

STATE OF NEW YORK



THREE-YEAR COMPREHENSIVE STATE PLAN
FOR
JUVENILE JUSTICE AND DELINQUENCY PREVENTION
1988-1990

OFFICE OF FUNDING AND PROGRAM ASSISTANCE
DIVISION OF CRIMINAL JUSTICE SERVICES
EXECUTIVE PARK TOWER
STUYVESANT PLAZA
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MARIO M. CUOMO, GOVERNOR

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STATE OF NEW YORK

THREE-YEAR COMPREHENSIVE STATE PLAN
FOR
JUVENILE JUSTICE AND DELINQUENCY PREVENTION

FEDERAL FISCAL YEARS 1988-1990

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INTRODUCTION

The 1988 New York State Comprehensive Juvenile Justice Plan is prepared by the State of New York for submission to the Office of Juvenile Justice and Delinquency Prevention of the United States Department of Justice. Federal approval of this document qualifies the state for continued eligibility for funding under the Juvenile Justice and Delinquency Prevention Act, as amended.

These funds are utilized by New York State to assist units of local government and state agencies to improve the operations of the juvenile justice system within the state in an effort to control crime and assure the quality of justice for juveniles and adolescents.

This New York State Comprehensive Juvenile Justice Plan is designed to cover a three-year period. It includes all information required by OJJDP for a multi-year action plan, and is composed of: a plan to deinstitutionalize status offenders; a plan to ensure that the State adheres to the sight and sound separation mandate of the JJDPA; a plan for removal of all juveniles from adult jails and lock-ups; a plan to monitor jails and detention facilities; an analysis of juvenile crime problems and delinquency prevention needs; and standard program descriptions. Pursuant to Section 223(a) and Section 223(a)(21) of the JJDPA, an annual performance report will be submitted shortly after the end of the calendar year.

The Plan is prepared in conformance with guidelines established by the Office of Juvenile Justice and Delinquency Prevention and is organized in a fashion consistent with their suggested format. It contains the following three sections:

Section I - The Planning and Program Development Process presents the goals of the JJDP program in New York State, describes the evolution of the state's local juvenile justice planning process and establishes the framework for planning and program development efforts for the next three years. Fund allocations scheduled for FFY 1988 dollars and the procedures used in arriving at the allocations are also presented.

Section II - Juvenile Justice Needs Analysis and Plans presents a summary of juvenile justice problems and needs throughout the State. For each problem identified the following information is presented: a brief discussion of the programs designed to address these problems and needs, including program objectives; summaries of activities planned; relationship to similar programs and performance indicators to measure the impact of the individual programs on addressing the problems and needs.

Section III - Special Requirements of the Juvenile Justice and Delinquency Prevention Act addresses the numerous special requirements of the JJDP Act, as amended.

The readers of this document are invited to comment on any aspect of this Plan and are assured that all recommendations for improving it will be carefully considered. Sincere thanks are extended to those individuals in the various state and local criminal justice agencies and planning offices who contributed to the preparation of this Plan.

SECTION I

THE PLANNING AND PROGRAM DEVELOPMENT PROCESS

INTRODUCTION

In 1974, efforts in the areas of juvenile delinquency prevention, treatment, and juvenile justice were intensified by the passage of the Juvenile Justice and Delinquency Prevention Act (Public Law 93-415: the JJDP Act). The JJDP Act represents an attempt to route federal juvenile justice support efforts through a single state agency, and to assist state and local governments and the private sector in dealing with juvenile justice problems.

The JJDP program is administered at the federal level by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the United States Department of Justice. Annual block grants are made to the states and direct special-emphasis grants for prevention and treatment of juvenile delinquency are made to both public and private agencies.

Each state is required to establish a "State Planning Agency" which is responsible for establishing priorities, developing the annual plan, and administering the block grant funds. The state planning agencies in turn are authorized to award these funds to local governments, state agencies, and other qualified non-government applicants for implementing juvenile justice and delinquency prevention programs.

State planning agency functions in the area of juvenile justice are performed under the general oversight of the New York State Juvenile Justice Advisory Group which is established under Executive Order No. 80. This Group is composed of representatives of state and local juvenile justice agencies, units of local government, community organizations, academia, and citizen representatives.

