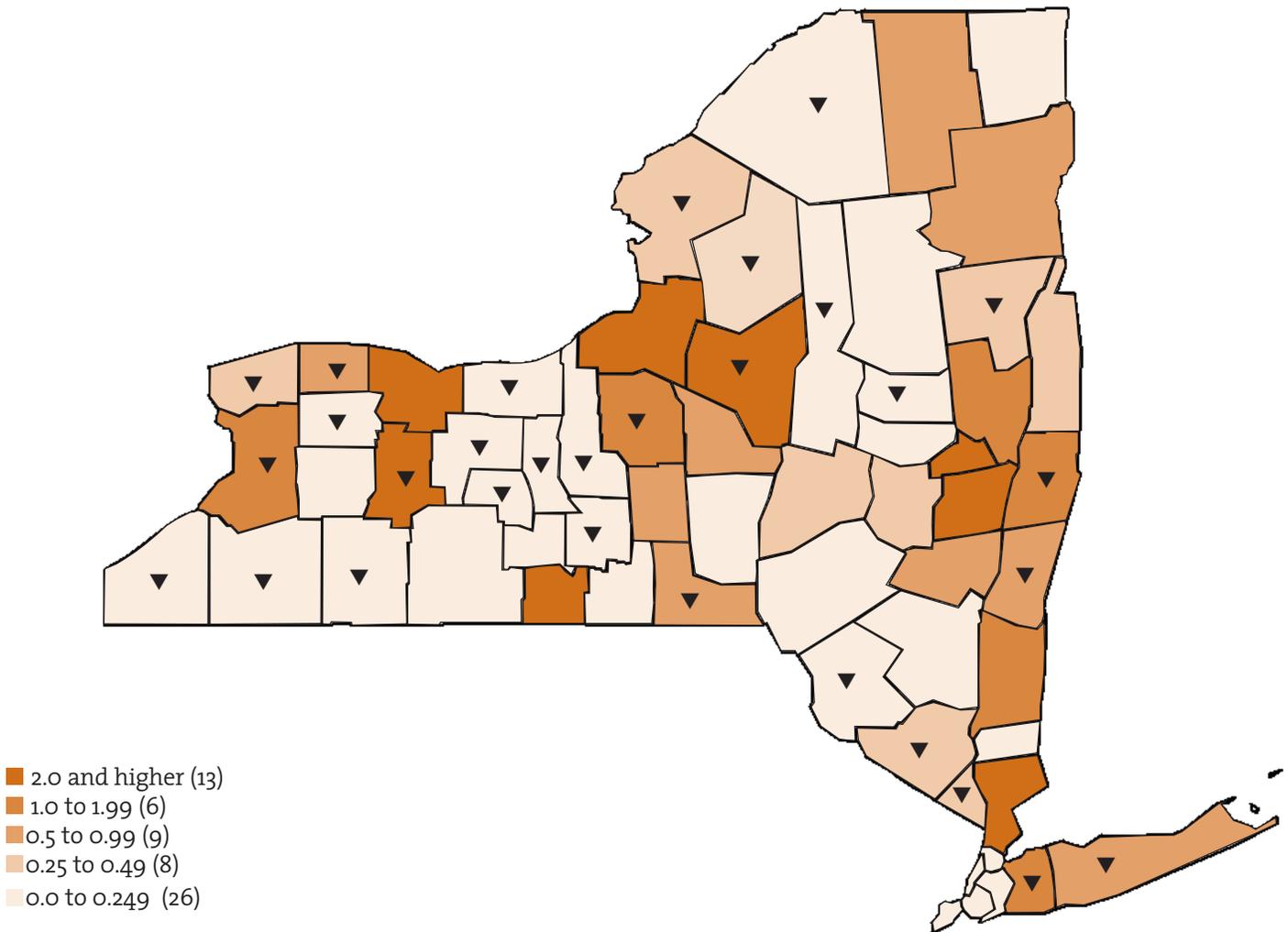
*New York State Division of Probation and Correctional
Alternatives*

