

The Rising Cost of the City's Juvenile Justice System

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SUMMARY

NEW YORK CITY'S JUVENILE JUSTICE SYSTEM comprises a network of city agencies and nonprofit providers. In addition to the Department of Juvenile Justice, the network of city agencies includes the New York Police Department, Department of Probation, Law Department, Administration for Children's Services, and the Mayor's Office of the Criminal Justice Coordinator.

This report provides a primer to the stages in the juvenile justice process—from arrest to disposition—the different paths the case may take through those stages, and the typical costs per youth at each stage.

If a youth is arrested it may cost taxpayers a relatively small sum of money or a great deal, depending upon the individual case and decisions made as the case progresses through the juvenile justice system. Overall, the total cost of providing juvenile justice has increased from \$202 million in 2003 to more than \$251 million estimated for the current fiscal year—a rise of 24 percent. Among our other budgetary findings:

- The rise in spending has largely been driven by a 42.3 percent increase in detention costs, from \$59.1 million in 2003 to an expected \$84.1 million in 2008. One contributing factor to this increase has been a rise in “police admits,” the decision by police to send a youth directly to a Department of Juvenile Justice detention facility when Family Court is closed.
- Although the number of juvenile delinquents placed in state-run or contracted facilities declined from 1,319 in 2003 to 952 in 2007, the cost to the city has increased from \$110.1 million in 2003 to \$113.7 million in 2007.

New York City has recently expanded its efforts to decrease the number of juveniles who spend time in detention and placement. While the city's new alternative-to-detention continuum and other initiatives are still in the early stages, the investment in these programs may help to turn back the tide on the rising costs of the juvenile justice system, which are dominated by the costs of detention and placement, while improving outcomes for juveniles and their communities.

The cost of detaining arrested youth and, if determined by a judge, placing them in state facilities, consumes more than 75 percent of city spending on the juvenile justice system. Programs that provide alternatives to detention and placement can bring both immediate and long-term cost savings. The city currently bears the full cost of most alternative programs. Cost-sharing similar to that in place for detention and placement would benefit both the city and the State.

INTRODUCTION

The juvenile justice system in New York City is composed of a network of city agencies and nonprofit providers. Youths in the system have contact with a range of city agencies including, but not limited to, the New York Police Department (NYPD), the Department of Juvenile Justice (DJJ), the Department of Probation (DOP), and the Law Department. The system is designed to provide opportunities at each stage to create positive outcomes for at-risk juveniles while protecting communities against crime. The different phases of the process and the options that exist throughout are described in this paper. In addition, we provide estimates of the costs associated with each phase.

During the current fiscal year (2008), New York City expects to spend more than \$250 million on the juvenile justice system. This includes screening and intake of juveniles upon arrest; detention; prosecution of juveniles in Family Court; probation supervision; placement (confinement) of youths in state facilities; and programs to help youths avoid future recidivism. More than 75 percent of spending will go for pre-trial detention and placement of youths in state facilities upon sentencing.

The total cost of providing juvenile justice has increased from \$202.1 million in 2003 to more than \$250 million in projected spending in 2008, an increase of 24 percent over that time. This has largely been driven by an increase in detention costs from \$59.1 million to \$84.1 million, or a 42.3 percent increase from 2003 to 2008; and a new Administration for Children's Services program (ACS), Juvenile Justice Initiative, to divert juveniles away from placement, and provide aftercare services, for \$11 million.

All the cost estimates in this analysis include identified agency budget costs as well as fringe benefits for city personnel (paid from central accounts rather than agency budgets), and, where appropriate, allocated agency administrative and support costs. There are several costs, however, that are not included in our estimate of the cost of the juvenile justice system to New York City. Court costs are not included in the costs estimates because they are borne by the state. Debt service for facilities, such as the city's secure detention facilities, is also not included. In addition, we do not include policing costs in this estimate since there is no budget per se for policing of juveniles. A rough estimate of police costs in fiscal year 2007 would be \$6.1 million.¹

This report is organized according to the stages in the juvenile justice process, beginning with arrest and intake; detention and alternatives to detention, adjudication of juvenile cases, and disposition of juvenile cases, including placement and alternatives to placement. We finish with an estimate of the typical costs per juvenile at each stage, graphically depicted in the chart on pages 8-9.

When combined with careful outcome evaluations, understanding the different paths and the costs of each will provide decision-makers with important information to help allocate limited budgetary resources to achieve the best outcomes for youths involved in the juvenile justice system, their families, and communities.

Recent Trends in Juvenile Arrests. Overall, crime and major felony arrest rates have steadily fallen in the city for over a decade with a small uptick in arrests in 2007. Major felony arrests of juveniles make up roughly 10 percent of all major felony arrests in the city. Juvenile arrests for major felonies, however, have decreased less over time than adult arrests. Total major felony arrests in New York City declined from 55,804 to 41,404 from 1999 to 2007, a total decrease of 25.8 percent. Over the same period, juvenile arrests for major felonies decreased

Total 2008 Budgeted Cost of Juvenile Justice System, By Function

Dollars in millions

Function	Program/Agency	Budgeted Cost	Share of Total
Intake			
	Intake (DOP)	\$4.8	1.9%
Detention			
	Secure Detention (DJJ)	60.4	24.0%
	Non-secure Detention (DJJ)	23.7	9.4%
	Alternatives to Detention (CJC)	2.4	1.0%
	Discharge Planning (DJJ)	4.2	1.7%
Supervision			
	Probation Supervision	9.9	3.9%
Adjudication			
	Law Department	13.0	5.2%
	Investigation (DOP)	2.8	1.1%
Disposition			
	OCFS Placement	108.7	43.3%
	Enhanced Supervision Program (DOP)	3.5	1.4%
	Esperanza (DOP)	5.7	2.3%
	Juvenile Justice Initiative (ACS)	11.0	4.4%
TOTAL		\$251.3	

SOURCES: IBO; Mayor's Office of Management and Budget.

NOTES: Due to rounding total does not equal sum of lines. All costs include allocated agency administrative costs and centrally budgeted fringe benefits. DJJ: Department of Juvenile Justice; CJC: Mayor's Office of the Criminal Justice Coordinator; OCFS: New York State Office of Children and Family Services; ACS: Administration for Children's Services; DOP: Department of Probation.

