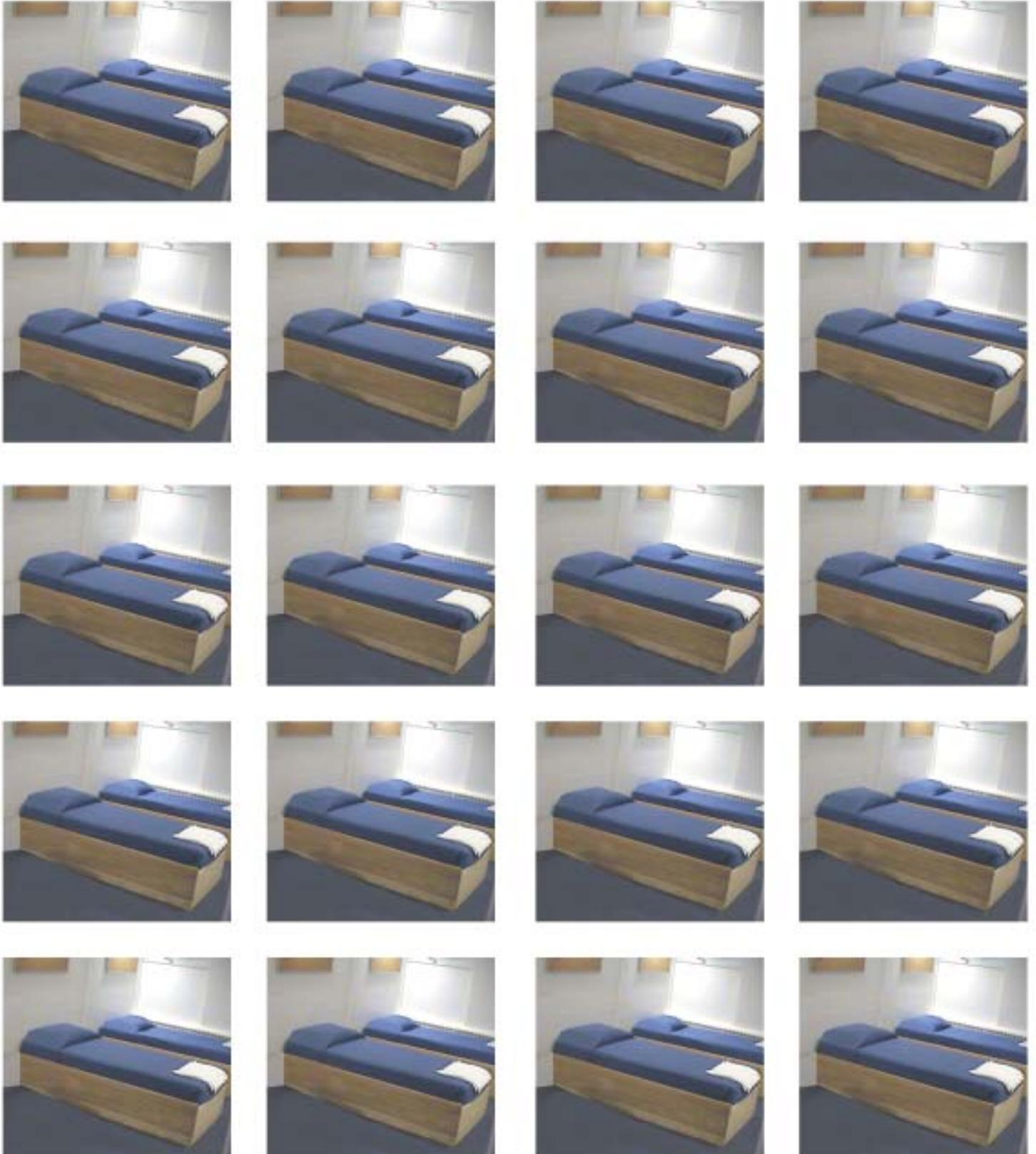


# EMPTY BEDS WASTED DOLLARS



**Transforming Juvenile Justice**

cover photo:

*Empty beds at the Auburn Residential Center, a non-secure facility for girls aged 13-17 years old. It has 24 beds, but only two children. The cost to New York State taxpayers to maintain each of these empty beds is \$100,000 to \$200,000 annually.*

#### INSTEAD OF EMPTY BEDS,

TAXPAYERS' \$200,000 COULD PROVIDE NEW YORK'S CHILDREN WITH:

- 10,000 copies of Harry Potter and the Deathly Hallows by J.K. Rowling
- 12,277½ copies of Merriam-Webster's Collegiate Dictionary, 11<sup>th</sup> edition (hardcover)
- Six first-year New York schoolteachers
- Six caseworkers
- Four undergraduate degrees at the State University of New York

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# EMPTY BEDS, WASTED DOLLARS

## NEW YORK OFFICE OF CHILDREN & FAMILY SERVICES ACCELERATING TRANSFORMATION OF STATE JUVENILE JUSTICE SYSTEM

### *Agency Closing, Reducing, or Merging Underutilized Residential Facilities to Improve Services to Children and Help Prevent Youth Crime*

New York State Office of Children & Family Services Commissioner Gladys Carrión in January announced the closing of six underutilized residential facilities as part of an ongoing restructuring to significantly improve services to troubled children.