The Office of Funding and Program Assistance of the Division of Criminal Justice Services is responsible for applying or supervising the application of the planning process to localities within the State; reviewing and assessing grant applications; administering funded programs; providing technical assistance; and monitoring and evaluation of funded programs.

FUNDING UNDER THE JJDP ACT

All JJDP funds requested under this Plan will be made available at a 100% federal funding level. The single exception to this 100% funding eligibility concerns the use of JJDP funds for planning and administration of the JJDP Act. Funds used for planning and administration purposes must be matched on a dollar for dollar basis.

Projects shall be eligible for federal funding on the following basis:

1st project year - 100% of project costs

2nd project year - 100% of project costs (not to exceed 10% more than the first year.)

3rd project year - 75% of project funding level during second year

4th project year - 50% of project funding level during second year

5th project year - 25% of project funding level during second year, in unusual circumstances

The Commissioner of DCJS has administrative authority to extend projects with budgetary increases up to six months in contemplation of institutionalization or refunding. The Commissioner may grant time extensions without budgetary increases for a period of up to one year.

The priorities, problem statements, and programs in this Plan represent the input from both State, local, and private agencies, and are the result of an extensive effort to obtain public participation.

Local juvenile justice and delinquency prevention plans are not required. However, units of local government, as well as State agencies involved with youth, are required to submit annual memoranda which identify and analyze juvenile justice and delinquency prevention problems, and proposed strategies to address these problems. These memoranda provide a foundation for establishing and determining any changes in juvenile justice priorities.

Specific fund allocations have been set aside for local units of local government. These units have received, and will continue to receive funding on a project-by-project basis within the limits of their fund allocations for the fiscal year.

The State agencies which address the problems of juvenile crime and delinquency submit annual memoranda which describe their JJDP program development and funding priorities for the coming fiscal year. Funding determinations are made among state agencies on the basis of a variety of factors, among them the agency's mandate, their refunding needs on programs currently operating on an OJJDP grant, federal mandates in the areas of PINS deinstitutionalization and juvenile separation from adults, and the extent to which their priority needs translate into innovative action projects consistent with the priorities set forth in the State Plan.

The major local and State agencies which address the problems of juveniles and which are involved in the planning process are as follows:

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GOALS OF THE PROGRAM

The structure and process for planning and programming described in the preceding pages constitute the means through which the JJDP program in New York attempts to achieve its overall goal. That goal is to assist in improving the organization and operations of the juvenile justice system, especially as related to:

- 1) The system's potential contribution to the prevention and control of delinquent behavior.
- 2) The justice and humaneness of the treatment accorded juveniles who become involved with the system, from investigation through case disposition and aftercare.

This statement incorporates:

- 1) A recognition that the Division of Criminal Justice Services can advise and assist, but not direct the operations of juvenile justice agencies at different levels and in different branches of government.
- 2) A recognition of the fact that the implementation funds available to DCJS are limited in absolute terms and minute in comparison to the total amount of funding committed to juvenile justice system operations in the state. Thus, if DCJS funding is to effect any significant changes in the system, it must be supplemental to, and integrated with state, local, and private revenues expended for those changes. Agencies should not look to these funds to pay for the regular, ongoing services they are mandated to provide.
- 3) A belief that the simple goal of improving the juvenile justice system is inadequate in that it implicitly addresses virtually all functions, operations, and tasks of the system, thereby according priority to none.
- 4) A recognition that the principal function of the juvenile justice system is to prevent delinquent behavior, and for those who have become involved in the juvenile justice system as a result of delinquent behavior, to develop the maximum number of system alternatives to insure that each youth receives the most constructive, minimal intervention consistent with public safety.

The goal statement reflects the conviction that this process must be carried out in such a way as to assure: adequate attention to the rights and needs of the victim and society as the aggrieved parties; adequate protection of the rights of the accused to a fair and impartial adjudication of the facts; selection of the most appropriate dispositional alternative; and the provision of humane care and service to those who require societal intervention.