Glossary

Adjustment: Youth who are arrested may have their cases adjusted or diverted from court by the Department of Probation. If a case is diverted from court a youth may be required to perform community service, provide restitution, and be supervised by the Department of Probation for 60 days, or more with court approval.

Detention: A youth may be placed in detention due to a police arrest or a court order. Detention is the temporary custody and care of alleged or adjudicated juvenile delinquents (JDs), or youth alleged or convicted as juvenile offenders (JOs). Alleged JDs are held in detention if there is a risk that the youth will not appear in court at his or her next court date and/or will commit a crime before his or her next court date.

Fact-finding hearing: During the fact-finding hearing an assistant corporation counsel from the city's Law Department presents the case against the alleged juvenile delinquent. Testimony from witnesses is heard, but unlike criminal court proceedings, there is no jury; cases are heard solely by a judge. At the end of the hearing the judge determines whether or not the juvenile committed the criminal acts of which he or she is accused. A separate disposition hearing is held for youth found to be juvenile delinquents, at which the appropriate course of action is decided.

Family Court: Hears matters involving children and families for a range of matters including: abused or neglected children, adoption, custody and visitation, domestic violence (family offense), foster care approval and review, guardianship, juvenile delinquency, paternity, and Persons in Need of Supervision, often referred to as PINS.

Juvenile delinquent: Youth between the ages of 7 through 15 who have committed an act that would be considered a crime if committed by an adult, and are found to be in need of supervision, treatment, or confinement. Cases involving accused juvenile delinquents are adjudicated in Family Court in a fact-finding hearing, with disposition options decided in a separate hearing.

Juvenile offender: Youth between the ages of 13 and 15 who are charged with one or more of 18 criminal acts that qualify them to be tried as an adult in Criminal Court. Unlike juvenile delinquents, juvenile offenders are not eligible for the alternative-to-detention program.

Petition: The Law Department prepares a petition for Family Court proceedings that outlines the criminal acts that the juvenile has allegedly committed. The juvenile petition is comparable to the adult criminal complaint.

Placement: Juvenile delinquents may be remanded to the custody and care of the state Office of Children and Family Services by a Family Court judge. Similar to incarceration in the adult Criminal Court system, youths are confined to facilities operated by OCFS or a contractor.

Youthful offenders: Adolescents between the ages of 16 and 18 who are prosecuted in Criminal Court and housed in Department of Correction facilities instead of DJJ facilities. They are not included in this report.

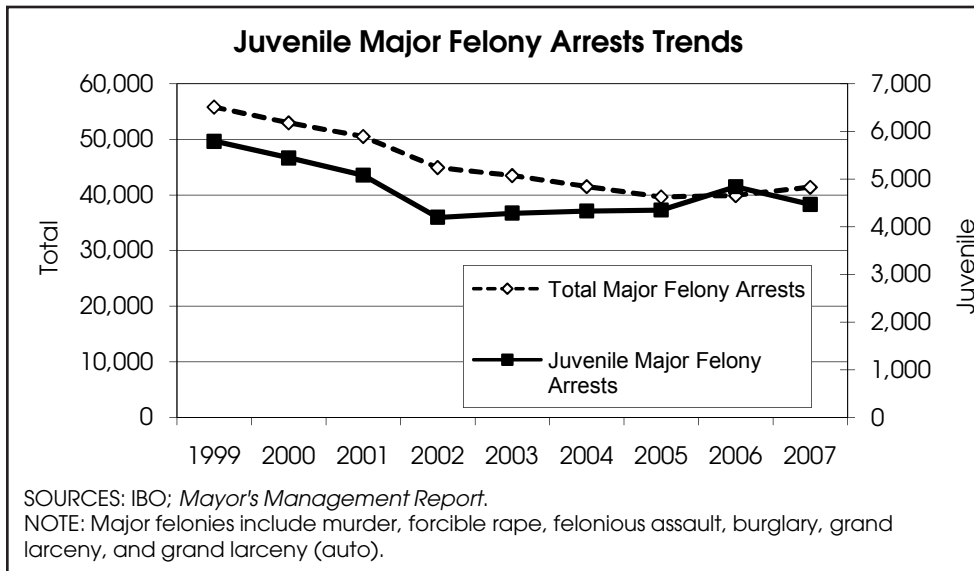
SOURCES: IBO; [Department of Juvenile Justice](#); Department of Probation.

from 5,796 to 4,469, or 22.9 percent, but actually increased from 2002 to 2006. (Unlike major felony arrests of juveniles, information on misdemeanor arrests of juveniles is not among the indicators tracked by the NYPD.) It is unclear whether this slight increase in juvenile major felony arrests reflected a change in NYPD policy, a change in the behavior of juveniles, or a combination of the two.

ARREST AND INTAKE

Upon arrest there are four distinct paths a youth may follow. First, depending on the severity of the crime, youths may go directly to Criminal Court as juvenile offenders. Second, in the case of juvenile delinquents, he or she may be brought directly to Family Court by the police. Third, if Family Court is closed and police are unable to contact the parents or guardians, the alleged juvenile delinquent may be admitted by the police to Bridges Juvenile Center, a secure DJJ detention facility (this is known as a "police admit"). Finally, the youth may be released by the police and given a desk appearance ticket directing him or her to appear in court on a certain date.

For the vast majority of youths, probation intake is the next step after arrest. During intake, probation officers interview all concerned parties including the arresting officer, the youth, the complainant, family members, and others.



requires while awaiting trial. The Risk Assessment Instrument is a one-page questionnaire that is completed by the DOP intake officer. It collects information on the charge, a youth's history of involvement in the juvenile justice system, and school attendance. Based on this information the assessment tool allows a probation officer to calculate a youth's risk of failure to appear in court and risk of re-arrest as "low," "mid," or "high." While the score is not the sole factor in determining where the youth awaits his or her next court appearance, it does provide objective guidance to the judge. A youth who is classified as low

The purpose of these interviews is to determine whether the case should be referred for formal court proceedings or be diverted. A youth may bypass probation intake for a variety of reasons. Some youths are issued appearance tickets and go through intake at a later date and others will have their arrest voided.

risk is likely to be released to home. A youth who is mid-risk is eligible for the alternative-to-detention (ATD) programs that will be explained further on in the paper. High-risk youth are recommended to non-secure or secure detention. A youth may be detained while he or she awaits trial if there is a risk that the youth will flee or will commit another crime prior to his or her next court appearance.