The agency is closing the Adirondack Wilderness Challenge in Clinton County, Auburn Residential Center in Cayuga County, Brace Residential Center in Delaware County, Gloversville Group Home in Fulton County, Great Valley Residential Center in Cattaraugus County, and the Pyramid Reception Center in The Bronx.

OCFS also is reducing by half the number of beds at the Lansing Residential Center in Tompkins County. The program at the Adirondack Wilderness will be merged into the Adirondack Residential Center, and the intake functions at Pyramid will be relocated to the Ella McQueen Residential Center in Brooklyn.

These changes take effect on Jan. 11, 2009, consistent with a state law that requires a 12-month notification process prior to the closure of residential facilities in the OCFS system.

There are approximately 2,000 children in New York State's juvenile justice system, and most of them are between 12 and 18 years old. A few are as young as 10. They were all under the age of 16 when they committed an act that would have been a crime if committed by an adult.

These closings, reductions, and mergers are at non-secure and limited-secure facilities housing children adjudicated as juvenile delinquents by the family courts. The vast majority of the children in these facilities were placed in the system for committing misdemeanors. No youth will be released prematurely as a result of the restructuring.

Secure facilities housing juvenile offenders, those children sentenced for committing felonies, will not be directly impacted by these facility changes.

This ongoing restructuring is driven by a widely shared recognition among children's advocates and legal experts

that the needs of New York's children, families, and communities are not adequately addressed by the juvenile justice system. Since 2002, OCFS has reduced 379 beds in its residential facilities. With these closings, the total reduction of beds rises to 620.

Many of the children in these facilities have mental health issues, learning disabilities, and substance and alcohol abuse problems and come from some of the poorest communities in the state. Additionally, it has been estimated that 80 percent of these children who enter the juvenile justice system return or go to prison within three years of their release.

"What these children need is intervention and support," said Commissioner Carrión. "This includes an education, job training, and mental health and substance abuse services to support their rehabilitation and return to the community. It is our responsibility to prepare them for a successful transition to adulthood."

In addition to the system's failure to address these children's needs, it is also wasteful. Nearly a dozen of the state's youth facilities are operating under 40 percent of capacity. At some facilities, a quarter of the beds are filled.

"Instead of continuing to pour money into this broken system and confining these children to facilities hundreds of miles from their homes, OCFS has aggressively been moving toward more community-based alternatives to incarceration where these children can maintain and strengthen connections with their families and the significant adults in their lives," the Commissioner said.

Community-based programs, such as those in Missouri, have proven to better prevent youth crime and to drop recidivism rates to as low as 30 percent – at a fraction of the cost New York State is currently paying to maintain empty beds.

This new paradigm includes placing an emphasis on working with families from the first day a child enters the state juvenile justice system. Just last year, the agency enhanced staffing by 218 new positions, including 36

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## EMPTY BEDS, WASTED DOLLARS

mental health professionals, to better meet these children's needs.

These closings, reductions, and mergers will result in \$16 million in annual savings.

The OCFS Office of Human Resources, the state Department of Civil Service, and the state Department of Labor have organized teams to assist the employees at these impacted facilities to identify and secure positions at other facilities or other state agencies.

Department of Civil Service Commissioner Nancy G. Groenewegen said, "Our goal at Civil Service is to find an alternative State employment opportunity for every one of the affected workers. We have experience at this and will work closely with OCFS, other State agencies, and employees themselves to make this transition as smooth as possible."

*The Office of Children and Family Services mission is to promote the well-being, safety, and permanency of New York's children and families by setting and enforcing policies, building partnerships, and funding and providing high-quality services. The agency is responsible for foster care; adoption; adoption assistance; child protective services, including operating the Statewide Central Register of Child Abuse and Maltreatment; preventive services for children and families; services for pregnant adolescents; child care licensing and funding; and operating the state juvenile justice programs. The agency also is responsible for protective programs for vulnerable adults, including adult protective services and the Commission for the Blind and Visually Handicapped.*



**New York State  
Office of  
Children & Family  
Services**

[www.ocfs.state.ny.us](http://www.ocfs.state.ny.us)

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## EMPTY BEDS, WASTED DOLLARS

January 8, 2008

The time has come to fix New York State's juvenile justice system. Not tomorrow, not next year, but today.

Child advocates have pleaded for changes to the system for a long time. When Governor Eliot Spitzer named me commissioner of the state's Office of Children and Family Services last January, together we agreed that assessing the system's weaknesses and strengths would be a top priority.

I spent the last year visiting facilities across New York, meeting with young adults, families, judges, and the experts. What I found were troubled children – overwhelmingly poor, mostly African-Americans and Latinos housed hundreds of miles from their families and neighborhoods, and far from hope.

We are charged with insuring the safety of our communities and some of these 2,000 children did commit serious offenses. But the majority of them are not hardened criminals. They were all under the age of 16 when they committed an act that would have been a crime if committed by an adult. Most of them are between 12 and 18 years old. A few are as young as 10.

Our approach to addressing the needs of these children must draw on the current research on adolescent brain development and the undeniable fact that young people have the ability to change their behavior.