Appendix B

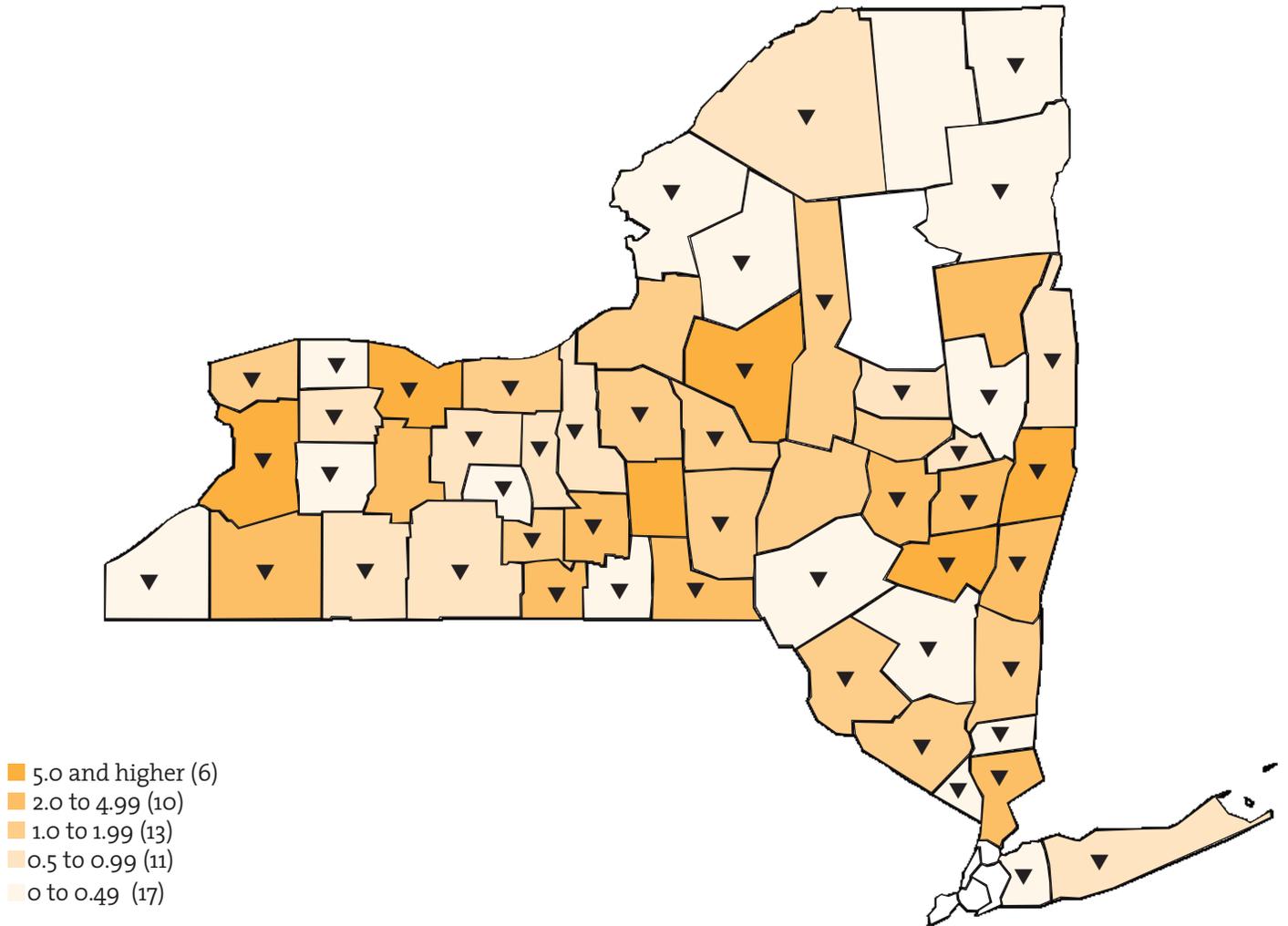
NEW YORK STATE MAPS



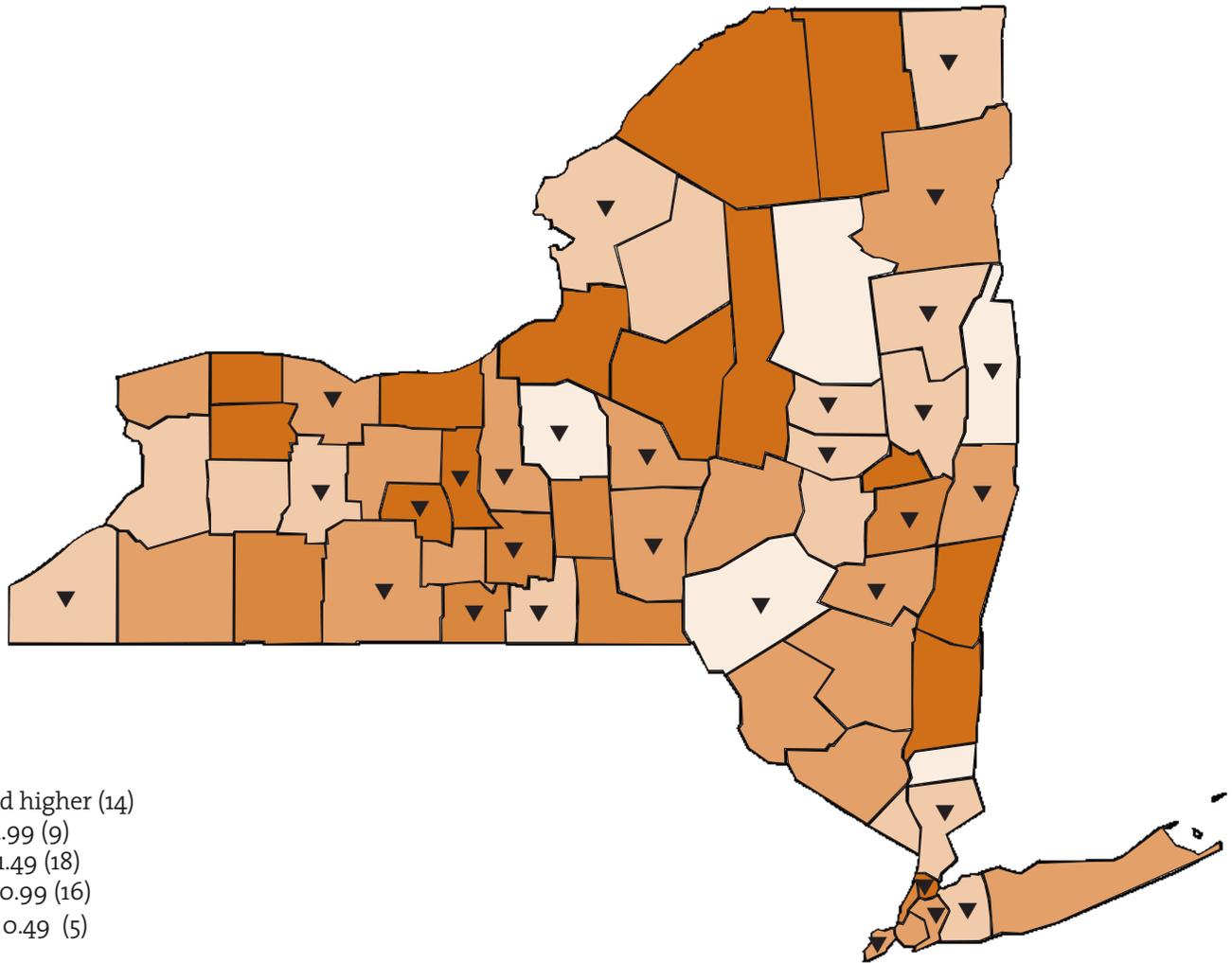
2006 JD SECURE DETENTION RATES PER 1,000 RESIDENTS AGES 10 TO 17