If a case is diverted after intake, also referred to as adjusted, the juvenile is monitored for up to 60 days by the Department of Probation, and must meet certain requirements, such as community service and/or restitution. Probation monitoring may be extended for another 60 days with court approval. In recent years, the number of cases that are diverted has increased dramatically from 1,170 (14 percent of probation intakes) in 2003 to 2,797 (26 percent) in 2007. According to the *2007 Mayor's Management Report*: "This improvement resulted from the Department's continuing efforts to increase outreach to complainants, participation in a Law Department initiative that refers cases back to Probation, and an increase in the proportion of misdemeanor cases, which are more appropriate for diversion."

DETENTION

Excluding policing costs, much of the direct cost of juvenile crime in New York City comes from detention in facilities run by the city's Department of Juvenile Justice. DJJ provides both secure and non-secure detention of alleged juvenile delinquents and secure detention for alleged juvenile offenders. The department provides many services while juveniles are in detention, including education, discharge planning, case management, and health and mental health services.

If a case is not diverted and the probation department decides to pursue it, it is brought to the Law Department. Unlike adult criminal cases, which a district attorney prosecutes, the city's Law Department is responsible for prosecuting alleged juvenile delinquents. The Law Department may refer a case back to DOP for adjustment, decline to prosecute a case, in which case the youth is released, or file a petition in Family Court, in other words, prosecute the case.

Non-Secure Detention. DJJ oversees a network of 18 non-secure detention group homes in each borough except Staten Island; 15 are under contract with private providers and three are directly operated by DJJ. Non-secure detention facilities have no "physically restrictive hardware, construction, or procedures and offer a supportive, family-like environment and close supervision during a juvenile's time in detention."² Under state law, each non-secure facility holds no more than 12 juveniles and always has at least two staff members on-site. The average length of stay in non-secure detention was 33 days in 2007.

The process from arrest to initial court appearance can take several days. Working with the Vera Institute of Justice, the probation department and DJJ have developed a tool for assisting in the decision of how much supervision a youth

Secure Detention. DJJ also operates three secure detention facilities: two in the Bronx, Bridges Juvenile Center and Horizon Juvenile Center; and Crossroads Juvenile Center in Brooklyn.

Horizon and Crossroads each contain 124 beds, while Bridges has a current capacity of 103 beds. Secure detention facilities have security hardware and procedures in place and maintain an 8-to-1 juvenile to staff ratio. Bridges serves as the intake/admissions center. All youths who are detained spend part of their detention at Bridges. At Bridges, medical, educational, and social service assessments are conducted on all incoming youth. Youths may be transferred to another secure or non-secure DJJ facility on their third day, after the department completes its comprehensive health and mental health assessments. Bridges also serves as a detention facility for youths who have been “sentenced” and are awaiting transfer to OCFS facilities. A youth’s time served at Bridges while awaiting transfer is counted toward his or her sentence.³

The average length of stay in secure detention varies widely: from one or two nights for the roughly half of police admits who are released after their first court appearance, to 13 days for a single juvenile delinquent case in Family Court, 54 days for multiple juvenile delinquent cases, and as long as 135 days for detainees with at least one juvenile offender charge. In 2007, the overall average length of stay in secure detention was 20 days.

On average about 43 percent of arrests are admitted to detention. Generally, as arrests have increased or decreased, admissions have as well. The admission of juveniles to DJJ detention facilities increased 15 percent from 2003 through 2007. Admissions to secure detention rose 13 percent over that time, while admissions to non-secure detention rose by 27 percent. A large portion of the increase in admissions to secure detention has come from direct police admits, which occur when Family Court is not open. Police admits have risen from 1,769 in 2003—or about 42 percent of total admissions of juvenile delinquents to secure detention—to 3,022 in 2007, or 64 percent of total admissions of juvenile delinquents to secure detention. DJJ has recently initiated a Release-to-Parent program aimed at diverting police admits from detention to their families with a desk

appearance ticket.

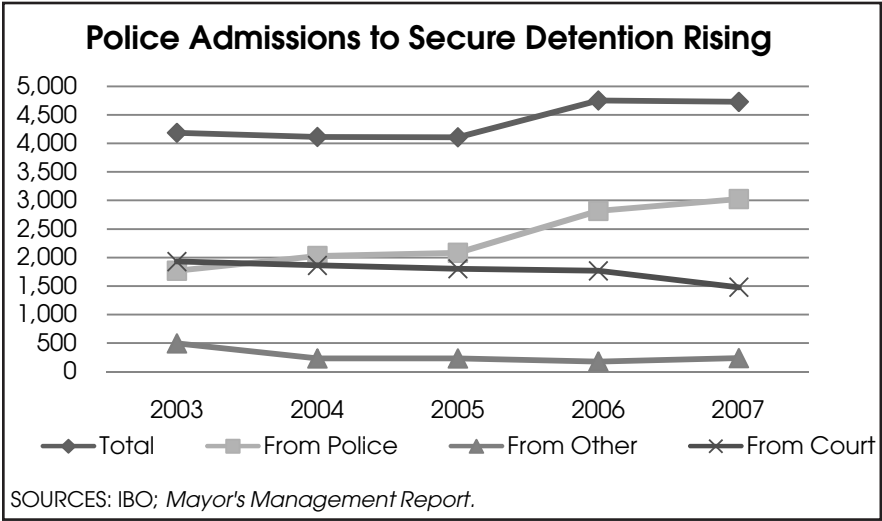
The increasing detention admissions, especially to the more costly non-secure detention, have combined with cost increases to raise total detention costs from \$59.1 million in 2003 to an estimated \$84.1 million in 2008—an increase of 42.3 percent. Another factor appears to be rising health care costs. The city bears roughly half the cost of detention, with the rest reimbursed primarily through state grants.