What these young people need is intervention and support. This includes an education, job training, and mental health and substance abuse services to support their rehabilitation and return them to the community. It is, after all, our responsibility to prepare them for a successful transition to adulthood.

But that's not what the state's being doing. Instead, it is spending hundreds of millions of dollars annually on a system that does not work. A system that was founded on the idea that if the state took these children away from their families and the neighborhoods where they got into trouble, then something magical would happen to turn their lives around.

Well, it didn't happen that way.

In state residential facilities, the focus has been on safety and control and not on providing the developmentally appropriate services young people need to address their trauma, addictions, or deficits or education and self-esteem.

That said, there have been some successes.

Nearly half the children who enter state facilities are assessed below grade level on reading and math tests; by the time they are released, nearly half are testing at the next grade level. Those children who enroll in GED programs while in custody are earning degrees at a 75 percent rate, compared to 53 percent in NY's general population. And just last month, in one of our newest programs, 13 children who took a three credit psychology class offered by Columbia-Greene Community College earned 12 A's and one B.

Sadly, these successes are the exception and not the rule.

As many as 80 percent of the children who enter the system come back to us or go to prison within three years. That's grossly unacceptable in any system, especially compared to alternative community-based programs in states like Missouri that have a 30 percent recidivism rate.

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Even more astonishing, as the number of children in custody has dropped – largely due to the efforts of local counties — we continue to pay for empty beds at annual costs from \$140,000 to \$200,000 each. Nearly a dozen of the state’s youth facilities are operating under 40 percent of capacity. At some facilities, as few as a quarter of the beds are filled.

Instead of continuing to pour money into this system, we are going to invest our tax dollars in programs that have proven empirically to better prevent youth crime, including identifying and helping these children before they come into the system – at a fraction of the current cost.

This includes supporting a community-based system where these children can maintain and strengthen connections with their families and the significant adults in their lives. At the New York State Office of Children and Family Services, we are already placing emphasis on working with families from the first day a child enters the system. Just last year, we hired 218 new staff, including 36 mental health professionals, to better meet these children’s needs.

Once these children have completed residential treatment, we then need to transition them into aftercare and re-entry programs that support them and their families, train them for real jobs, and provide continued access to education in their local high schools, community colleges, or universities. Meanwhile, children with special needs must be provided immediate access to mental health and substance abuse services.

What’s more, the issue of race in the current system cannot be ignored. Only 44 percent of the children in New York State are African-American or Latino, yet they represent 86 percent of the youth in state custody. In the city, children of color make up less than two-thirds of the population, yet constitute 95 percent of the children entering the state juvenile justice system. In a democratic society this is unacceptable.

This transformation of New York’s juvenile justice system has been a long time coming. For it to be successful, we will be partnering with local counties and state agencies responsible for probation and mental health, among others, to retrain and redeploy our staff. At stake is nothing less than the health and future of some of our most troubled youngsters and their families. The time for change clearly is now.

Gladys Carrion, Esq.

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# EMPTY BEDS, WASTED DOLLARS

## FACT SHEET

### The Problem

New York State's juvenile justice system needs to be fixed.

The system is predominantly populated by troubled children – mostly African-American and Latino - from the poorest communities in the state. Many of them have mental health issues, learning disabilities, or substance and alcohol abuse problems.

The system was designed around the idea that if the state took these children away from their families and the neighborhoods where they got into difficulty they could be rehabilitated.

It hasn't worked that way for a long time. Instead, it's been estimated, 80 percent of the children who enter New York State's juvenile justice system return or go to prison within three years of their release. The needs of these children, their families, and their communities are clearly not adequately addressed by the current model.

The system is also inefficient. Nearly a dozen of the state's youth facilities are operating under 40 percent of capacity. At some facilities, only a quarter of the beds are filled. Just this past Monday (Jan. 7), 86 percent of the beds in the non-secure facilities that are closing and 33 percent of the beds in limited secure facilities that are closing were empty. An analysis of historic trends and projections of future usage indicate these beds will not be filled in the near future. This is partially due to local municipalities stepping up and creating community-based programs as alternatives to incarceration to keep these children closer to home.

### The Children

There are 2,000 children in New York State's juvenile justice system. They were all under the age of 16 when they committed an act that would have been a crime if committed by an adult. Most of them are between 12 and 18-years-old. A few are as young as ten.

Eighty-six (86) percent of the youth in state custody are African-American or Latino. Ninety-five (95) percent of the youth in state custody who are from New York City are African-American or Latino.

Most of these children have mental health problems, learning disabilities, or substance and alcohol addictions.

The vast majority of children in non-secure and limited secure residential facilities were judged by the family courts to be juvenile delinquents for committing misdemeanors.

No child currently in the impacted facilities is a resident of the county in which the facility is located. Over 70 percent of them are from New York City.

### The Solution

Based on these facts, OCFS has determined that closing some facilities and placing these children in community-based alternative-to-incarceration programs closer to their homes and families will help them successfully return to their neighborhoods and result in lower recidivism rates.