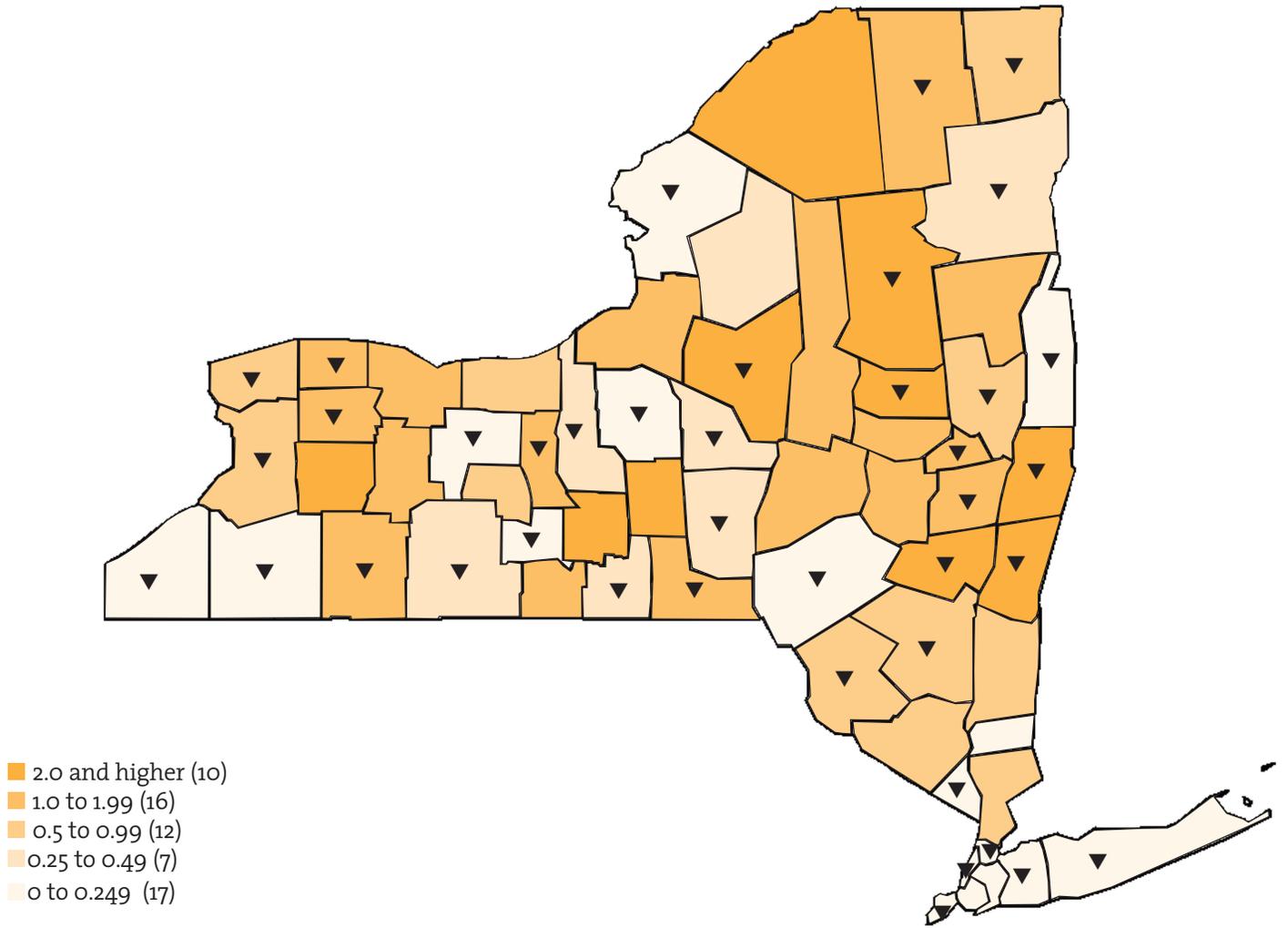
2006 PINS NON-SECURE DETENTION RATES PER 1,000 RESIDENTS AGES 10 TO 17



2006 JD PLACEMENT RATES (ORIGINAL AND VIOLATION PETITIONS) PER 1,000 RESIDENTS
AGES 10 TO 17



2006 PINS PLACEMENT RATES (ORIGINAL AND VIOLATION PETITIONS) PER 1,000 RESIDENTS AGES 10 TO 17



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