Alternatives to Detention. Detention is necessary only when there is a risk that a youth will fail to appear in court or will be re-arrested prior to his or her court appearance. Providing alternatives to detention allows the youth to remain in the community, with his or her family, and uses various forms of supervision to reduce risk of failure to appear in court and re-arrest. Recently, the city has introduced a new approach to ATD having learned from its own and other cities’ experiences.

In contrast to detention, for which the state reimburses the city 50 percent of costs, the city bears the cost of ATD programs. The Bloomberg Administration would like the state and city to

Department of Juvenile Justice Detention Population And Cost Trends						
	Actual					Budgeted
	2003	2004	2005	2006	2007	2008
Admissions	5,138	5,046	5,252	5,973	5,884	n.a.
- Secure Detention	4,579	4,490	4,496	5,220	5,172	n.a.
Juvenile Offenders	392	377	487	467	442	
Juvenile Delinquents	4,187	4,113	4,109	4,753	4,730	
From Family Court	1,927	1,859	1,799	1,765	1,477	
From Police	1,769	2,027	2,083	2,817	3,022	
From Other	491	227	227	171	231	
- Non-secure Detention	559	556	756	753	712	n.a.
Average Daily Population in Detention	403	403	423	449	441	n.a.
- Secure Detention	287	280	286	303	292	
- Non-secure Detention	117	123	139	146	155	
Average Length of Stay (days)	28	30	29	27	27	n.a.
- Secure Detention	24	23	23	21	20	
- Non-secure Detention	30	34	31	31	33	
Total Annual Detention Cost in millions¹	\$59.1	\$61.5	\$67.8	\$73.5	\$79.6	\$84.1
- Secure Detention	46.3	48.1	51.7	55.4	61.4	60.4
- Non-secure Detention	12.8	13.4	16.1	18.1	18.2	23.7
Average Cost per Day²						
- Secure Detention	\$421	\$466	\$500	\$505	\$594	n.a.
- Non-secure Detention	\$763	\$709	\$687	\$775	\$775	n.a.

SOURCES: IBO; Mayor’s Management Report.
 NOTES: ¹Detention costs include fringe benefits and pensions and DJJ administrative costs allocated based on annual admissions and average length of stay. Fiscal year 2008 estimated using 2007 fringe benefits rates. ²Calculated as total cost divided by admissions, divided by average length of stay (equals days in detention).



New Pilot Programs. The Department of Probation, Mayor's Office of the Criminal Justice Coordinator, and the Vera Institute have developed and are currently rolling out a new version of the ATD program, based on nationally recognized models. Pilot programs are currently in operation in Queens and Brooklyn. In late 2007 and early 2008, services will begin to be offered in the Bronx and Manhattan. Services will be introduced to Staten Island in early 2008. Unlike the previous program, the new ATD program focuses on keeping students in their local schools and services are mainly provided by nonprofit, community-based organizations.

share the costs of the ATD continuum, noting that alternatives are less costly than detention and that any savings from reduced detention spending benefit both the city and state.

Previous Program. The previous ATD program was funded and administered by the Department of Probation. It served alleged juvenile delinquents between the age of 11 and 16 while their court cases were pending. The program provided schooling, counseling, and supervision to juveniles awaiting disposition in Family Court. Juveniles reported to the ATD center each school day from 8:00 a.m. to 4:00 p.m. In addition, an Expanded ATD program focused on cognitive skills training and aggression management, with an extended day ending at 8:00 p.m. The ATD centers were staffed by probation officers, social workers, and teachers from the Department of Education. Participants received group and individual counseling and had the opportunity to participate in a variety of educational and recreational programs. ATD participation was court-ordered, but parental or guardian consent was needed before a juvenile was allowed to participate in the program. Enrollment in the ATD program had steadily increased. In 1999, 1,080 juveniles were enrolled. In 2005 (its last full fiscal year of operation) 1,436 youths participated in the ATD programs, at a cost of \$3.6 million.

In January 2006, DOP Commissioner Martin Horn announced the decision to discontinue the program because of health and safety concerns at the ATD sites and an educational experience that, in his words, did not "meet the test of excellence." When Commissioner Horn announced his decision to close the ATD program, there was no replacement and for several months ATD was not an option for youths with cases pending. The department has since worked with the Mayor's Office of the Criminal Justice Coordinator and the Vera Institute of Justice to design and implement a new program.

The new program will serve up to 1,800 juveniles annually, and provide a continuum of three levels of supervision: community monitoring, after-school supervision, and intensive community monitoring. In 2008 \$2.4 million is budgeted for ATD programs: \$1.3 million in city funding and \$1.1 million in federal funding. Participants may move from level to level based on performance and may be referred back to Family Court for reconsideration of detention for several reasons, including: failure to appear in court for scheduled hearings; re-arrest; a serious violation of the program's code-of-conduct; or failure to attend the program regularly or repeated non-compliance with program requirements.

Community monitoring and after-school supervision will each enroll approximately 600 juveniles per year. Services will be provided by non-profit agencies. There will be four large sites, each funded at \$600,000, in Manhattan, Queens, Brooklyn, and the Bronx, with additional smaller programs in Brooklyn and Staten Island. Community monitoring includes monitoring of school attendance, curfew monitoring, home visits, and efforts to ensure attendance at court. After-school supervision combines community monitoring with educational and counseling services for up to five days a week, which includes group and individual counseling, educational assistance, anger management, conflict resolution, and recreational activities.

The Department of Probation is responsible for the highest level of supervision, intensive community monitoring. It is estimated that roughly 600 youths will enroll (150 per borough, excluding Staten Island). The intensive community monitoring will be funded in the DOP budget using existing resources and probation officers previously assigned to the former ATD program will be reassigned to the new program. The intensive monitoring will target juveniles who are considered moderate risk, have been released from detention, or have been

Risk Assessment Instrument

A key component of several alternative programs, including New York City's newly designed alternative-to-detention program, is a new risk assessment instrument. In using this tool, officials can estimate the risk of an offender reoffending or failing to appear before the court and then place that youth in the most appropriate program. In the past, judges made decisions based on input from probation officers and others, including parents and teachers, but without a standardized, formal instrument to help guide decision-making.