### Closings, Reductions, Mergers, Relocations

Based on underutilization, OCFS has decided to close the following non-secure or limited-secure facilities:

- Auburn Residential Center in Auburn in Cayuga County
- Adirondack Wilderness Program in Schuyler Falls in Clinton County
- Brace Residential Center in Masonville in Delaware County
- Gloversville Group Home in Gloversville in Fulton County
- Great Valley Residential Center in Great Valley in Cattaraugus County
- Pyramid Reception Center in The Bronx

The agency also is reducing by half the number of beds at:

- Lansing Residential Center in Lansing in Tompkins County

There are presently 35 residential facilities in the system. With these closings there will be 28.

### Effect

These changes take effect 12 months from today's announcement, per state law.

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## EMPTY BEDS, WASTED DOLLARS

### Savings

These closings, reductions, and mergers will result in \$16 million in annual savings, making possible investments in community-based programs and services for vulnerable youth.

### Reductions

Since 2002, OCFS has reduced 379 beds in its residential facilities. With these closings, the total reduction of beds rises to 620.

### The Parents

OCFS staff will be calling all the parents of the remaining children in these underutilized facilities to inform them of the closings and following up by mail.

### Facility Details

Adirondack Residential is a non-secure and limited secure residential facility for boys. It has 24 beds. Adirondack Wilderness Challenge is a four-month residential and outdoor experiential education program for boys 13 to 17-years-old, which includes hiking and overnight camping trips. These programs have 25 full-time positions. This property belongs to the state Department of Environmental Conservation.

Auburn Residential Center is a non-secure facility for girls aged 13 to 17-years-old. It has 24 beds, but only three children. It has 25 full-time positions.

Brace is a limited secure facility for juvenile delinquents aged 12 to 17-years-old. It has 25 beds, but only six children. It has 25 full-time positions. This property belongs to the state Department of Environmental Conservation.

Cass Residential Center is currently used as a training facility. It has 25 full-time positions. It will be transferred to the state Department of Parks & Recreation, which will continue to use it as a training center for its own employees.

Gloversville Group Home has not been in use for over a year. It has seven full-time positions. Its lease, which runs out on June 2008, will be terminated.

Great Valley is a non-secure to limited secure facility for male juvenile delinquents 13 to 18-years-old. It has 25 beds, but only nine children. Great Valley has 25 full-time positions. This property belongs to the state Department of Environmental Conservation.

Lansing is a limited secure facility for female juvenile delinquents aged 12 to 18-years-old. It has 100 beds, but only 48 children. Its capacity will be reduced to 50 beds. Lansing staff will be by 32 full-time positions.

Pyramid is a 57-bed reception center on East 161<sup>st</sup> Street in The Bronx where male juvenile delinquents undertake psychological, educational, vocational, and intake assessment tests over a 14-day orientation to determine their most appropriate placement. It has 90 full-time positions. These reception and assessment functions will be transferred to the Ella McQueen Residential Center on Howard Avenue in Brooklyn.

### Criteria

A number of different criteria were considered in deciding which facilities to close. These include the condition of the physical plant and the cost involved in upgrading it. This was an important factor in the decision made around moving the intake function out of Pyramid and relocating it to Ella McQueen. Other criteria used were the location of the programs and their geographic proximity to other programs, as was the case with Lansing and Auburn and the Adirondack Wilderness Challenge and Group Home. The proximity of these programs to each other gave OCFS more options for staff reassignment. We also considered the demographic trends of the youth in the facilities and the distance from New York City.

### Legal Process

OCFS closings, service and staff reductions, and transfer of any operations must comply with state law. This includes formal announcements to employee labor organizations, individual staffers, local governments where the changes occur, community organizations, and consumer and advocacy groups at least twelve months before changes are scheduled to occur.

The law also requires that the agency coordinate with the state Department of Civil Service, the Office of Employee Relations, and any other state agency to develop strategies to minimize the impact on the state workforce, in cooperation with representatives of employee labor organizations and managerial and confidential employees.

In addition, OCFS must consult with the Department of Economic Development and other appropriate state agencies to minimize the impact on local and regional economies.

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## EMPTY BEDS, WASTED DOLLARS

### Disposition of Property

Per state law, OCFS will be consulting with the Office of General Services on the disposition of these individual properties.

### Staff

OCFS will be doing everything possible to minimize the impact these facility closures will have on employees and their families. After all, OCFS's principal mission is to support all children and families, including our own employees.

Building on the agency's successful management of the closure of Harlem Valley Secure Center several years ago, OCFS is working closely with the state Departments of Civil Service and Labor to assist the staff at these impacted facilities to identify and secure positions at other facilities or other state agencies.

### Commissioner

New York State Governor Eliot Spitzer named Gladys Carrión, Esq. commissioner of the New York State Office of Children and Family Services in January, 2007. Ms. Carrión previously served as Senior Vice President for Community Investment at United Way of New York City. Prior to that, she was Executive Director of Inwood House from 1999 to 2005. From 1995 to 1999, Ms. Carrión served as Executive Director of Family Dynamics, Inc and in 1994 she was a Program Officer at the Ford Foundation in the Community Development area. Ms. Carrión served as Commissioner of the New York City Community Development Agency from 1990 to 1993. From 1984 to 1988, she worked at the New York State Workers' Compensation Board in a variety of capacities including General Counsel, Supervising Law Judge and Senior Law Judge. Ms. Carrión also served as Acting Executive Director of ASPIRA from 1982 to 1983. She received her B.S. from Fordham University in 1973 and her J.D. from the New York University School of Law in 1976.

