



Fixing New York's Broken Juvenile Justice System: Starts with Downsizing and Reinvestment

As Governor Andrew Cuomo passionately explained in his 2011 State of the State Address, it is a violation of children's civil rights to incarcerate them so that adults can have jobs.

New York's Juvenile Justice System Is Broken:

- **NY's System Does Not Protect Public Safety:** OCFS, the responsible state agency, has found that the re-arrest rate for boys is over 80% after they leave their care.
- **NY's System Does Not Produce Good Outcomes for Youth:** In addition to the unacceptable recidivism rate, the health and mental health care needs of youth in placement facilities are often not met and their education credits do not always transfer, leaving them further behind in school. In addition, due to the abuse (documented by the US Department of Justice) and criminogenic environment, youth outcomes are actually worse, rather than better.
- **NY's System Places Youth Far From Their Families and Communities:** While the majority of youth in the system are from NYC, most youth are placed in facilities far from home, which makes it difficult for youth to maintain family ties, engage in programming that strengthens families, and transition back home to their communities.
- **NY's System Is Extremely Expensive:** While the State Juvenile Justice System is not meeting either of its goals (to protect the community and to rehabilitate youth) it is also extremely expensive. It costs approximately \$220,000-\$350,000 per year to incarcerate a child.
- **NY's System is Extremely Inefficient:** Every night, there are over 350 beds in the State's Juvenile Justice system that are empty, but being paid for. Currently, when the State determines a facility is to be closed, State Law requires that it remain open for 12 months—even if there are no children there.

“My Administration will commit to a policy of reforming the system—making sure our troubled youth populations are best served with meaningful programming, so they may go on to live productive lives,” Andrew Cuomo, January 5, 2011.

CCC Supports Governor Cuomo's Vision to Reform New York's Juvenile Justice System and we urge that the following action must be taken:

- **Downsize the System By Closing Underutilized Facilities and Repealing the 12-Month Notification Rule:** CCC Supports Governor Cuomo's proposal to reduce state facility capacity from 1,209 beds to 833 beds without waiting 12 months.
- **Improve OCFS Facility Care at OCFS Facilities** by investing in improvements in mental health, education, counseling, direct care and other services at OCFS facilities.
- **Reinvest Savings Into Alternatives to Detention and Incarceration Programs (ATD/ATI) Through a Sustainable Funding Stream That Counties Have the Funds To Access:** Reducing the use of detention and facility care will require counties to develop more ATD/ATI programs. The Governor's proposed Supervision and Treatment Services for Juveniles Program would provide \$29 million in SFY 11-12 for performance-focused, community based programs at a 62% state/ 38% local match. In addition, the Governor proposes to cap detention reimbursement and limit it to high risk youth. To truly reduce the use of detention (and not just shift costs) counties must have the resources to draw down funds from this new program.

To Achieve Juvenile Justice Reform CCC Supports These Proposals, but to Strengthen the Governor's Plan we ask for the Following Amendments (please turn over)



Achieving Juvenile Justice Reform Requires Approval of Governor Cuomo's Plans With the Following Additions/Amendments:

- **Strategically Downsize the System By Closing Underutilized Facilities and Repealing the 12-Month Notification Rule:** CCC Supports Governor Cuomo's proposal to reduce state facility capacity from 1,209 beds to 833 beds without waiting 12 months. These closures must be done strategically and carefully so that a) youth are placed in facilities close to their homes and b) the elimination of non-secure beds does not result in a cost shift to the localities who pay for private placements out of the Foster Care Block Grant.
- **Improve the Care Provided to All Youth in OCFS Facilities:** The youth who need to be incarcerated should be in facilities close to their homes and communities, and they should receive therapeutic services delivered through a trauma-based intervention that incorporates principles of youth development rather than the corrections-based approach employed in the adult system.
- **Implement the capped Detention Block Grant for high risk youth and the Supervision and Treatment Services for Juvenile Program in a manner that ensures counties are able to invest in community-based alternatives and can decrease their use of detention.** CCC agrees with the Governor that youth who can be safely served in their homes and communities should remain out of detention facilities. Given the anticipated local budget deficits, cost-shifts of mandated services created throughout the Executive Budget and the potential increase in detention costs to counties, CCC wants to ensure that counties are in the position to develop the additional community-based programs (and the infrastructure to support them in counties that do not currently have them) that will truly decrease the use of detention.

CCC suggests the following amendments:

- For counties that do not currently have community-based alternative programs: Enable these counties to access a portion of their allocation from the Performance-based Supervision and Treatment Program funds without a required match during the first year of implementation. This would provide these counties with start-up funds to develop an infrastructure, create new programs and train all parties and judges.
 - For counties that have already invested local dollars in community-based alternative programs: Allow these counties to use their current, existing locally invested dollars as the required county match (but legally prohibit the counties from reducing their local investment to prevent the supplanting of local dollars with state dollars). This would enable localities that have already been innovative and have demonstrated their willingness to invest local resources into these programs, to expand their county's services without investing new local dollars and ensure that they too can increase their community-based alternative programs' capacity.
 - Stagger the effective dates of the capped detention block grant and the state's the Performance-based Supervision and Treatment Program so that counties have the opportunity to invest in and develop alternative programs while still receiving their current levels of detention reimbursement.
- **Ensure there is effective, independent oversight of the Juvenile Justice system, both for youth in OCFS placements and private placements.**
 - **Keep Youth out of the Juvenile Justice System by protecting and maintaining investments in proven programs, by rejecting the proposed Primary Prevention Incentive Fund, TANF cuts and steep cost-shifts to Human Services:** Investments in home visiting, child care, child abuse and neglect prevention services, after school and summer youth employment have proven time and again to keep children and youth on the right path. The proposed PPIP will eliminate funding for home visiting, Runaway and Homeless Youth Services, after school programs, and additional by preventive programs by almost \$50 million, require a county match with funds they do not have budgeted and minimize the state's commitment to cost-effective services proven to produce good outcomes for children and youth.