New York City's new program uses a risk assessment instrument to decide which of the juveniles with petitioned cases in Family Court to accept into a continuum of ATD programs. It will determine whether a juvenile's risk is "low," "medium," or "high" based on two categories of risk: the *risk of failure to appear*, and the *risk of re-arrest*. ATD will focus on 1,800 medium-risk juveniles, as lower-risk juveniles are released to parents and higher-risk juveniles are most likely to be sent to non-secure or secure detention.

This risk assessment tool will measure the **risk of failure to appear** based on several factors, including:

- Whether a parent/responsible adult is willing to supervise the youth;
- Whether the youth has an open juvenile delinquent warrant;
- Whether the current top charge is a theft/larceny;
- Whether the youth has prior Persons in Need of Supervision petition.

To measure the **risk of being re-arrested**, the risk assessment tool assesses the youth based on:

- Whether the current charge involves a victim who lives in the household;
- Whether the youth has prior unsealed arrests or prior unsealed felony arrests;
- Whether the youth has prior juvenile delinquent adjudications;
- Whether the youth is currently on juvenile delinquent probation;
- Whether school attendance is more than 90 percent.

The city is in the process of revising the Risk Assessment Instrument based on experience over the last year.

unresponsive to less intensive programs. The program will include frequent school and home visits, parental conferences, telephone check-ins, curfew monitoring, counseling, and referrals for court-ordered services. Intensive community monitoring is distinguished from after-school supervision by the fact that the probation department is directly involved in the monitoring of the youths.

ADJUDICATION

Prosecution by the Law Department. The New York City Law Department's Family Court Division represents the city in juvenile delinquency prosecutions brought in Family Court. This is the second largest division in the Law Department, employing about 80 attorneys and 55 other personnel, and handling around 15,000 cases annually. While the majority of these resources are assigned to the Juvenile Crimes Unit, the division also handles child support petitions and seeks to enforce existing child support orders. The Juvenile Crimes Unit is responsible for prosecuting youths under 16 years of age in courts throughout the city.

Since 2003, spending by the Law Department's Juvenile Crimes Unit has increased from \$8.4 million to a projected \$13.0 million in 2008—an increase of more than 50 percent. From 2003 through 2007 the number of cases referred for petition (prosecution) to the Law Department by DOP increased 19 percent. Caseload data back to 2003 was not available, but from 2005 to 2007 the number of petitions actually filed increased by only 2 percent. Thus, it appears that the increase in costs is only partially explained by the increase in the number of cases. Another explanation may be a rise in probation violations.

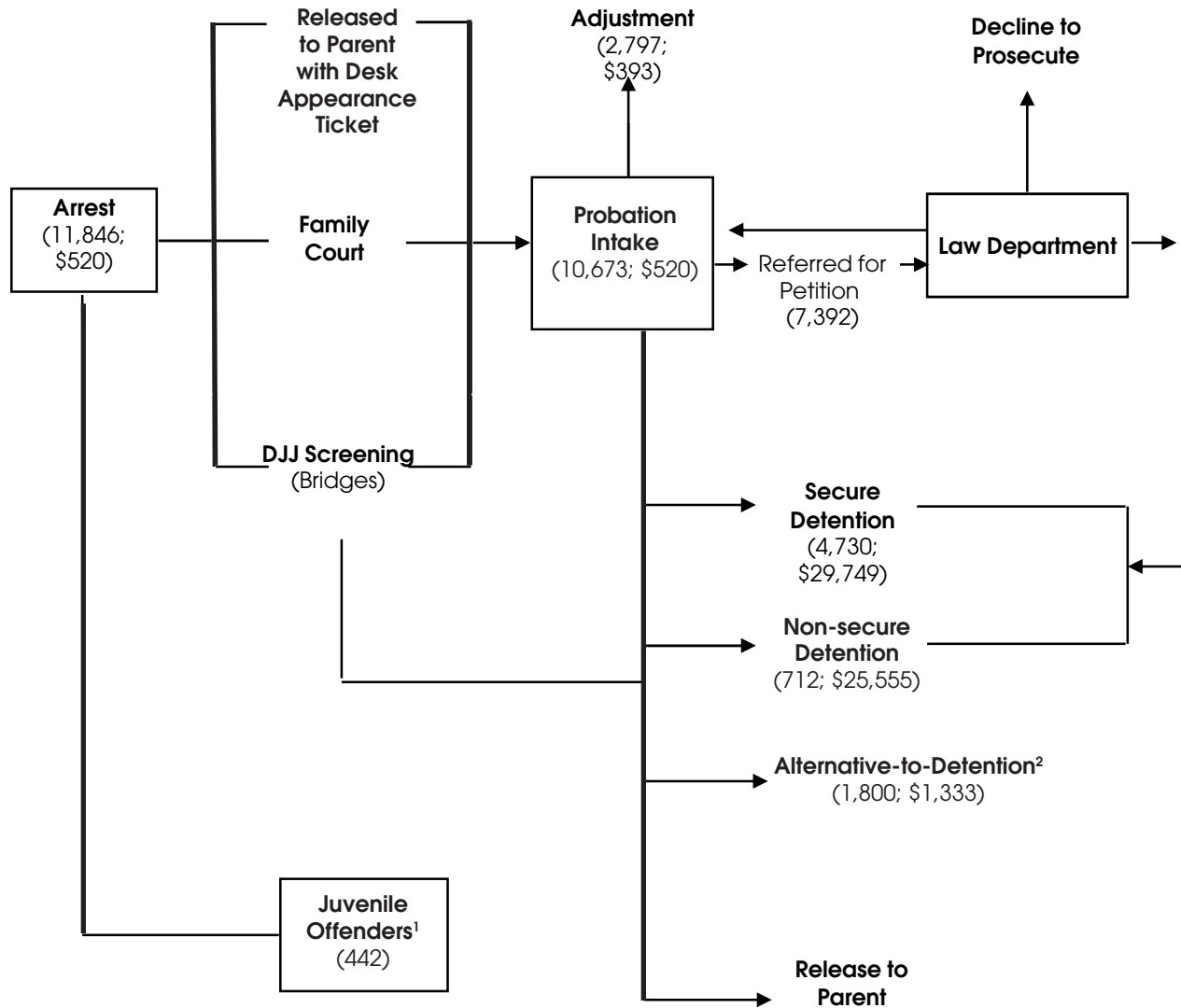
The Law Department is involved in three phases of the juvenile justice process:

Initial Court Appearance. After a youth has been arrested, gone through DOP intake, and had his or her case referred for petition to the Law Department, the Law Department determines whether or not to file a petition in Family Court. The case may also be referred back to probation for adjustment or be dismissed. If the Law Department decides to pursue the case

Overview of Juvenile Delinquent Processing

Figures in parentheses represent number of juveniles at each phase in 2007 and estimated cost per juvenile, where available.