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# The New York Times

Wednesday, February 20, 2008 Last Update: 9:02 AM ET

## A Home Remedy for Juvenile Offenders



Jacob Rivera, 15, near his apartment in the Bronx, who was convicted of assault, receives intensive therapy as part of his new sentence.

By LESLIE KAUFMAN

Published: February 20, 2008

When Jacob Rivera, 15, was resentenced in May on an assault conviction, he felt he had received a “blessing.”

Only months earlier he had been sentenced to a year in state custody, and he had already spent weeks bouncing between a juvenile detention center in the Bronx and a residential treatment campus upstate. Two of his older siblings had spent time in those facilities and, he said, had “come out a mess.” He could see his future.

But the court gave him a second chance because his case had not been properly reviewed for inclusion in a new alternative sentencing program, which the city started in February 2007. The program, called the Juvenile Justice Initiative, sends medium-risk offenders back to their families and provides intensive therapy.

The city says that in just a year, it has seen significant success for the juveniles enrolled, as well as cost savings from the reduced use of residential treatment centers.

Under the program, Jacob went back home on probation, and he and his family were assigned a counselor, Eddy Lee, who visited the two-bedroom Bronx apartment that the teenager shares with his mother, Michelle Rivera, her husband, a younger brother and other relatives.

Within weeks, the situation improved as Mr. Lee provided intensive counseling to the family, with the aim of defusing what had become an increasingly angry relationship between Jacob and his mother. Instead of screaming at Jacob when he refused to comply with her curfew, Ms. Rivera called Mr. Lee. Over time, Mr. Lee persuaded her to agree to be less strict if her son would agree to be more forthcoming about his whereabouts, and more responsible.

Soon Jacob started meeting curfew and began passing his court-ordered drug tests and staying in school. If he continues on this course, he will end his probation in July, Mr. Lee said.

By the standards of juvenile justice, Jacob is a resounding success. And he is not alone. The city said that in the year since the program began, fewer than 35 percent of the 275 youths who have been through it have been rearrested or violated probation.

State studies found that more than 80 percent of male juvenile offenders who had served time in correctional facilities were rearrested within three years of their release, usually on more serious charges.

While in-home services mean that hundreds of teenagers with criminal records are returned to their communities, city officials say it is a trade they are willing to make. “It’s an uphill battle,” says Ronald E. Richter, the city’s family services coordinator. “These young people and their families present complex challenges.”

But whether the children go to residential correctional facilities or not, they come back to the community eventually anyway, Mr. Richter said, and the program “helps parents learn how to supervise and manage their adolescents so that they act responsibly instead of engaging in dangerous behaviors.”

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Every year, hundreds of children in the city under 16 are found guilty of crimes ranging from graffiti to assault. They are tried and sentenced in the family courts; more serious crimes like murder are usually sent to the criminal courts.

Until the Juvenile Justice Initiative, family court judges had few options for dealing with youngsters convicted of less-serious crimes. They could place them on probation and hope for the best, or send them to upstate residential centers. The decision would typically depend as much on the gravity of the crime as on the stability of the child's family. Judges are more likely to send a child into state custody if the home situation is complicated or unsafe.

"We were locking up way too many children," said Leslie Abbey, who runs the program for the city's Administration for Children's Services. "It was relied on too heavily, and it wasn't working."

The problem with incarceration, as juvenile justice reformers saw it, was that it could make behavior worse by introducing teenagers to even more hardened youths.

Some states and other counties in New York, including Westchester, have been experimenting for years with intensive in-home and in-community therapy for children who have significant criminal records but are not psychopathic.

The basic idea is to reach and help borderline youths at a moment of crisis, and turn them away from a more serious criminal path. By treating them in the context of their families and environments rather than in isolation, officials found that recidivism was usually less than half that of residential correction programs. The city says that it hopes its program will be as successful, but that it will take many years before it can be sure.

Still, at roughly \$17,000 per child, such in-home therapy programs cost a fraction of the annual expense of keeping a child in secure detention, which can be \$140,000 to \$200,000.

In fact, the financial incentive is such that both the city and state are rapidly moving away from residential detention. Gladys Carrión, the commissioner of the state's Office of Children and Family Services, recently announced that she would close six nonsecure facilities, a cut that will save the state \$16 million a year.

The elimination of detention beds puts more pressure on the city to succeed.

It is a tough order, but Qadriyyah Razzaaq, for one, is a believer.

Ms. Razzaaq has been caring for John Whittington, 15, the son of a cousin, since he was 5. But last year, Ms. Razzaaq, a home health aide with her own children to care for and a job that often requires her to work 12 hours a day, was ready to give up on John, who was getting into ever more serious trouble.

First, on a dare, he set a fire in a school toilet, she said. Then he began running with gangs, and his graffiti appeared in hallways in his apartment building. Finally, she said, he robbed someone of an iPod.

When he was arrested for the iPod theft, she didn't even go to detention to get him. "I was so angry," she recalled. "I thought, 'I am going to leave him there and teach him a lesson.'"