Arrest to Initial Court Appearance



SOURCES: IBO; based on Correctional Association of New York City: "Rethinking Juvenile Justice in New York City: A Report by the Juvenile Justice Project of the Correctional Association of New York City" (March 2002); data sources as cited in text.

NOTES: Individual figures may not add to totals due to differences in sources, timing of reporting and processing, and other issues.

¹Juvenile offenders are always held in secure detention, arraigned in Criminal Court, and tried in Supreme Court (Youth Part).

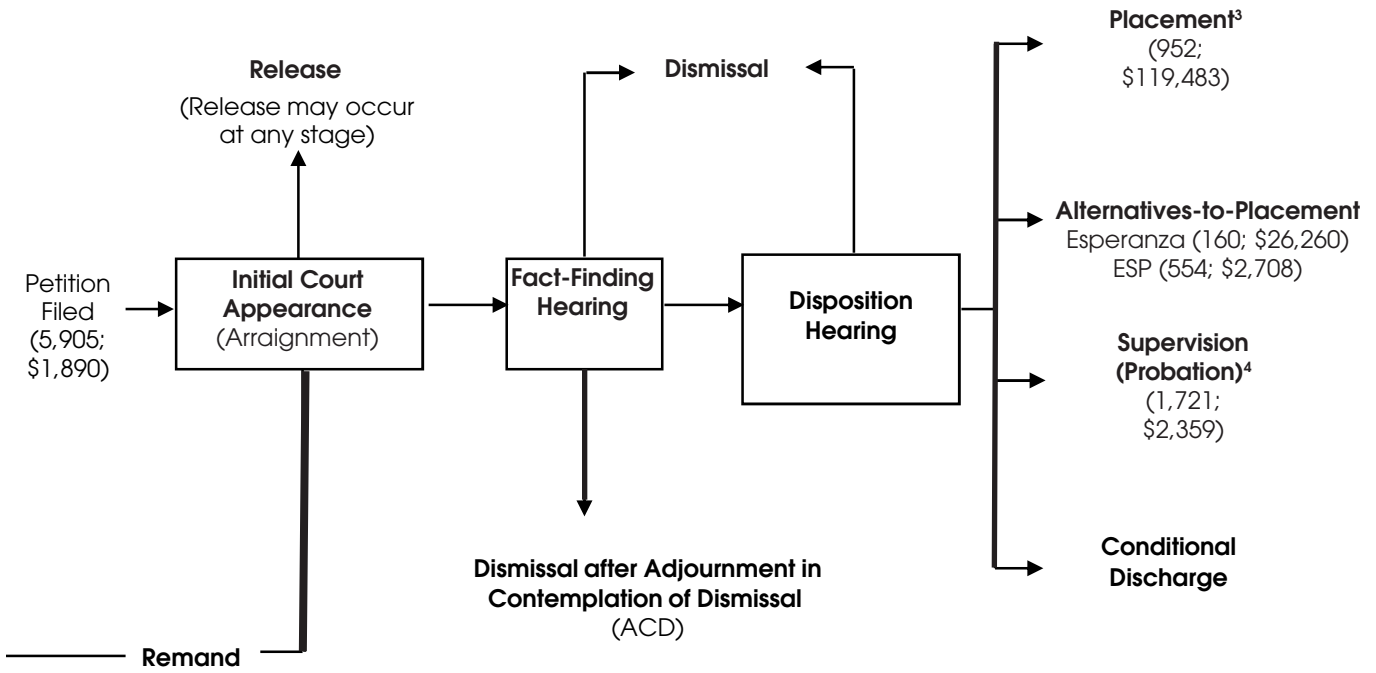
²ATD program was not in operation in 2007, numbers are based on 2008 CJC estimates.

³Placement figures are fiscal year estimates based on actuals through May 2007.

⁴Cost assumes one year of supervision.

Trials and Hearings

Disposition/Sentencing



Graduated Supervision Options for Court-Involved Juveniles in New York City						
	Release to Home	Alternatives to Detention			Detention	
Option	Appearance Notification and Family Outreach	Community Monitoring	After-School Supervision	Intensive Community Monitoring	Non-Secure	Secure
Description	Court appearance notification and initial outreach meeting with parent/guardian to explain court process and importance of attendance at all court dates	School attendance monitoring; curfew checks; home check-ins	Community-based after-school programs; on-site educational and counseling services; service referrals available	Participant authorized by Court attend school and court-ordered programs; frequent curfew checks, home visits, and phone check-ins; "contract" agreement with parent/guardian	Less restrictive alternative to secure detention, NSD provides structured residential care	Facilities serve both alleged J.D.s and J.O.s and provide level of security that ensures juvenile's appearance in court and protects community
Target Population	Low risk	Moderate risk (low- to mid-range)	Moderate risk (mid- to high-range)	Moderate risk (high range)	High risk (low range)	High risk (high range)
Volume		600	600	600		
<p style="text-align: center;"><i>Juveniles can move up or down the continuum based on performance</i></p>						
SOURCES: IBO; Mayor's Office of the Criminal Justice Coordinator.						

one of its assistant corporation counsels will present the case at the initial court appearance—similar to arraignment in Criminal Court. The assistant corporation counsel prepares a petition that describes the acts that the juvenile is accused of committing. In 2007, of the roughly 7,400 cases referred for petition, the Law Department's Juvenile Crimes Unit filed petitions in just over 5,900 cases. At the initial court appearance the juvenile also denies or admits guilt under oath before the judge.

Adjudication. Following the filing of the petition, a fact finding hearing is held. This is similar to an adult criminal trial, except that instead of a jury, the judge decides whether the juvenile committed the acts described in the petition. At the fact finding hearing, the Law Department attempts to prove its case through witnesses and other evidence. If it is successful in doing so beyond a reasonable doubt, the judge makes a finding, schedules a dispositional hearing, and orders DOP to investigate the youth's home and school behavior. If it is not successful, the judge dismisses the petition and the juvenile is released. Petitions may also be dismissed if the court has ordered an adjournment in contemplation of dismissal. An adjournment in contemplation of dismissal occurs when the case is on hold for up to six months to decide whether it should be dismissed. If the case is dismissed in this way, the court may require the juvenile to enter programs as it deems fit. Judges dismissed slightly less than 30 percent of adjudicated petitions in 2007, up from 27 percent in 2003. Over the past several years, it has taken between 40 and 55 days, on average, for a youth to go through the adjudication process.

Disposition. At the disposition hearing, the judge decides whether the juvenile delinquent is in need of supervision, treatment, or confinement. The decision is made after hearing testimony from the probation officer about the respondent's previous behavior in school and at home and any other previous court cases involving the respondent. The respondent's parents or guardians and others with relevant information may also testify.

The probation officer may recommend several options, including:

- *Placement (Confinement):* that the court place the respondent in a facility away from home such as a group home or a secure facility that is either operated directly by or under contract with the state Office of Children and Family Services.
- *Alternative to Placement:* that the respondent be supervised by DOP while living at home and, if deemed appropriate, participating in intensive services, such as the ACS Juvenile Justice Initiative, Esperanza, or the Enhanced Supervision Program.
- *Conditional Discharge:* that the respondent be permitted to live at home, but with certain conditions set by the court. The youth is not required to report to the probation officer. However, if the youth is re-arrested the judge may impose stricter restrictions or increase the degree of supervision.
- *Supervision (Probation):* that the respondent be subject

to supervision by the probation department while living at home. DOP monitors the juvenile's adjustment at home, school, and in the community, mostly through home visits.

Another outcome at the dispositional hearing is that the judge may find that, even though the respondent was found in the fact-finding hearing to have committed the alleged acts, the respondent is not in need of supervision, treatment, or confinement. In this case, the petition is also dismissed.

It has taken, on average, nine days from the fact-finding hearing for a juvenile to complete the disposition process over the past several years.

PLACEMENT AND ALTERNATIVES TO PLACEMENT

Placement facilities are located upstate and are operated by New York State's OCFS or by private organizations under contracts with OCFS. The decision on which type of facility is most appropriate is made by the judge at the dispositional hearing. The private facilities are generally for juveniles who can be in a non-secure setting, in contrast to OCFS facilities which are fully secure and intended for high-risk youth (those with weapons or assault charges for example).

The city bears much of the cost of placing a youth in these facilities. Generally, if a juvenile is placed in an OCFS-operated facility, the city is responsible for paying OCFS half of the cost of placement (paid from the budget of the Department of Juvenile Justice). In contrast, the cost of juveniles sent to private facilities is covered completely by the city. The Administration for Children's Services pays providers directly from its budget, which is partially funded by state and federal aid.

Overall the number of dispositions resulting in placement has declined considerably over the last five years, from more than 1,300 in 2003 to 952 in 2007. One might expect that it was only the most difficult cases that resulted in placements and therefore that the decline in overall placements would be led by a decline in placements in private residential facilities. In

fact, however, private placements have not declined as steeply as OCFS placements, perhaps because law guardians (appointed counsel for juveniles) have urged private placements, which are typically closer to New York City and the juveniles' families than OCFS facilities. Moreover, the average length of stay for a private placement is longer—12 to 14 months—than the average of six to eight months for OCFS placements. As a result, placement costs have not come down as much as the decline in total placements might lead one to expect.⁴

Alternatives to Placement. Currently there are several alternative-to-placement programs. Esperanza, a project of Vera Institute in conjunction with the probation department, provides staff to work with youth and their families in their homes in lieu of placement or having youth report to an office. Working with parents, Esperanza staff creates a series of graduated sanctions for youth in an effort to discourage truancy, missing curfew, and noncompliance with other requirements of the program. Caseloads for program staff are kept low at six juveniles per field officer. In 2007, \$4.2 million was spent on Esperanza for 160 juveniles at a cost of roughly \$26,250 per youth.

The probation department runs the Enhanced Supervision Program for juveniles at a cost of \$1.5 million in 2007 (for 554 juveniles) and a projected \$3.5 million in 2008. The program provides community-based, family-centered supervision as an alternative to out-of-home placements. In addition, youth are required to perform 60 hours of community service. The caseload of a probation officer is capped at 25 juveniles.⁵

In 2007, ACS began a Juvenile Justice Initiative (JJI), which is budgeted at roughly \$11 million annually. The program will include alternative-to-placement services and aftercare. It will have the capacity to serve 550 juveniles per year, which includes 380 alternative-to-placement slots and 150 aftercare slots for juveniles returning from OCFS placements. ACS has initiated a pilot aftercare project in the Bronx and hopes to work with OCFS and private residential placement facilities to reduce the average length of stay in those facilities. In contrast to alternatives to detention, the city shares the costs of JJI with the state. The Bloomberg Administration is seeking similar cost-sharing for other ATP programs.

OTHER INITIATIVES

Discharge Planning Programs. DJJ also provides discharge planning and aftercare programs targeted in particular at youth with special needs. One component of this

Law Department Juvenile Crimes Unit Spending and Caseloads						
	2003	2004	2005	2006	2007	2008 (Budget)
Spending (<i>in millions</i>)	\$8.4	\$8.7	\$9.1	\$10.3	\$11.2	\$13.0
Cases Referred for Petition (MMR)	6,205	6,497	7,045	8,179	7,392	NA
Petitions Filed (CJC)	NA	NA	5,817	6,091	5,905	NA
Juvenile Conviction Rate (MMR)	76%	77%	76%	73%	70%	NA

SOURCES: IBO; Mayor's Office of the Criminal Justice Coordinator; *Mayor's Management Report*.