When Ms. Razzaaq heard about the Juvenile Justice Initiative, she was not optimistic. "He had already been in counseling," she said, "I didn't believe it would help."

But to her amazement, the therapy at home made a difference. The counselors told her that John had been keeping secrets from her because he was afraid she would abandon him, the way his mother had. She spent more time with him alone, something he seemed to crave.

His behavior improved. John will still fail the seventh grade for a third time at the end of the school year, but so far he has not violated probation.

At home, Ms. Razzaaq has a new level of trust. "We have little problems, but we speak about it first," she said. "He doesn't wait to be caught."

"I know his future is so much better than it would have been if he had gone upstate."

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# CITY LIMITS.ORG

## FEWER LOCK-UPS, ENOUGH MONEY?

City Limits WEEKLY #628  
February 25, 2008

As the state plans to close six juvenile correctional facilities and embrace community-based juvenile justice, some wonder who'll pay for it. > *Matthew Schwarzfeld*

Child welfare advocates, public safety groups and budget watchdogs all seem to agree that the state Office of Children and Family Services (OCFS) plan to close six juvenile correctional facilities by the beginning of next year is a step in the right direction. They praise the efforts of Commissioner Gladys Carrión, herself the former head of a Bronx youth organization. Carrión's commitment to restructuring, especially in the face of opposition from unions representing the 254 state employees affected by the closure, has impressed many.

Under Carrión's leadership, OCFS has shifted its focus from incarcerating kids convicted of misdemeanor offenses to getting them help in their own communities instead. The agency will reserve incarceration for only the most serious juvenile offenders.

"We must focus on genuine rehabilitation and treatment," Carrión said. "We believe our funding is better spent on supporting a community-based system where these children can maintain and strengthen connections with their families and the significant adults in their lives." She describes the closures as the first step toward transforming the system.

Now that Carrión has put her agency on the path toward a community-based treatment model for lesser juvenile offenders, groups affected by the change are wondering if and how the state will help pay for it. Only \$863,000 of the \$14 million saved by closing the facilities will be reinvested directly into community programs. (The remainder will be used to hire staff for facility-based and aftercare programming.)

Some leaders in the field proffer suggestions for how OCFS can ensure that needed mental health, substance abuse, and education services are in place – while others worry that plans for building community capacity are inadequate or even nonexistent.

"Those programs and services that need to be in place are still few and far between and we've not begun at all to match the services with the level of need that exists," said Meredith Wiley, New York State Director for Fight Crime: Invest in Kids, a nonpartisan national anti-crime group.

There were 2,610 children, the vast majority boys, in state juvenile correctional institutions as of last spring (the most recent OCFS data available), many of whom were incarcerated for low-level offenses and who have complex health and educational needs. Six out of ten youngsters in state custody are from the five boroughs.

Changes in New York City's juvenile justice system have made it possible for Carrión to push for system transformation at the state level. That's because in recent years the Department of Juvenile Justice and other city agencies have funded a patchwork of alternative to placement (ATP) programs that help divert children from the state juvenile corrections system. As a result, Family Court judges in the city now send nearly 28 percent fewer children to upstate placement facilities—from 1,319 in 2003, to 952 in 2007.

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With fewer city kids sentenced to placement, many of the 241 beds in the six OCFS facilities slated for closure have been empty for some time. For example, Cayuga County's Auburn Residential Center, a non-secure facility for girls between the ages of 13 and 17 and one of the six facilities set to close in January 2009, only houses three children but has 21 empty spots (though it still employs 25 people). Since 2002, OCFS has reduced correctional capacity by 620 beds, including this round of closures. The agency points to underutilization as one of the primary reasons for closing the facilities.

Though New York City has several ATP programs already in place, they are paid for by local rather than state government. The city's Department of Probation (DOP) runs two major programs: Esperanza, a partnership between the Vera Institute, DOP and other city and state agencies, serves 160 participants, while a similar DOP effort called the Enhanced Supervision Program serves 554 juveniles. The Administration for Children's Services (ACS) recently launched the Juvenile Justice Initiative, which will offer 380 ATP slots plus 150 slots for youths returning from facilities. In contrast to DOP's programs, Juvenile Justice Initiative costs will be split between the city and state, with OCFS covering 65 percent and ACS 35 percent.

### **Paying for alternatives**

In its recent response to Gov. Spitzer's proposed budget, Mayor Bloomberg's administration called for the state to provide reimbursements for all of the city's ATP (and alternative to detention, or ATD) programs. The budget response stated that these programs "create cost savings for the State as fewer juveniles are detained in State facilities" – but meanwhile the city would be happy to use the estimated \$6 million that reimbursements from the state would provide.

The New York Juvenile Justice Coalition, an umbrella group of more than 40 juvenile justice advocates and practitioners in New York City, also calls for state reimbursements. The Coalition has drafted legislation called "Redirect New York" that would require the state to reimburse counties at 65 percent for ATP and ATD programs rather than the current 50 percent. According to Mishi Faruqee, director of the Juvenile Justice Project at the Correctional Association of New York, the idea is to use fiscal incentives to encourage counties to refer eligible juveniles to alternatives to placement and detention.