Annual Placements in Office of Children and Family Services And Private Facilities

	2003	2004	2005	2006	2007
Placements ¹	1,319	1,257	1,191	1,111	952
City Payments for Placements ²	\$110.1	\$100.2	\$108.1	\$94.2	\$113.7

SOURCES: IBO; Mayor's Office of the Criminal Justice Coordinator; Mayor's Office of Management and Budget; Administration for Children's Services.

NOTES: ¹2007 placement figures are fiscal year estimates based on actual placements through May 2007. ²The city bears 50 percent of the cost of placements in OCFS facilities, and 100 percent of the costs of placements in private facilities.

is a newly instituted discharge planning program called the Collaborative Family Initiative, which is focused on juveniles with mental health needs. The goal of the initiative is to ensure that juveniles with mental health needs who are released from DJJ facilities are enrolled in psychiatric services before they are released. DJJ is working with John Jay College to evaluate the impact of the Collaborative Family Initiative, which is budgeted at \$1.3 million in 2008.

Adolescent Portable Therapy. Starting in 2005, DJJ contracted with the Vera Institute for a program called Adolescent Portable Therapy. This program is designed to create continuous treatment for substance abuse as a youth moves through the different systems. In Adolescent Portable Therapy treatment begins as juveniles enter detention, continues throughout the juvenile justice process and the return to the community. The therapy program's goals are to "reduce substance abuse and recidivism, and improve the physical, mental, social, and educational well-being of the youth and families" it serves.⁶ In 2007, roughly \$890,000 was dedicated to the program.

THE BUDGETARY COSTS OF JUVENILE JUSTICE

Cost by Population. Depending on the case and decisions made at various points, an arrested juvenile delinquent may cost taxpayers a relatively small sum of money, or a great deal. The process flow chart (pages 8-9) shows the various "paths" an arrested juvenile could take through the juvenile justice system, along with total numbers at each stage in 2007 and estimated cost per juvenile.

For example:

- In 2007, each of the 10,673 juveniles that went through DOP intake cost on average \$1,040 (\$520 per arrest, and \$520 per intake).
- The 2,797 juveniles whose cases were "adjusted" cost another \$393 each on average, assuming probation supervision for two months, for a total of \$1,433 from

arrest through adjustment.

- Due to the wide range in lengths of stay, the cost of detention varies greatly. However, the typical cost of non-secure detention for a juvenile with only one case while in detention was \$25,555. Excluding police admits, who often have very short stays in secure detention, the typical cost of detention for an alleged juvenile delinquent with one case was \$29,749 based on an estimated 50-day stay.
- The Law Department filed petitions in 5,905 cases, at an average cost per case (irrespective of ultimate disposition) of \$1,890 per juvenile. A juvenile prosecuted on a single charge and held in secure detention would thus have cost on average about \$10,652 from arrest to just before disposition (assuming a stay of 13 days); a juvenile with multiple charges would have cost as much as \$35,006 (assuming a stay of 54 days).
- In 2007, approximately 952 juveniles were placed in OCFS or private facilities at a total cost to the city of more than \$113 million, or \$119,483 on average per juvenile. Thus, a youth found to be a juvenile delinquent on multiple counts and placed in a contract facility could cost as much as \$154,489 to the juvenile justice system by the time he or she is released.
- In contrast, a youth assigned to an alternative-to-detention program, prosecuted on a single charge, and then placed in Enhanced Supervision, would have cost approximately \$6,971.

CONCLUSION

Recent efforts have increased the options for youth at various stages in the juvenile justice system. Nonetheless, detention and placement upon disposition still consume 75 percent of the resources the City spends on arrested juveniles. Nearly half of arrested juveniles will spend at least some time in detention, while roughly 8 percent will end up confined in a state facility. Over half of arrested youth will have charges brought.

Many policymakers and advocates feel that detention and placement are often counterproductive to the goals of addressing the needs of youth caught up in the juvenile justice system and preventing future recidivism. In 2007, DJJ's re-admission rate was 46 percent. The city's efforts to ensure that youth are getting the most appropriate treatment have included revamping the alternatives-to-detention program and developing protocols for assessing youth risks and needs.

One of the more notable trends is the increase in police admits to detention facilities. The cause of the recent rise in police admits should be examined to determine to what extent juveniles arrested after Family Court is closed are being unnecessarily detained. Roughly a quarter of juvenile delinquents with petitioned cases have stays of three days or less, suggesting that detention is not necessary. Many of these short stays are police admits. Recently, DJJ has begun an initiative to determine which youth charged with nonviolent offenses may be released with a Family Court appearance ticket.⁷ DJJ has the option to release any juvenile brought to them by the police to their parents or guardians, but in the past have often chosen not to. If the new Release-to-Parent initiative succeeds in diverting more youths from detention, detention costs would be reduced.

Effective alternative to detention and placement programs are an important part of the juvenile justice process. These programs may bring both immediate and long-term cost savings if they are truly effective in reducing recidivism and improving outcomes for at-risk juveniles. Continued monitoring and evaluation is important in measuring to what extent savings can be incurred and outcomes for juveniles can be improved upon.

ENDNOTES

¹Based on average police officer pay (including benefits), 11,846 reported arrests of juveniles, and an average time between arrest and the officer's sworn complaint of 9.8 hours (*Mayor' Management Report Supplemental Indicators 2007*)—about \$520 per arrest. It should also be noted that in 2007 roughly 4,900 NYPD School Security Agents (SSA's) worked in the city's schools. Furthermore, about 225 NYPD uniformed personnel were assigned to the NYPD school safety division. While many of these SSA's and uniformed personnel work in high schools, where the majority of the students are 16 and older, SSA's also work in middle schools and elementary schools where children are below 16. In total, over \$274 million was spent by the NYPD on school safety.

²Department of Juvenile Justice Web site.

³Correspondence with DJJ staff.

⁴The cost of placement with OCFS is calculated based on actual audited costs from two years earlier. For payments from 2001 through 2006, however, the rate was based on 1999 costs because of a suspension of audits after the state agency merger that created OCFS. The 2007 budget reflects the five-year increase in costs that took effect after audits resumed.

⁵See IBO's *Alternatives to Jail Programs for Juveniles Reduce City Costs*.

⁶"Adolescent Portable Therapy," Vera Institute of Justice.

⁷DJJ Web site: "DJJ Launches Release To Parent Initiative."

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