"Redirect New York really forces localities to look at their detention policies, and in some cases may accelerate use of alternatives [to incarceration] since there will be a disincentive to detain high numbers of young people," said Faruqee. "The tragedy is that these kids are [in facilities] because we couldn't get services for them in the community."

The legislation is based on the funding formula for ACS's Juvenile Justice Initiative, as well as similar fiscal incentive legislation for alternative to incarceration programs in other states. Still in draft form, members of the Coalition are looking for legislative sponsors. OCFS leadership agrees with the group that the bill is important.

"If I want someone to try something new, the fiscal incentive is the carrot people grab first," said OCFS Deputy Director Joyce Burrell. "It will be much more difficult without it, because people will see all the things they have to do with not enough resources... fiscal incentives often will make folks take that step out to try something different."

### **Cart before the horse?**

OCFS has expressed hopes that counties will explore other ways to develop ATPs—but some observers grumble that hope isn't enough.

First, the agency suggests that the facility closings will save counties money. By shutting facilities, OCFS will indirectly reduce the number of kids counties send to state facilities, thereby saving counties their half of the bill they are required to split with the state. Counties "will now have additional dollars to invest in alternatives to incarceration. We can't mandate it, but [reinvestment] is our hope and expectation," Carrión said.

OCFS also has proposed denying the 50 percent reimbursement to counties for the costs of detention. ("Detention" facilities are operated by municipal agencies – such as the NYC Department of Juvenile Justice

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– for children prior to adjudication, whereas "placement" facilities are operated by OCFS or its contractors and house children sentenced by a judge.) According to OCFS spokesman Eddie Borges, denying reimbursement for detention—a cut presented in the governor's budget for this fiscal year, which the legislature will vote on in upcoming weeks—will require counties to pay the full bill. This is not an insignificant cost: New York City projects spending more than \$60 million on its share of detention costs in 2008, according to the Independent Budget Office. OCFS hopes that pushing this expense to the counties will prompt local officials to develop alternatives to incarceration as a necessary cost-savings strategy. "The reality is that the budget has to be cut somewhere," Borges said.

Cutting reimbursements for detention has some juvenile justice advocates worried. "We are approving of the underlying philosophy of wanting to keep kids out of detention, but... for those kids who do need to be in detention, that 50/50 match should not be taken away," said Wiley, of Fight Crime: Invest in Kids. "We have an opportunity to really match services and build these programs ... But if we do this precipitously, if we put the cart before the horse and move kids out of detention before the services are in place, we could have a backlash that we could be suffering from 100 years from now."

### **Changing how business is done**

OCFS will close six non-secure and limited security correctional facilities that house children mostly between the ages of 12 and 18. The facilities are considered a boondoggle by many juvenile justice experts. OCFS reports that detaining one child for a year costs between \$120,000 and \$200,000. The Independent Budget Office says the city alone spent over \$100 million on placing kids in OCFS facilities in 2007. More than 75 percent of the city Department of Juvenile Justice's budget, around \$190 million, went to locking kids up both before and after adjudication.

ATP programs are far less expensive. Esperanza serves 160 children at a cost of \$4.2 million, or \$26,250 per child; the Enhanced Supervision Program, serves 554 juveniles for an estimated \$3.8 million in 2008, or \$6,859 per participant; the Juvenile Justice Initiative costs a total of \$11 million (including aftercare in addition to ATP slots).

Many experts agree that detaining juvenile delinquents who committed a misdemeanor is not an effective way to reduce crime. In a 1999 study, the most recent data available, OCFS found that 81 percent of boys and 45 percent of girls released from its custody were rearrested within 36 months.

"Like a lot of states, New York is in a situation where they've over-incarcerated lesser offenders. That is the legacy of 'get tough' policies: you end up widening the net," said Ned Loughran, Executive Director of the Council of Juvenile Correctional Administrators. "Sending a kid who has committed a low level offense upstate in a secure facility is not the answer when that kid has multiple problems."

Commissioner Carrión credits the work of local systems like New York City's for paving the way for OCFS to better serve misdemeanants, while reserving correctional facilities for more serious offenders. She believes she has a historic opportunity to transform juvenile justice in the state. Her agency can not afford not to act, she says.

"In state residential facilities, the focus has been on safety and control and not on providing the developmentally appropriate services young people need to address their trauma, addictions, or deficits or education and self-esteem," Carrión said.

"I don't say this proudly, but we preside over a pipeline to prison," said Carrion. "That is what has happened. And we can't tolerate that any longer. So we need to start. Do I have everything in place? No. But I think I have a lot of the things I need in place."

- Matt Schwarzfeld

**THE URBAN AGENDA**

By David R. Jones



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**From the New York Amsterdam News  
February 21 - 27, 2008**

## **FIXING THE JUVENILE JUSTICE SYSTEM**

New York State's juvenile justice system is supposed to rehabilitate children who commit serious offenses by removing them from the problems often inherent in their families and neighborhoods. But the system does not work. About 80 percent of those who enter the system return to it or go to prison within three years after their initial release. That's a recidivism rate worse than adult prisoners nationally.

When a government program is obviously not working, it ought to be corrected. But all too often, the threat of political fallout prevents public officials from making necessary changes. New York State's juvenile justice system has been broken for some time. Finally, something is being done to fix it.

### **New Programs**

Governor Spitzer recently announced that the system of juvenile detention will be overhauled. Several residential juvenile facilities – which are underutilized - will be closed. More importantly, programs will be initiated for those in detention that emphasize education, job training, and mental health services.

Currently, there are about 2,000 children in the system, all under age 16 when they entered. Eighty-six percent are Black or Latino youths; over 70 percent are from New York City. Since almost all the facilities are upstate, most of these children are housed hundreds of miles from their homes.

The New York State Office of Children & Family Services, which operates the system, reports that most of the children have mental health problems, learning disabilities, or substance or alcohol addictions. They should be getting support services from the state. Historically, however, they were simply warehoused until they could be released without correcting their problems or providing them with programs and services that could help them succeed in the larger society.

As it is currently operated, the juvenile justice system is expensive and inefficient. The state spends hundreds of millions of dollars annually to fund it and gets little for the money. Some of the residential facilities are more than half empty. Ironically, one bright spot in this situation is that several localities have created programs of their own as alternatives to the system. These alternative programs have produced a recidivism rate of only about 30 percent.

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Gladys Carrion, Commissioner of the Office of Children & Family Services, has announced the closing of six juvenile facilities, as well as the merging and downsizing of others. The state's plan is to place children in community-based alternatives to incarceration which will be closer to their homes and families. The changes in facilities and the new programs are designed to prepare these young people for a successful life after they leave the juvenile justice system.

Instituting programs in local communities that serve to prevent repeat offenses by youths have worked elsewhere. The state of Ohio began a program called RECLAIM Ohio in 1994. RECLAIM stands for Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors.

RECLAIM Ohio is a funding initiative which encourages juvenile courts to develop a range of community-based options to meet the needs of each juvenile offender. Thanks to RECLAIM Ohio, more youths are being helped locally where families can participate more fully in their treatment.

Institutions are less crowded, and the Ohio Department of Youth Services is focusing its treatment and rehabilitative efforts on the more serious, repetitive, felony-level youths.

### **Minimizing Job Losses**

There is another side to this story. Closing facilities means lost jobs. The state should be minimizing the economic impact of these facility closings on both their employees and the communities involved. The state is assisting staff in finding similar or alternative positions at other state agencies or facilities. It will also need to provide economic aid to communities that are losing jobs. Several are small upstate localities that are heavily dependent on jobs at the facilities scheduled to be closed. The Office of Children & Families plans to work with the state's Department of Economic Development to minimize the economic impact on these towns.

Governor Spitzer and Commissioner Carrion are to be congratulated for taking on a tough and politically sensitive task by reorganizing the state's juvenile justice system. The closing of facilities will save the state \$16 million annually.

But these changes will do much more than save the state money. An effective juvenile justice system will contribute to public safety, providing juvenile offenders with a real chance for success after they leave the system. It will help to prevent many of them from "graduating" to the state's prisons where – given the dismal history of adult incarceration in this country - they stand a good chance of becoming career criminals.

Since many of the children in the juvenile justice system are Black and Latino youths from New York City, a system that works will help the economic and social stability of the city's communities of color. It will also strengthen the fabric of families where young offenders have made the transition to life back in their communities.

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## The New York Times

Editorial

Jan. 5, 2008

“One way to lessen the chance that troubled young people grow up to be full-begged criminals is to send them to community-based counseling and probation programs instead of to detention centers where they are often traumatized and inducted into a life of crime. The community-based programs are less expensive than detention and more effective when it comes to cutting recidivism. But states and localities are often hampered by policies that provide perverse financial incentives for sending young people to the lockup.”

## The New York Times

Letter to the Editor

Jan. 12, 2008

### Policies on Juvenile Detention

“Doesn’t it make more sense to redirect these young people into appropriate school programs, employment and counseling in the community than to condemn them to the likelihood of recidivism, which has been the fate of most who do not receive the community-based supports that they need?”

*C. Warren Moses  
Chief Executive, The Children’s Aid Society  
New York, Jan. 5, 2008*



Editorial

Jan. 15, 2008

### A Step Forward for Troubled Kids

“Governor Eliot Spitzer, who also announced state prison closings, and OCFS Commissioner Gladys Carrión deserve credit for trying to move beyond the narrow ‘lock-them-up’ approach that continues to fail our communities.”



*“We are encouraged that the governor and commissioners reached out to us directly, unlike previous administrations. They have committed to maintaining the job security of our members.”*

Statement by PEF President Ken Brynien regarding proposals to close several state prisons and youth facilities

## PressRepublican

Plattsburgh, NY

*“State government cannot be exempt from taking this cost-saving action.”*

Assemblywoman Janet Duprey (R-Peru)

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## **Agency Mission**

The Office of Children and Family Services mission is to promote the well-being, safety, and permanency of New York's children and families by setting and enforcing policies, building partnerships, and funding and providing high-quality services. The agency is responsible for foster care; adoption; adoption assistance; child protective services, including operating the Statewide Central Register of Child Abuse and Maltreatment; preventive services for children and families; services for pregnant adolescents; child care licensing and funding; and operating the state juvenile justice programs. The agency also is responsible for protective programs for vulnerable adults, including adult protective services and the Commission for the Blind and Visually Handicapped.



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