FFY 1987 JJDP ACTION FUND ALLOCATION FOR PROGRAMS
CHARGED TO LOCAL GOVERNMENT SHARE AND STATE AGENCY SHARE*

	<u>TOTAL</u>
<u>JJDP FUNDS:</u>	\$2,821,000
Administrative Support:	209,459
State Share	125,676
Local Share	83,783
JJAG Priority	28,210
Local Government Share:	1,723,082
New York City	1,002,662
Suffolk County	91,323
Capital District	78,745
Erie/Buffalo	73,920
Monroe/Rochester	55,483
Nassau County	52,726
Westchester/Yonkers	51,348
Onondaga/Syracuse	41,871
Southern Tier East	38,425
Oneida/Herkimer	22,917
Remaining Counties/Local Initiatives	213,662
State Agency Share:	860,249

*FFY 1988 allocation to New York State is not available at this writing.

FORMULA FOR THE DISTRIBUTION OF JJDP FUNDS TO UNITS OF LOCAL GOVERNMENT

In 1980 the Juvenile Justice Advisory Group (JJAG) recommended that the Division of Criminal Justice Services (DCJS), in the interest of effectively targeting limited resources, develop an allocation formula based on relative juvenile justice needs. In order to broaden its access to available data and computer resources, DCJS consulted with the Council on Children and Families and approved a formula for the distribution of the local share of OJJDP funds that was predicated on standardized rates of the social indicators.

The Council on Children and Families is in the process of recalculating this formula for 1988 using the most current data for each of the indicators of county needs. The data used in generating the formula have proven to be extremely useful in studying specific problems at the local level. (1988 calculations will be made as soon as this task is complete and the federal allocation is known.)

The Variables

The variables selected were either direct measures of aggregate levels of delinquent behavior or were reflective of social conditions linked to delinquency, for which data are readily available. The seven variables identified provide a diverse, yet comprehensive set of indicators which when combined with population data yield an aggregate indication of relative county need.

The seven social indicators, divided into two categories (factors), were analyzed within the framework of those categories. The first was labeled the high risk factor, which included those youth who are in one or more social situations known to increase the probability of criminal or delinquent behavior and eventual involvement with the criminal or juvenile justice systems.

The five variables comprising the high risk factor are:

- high school dropouts
- school failure
- youth unemployment
- poverty
- child abuse or maltreatment

The second category was labeled the criminal and juvenile justice factor and is comprised of those variables which directly measure youth activity within the criminal and juvenile justice systems. The two variables included within this factor are:

- Persons in Need of Supervision (PINS) petitions filed
- arrests

Since the arrest data have different implications for different age groups, and because certain offenses are regarded more seriously than others, the arrest variable was split into four separate variables, which increases the total number of variables from seven to ten. Juvenile arrests (ages 7-15) are

intended to measure the level of activity for juvenile delinquents and juvenile offenders. Adolescent arrests (ages 16-19) are intended to measure the level of activity for those young people involved in the criminal justice system. Within each age group, arrests are divided into Part I and Part II offenses. The Part I offenses are typically the more serious offenses and have been given greater weight.

Collecting and Computerizing the Data

The most recent data on each of the ten variables were collected from the State Education Department, Department of Labor, Department of Social Services, Office of Court Administration, and the Division of Criminal Justice Services. Council staff coded and entered this information along with youth population estimates into the Council's computer file. Data were then computer analyzed to calculate the final formula.

Final Formula

The final formula is based on a procedure of combining the two rate factor scores into one juvenile justice need score and distributing the product of this score with the population percents into a final allocation formula. The juvenile justice need score is a score that reflects relative needs of each county as a planning area for juvenile justice funds, and is computed solely on rates, independent of the population. Consequently, the product of population and the score on the indicators yields a score that equitably determines a distribution for these funds.

Administrative Funds

Pursuant to Section 222(c) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, New York State is permitted to allocate planning and administrative funds to units or combinations of units of state and local government for their use. Such funds must not exceed 7 1/2% of the total JJDP award and must be matched dollar for dollar.

Juvenile Justice Advisory Group Priority

Pursuant to Section 222(d) of the Juvenile Justice and Delinquency Prevention Act, the state-level juvenile justice advisory groups are permitted to reserve for their own priority interests funds from within the JJDP award. This JJAG reserve is to be deducted from the total JJDP dollars available before those funds are distributed between the units of local government and state agencies participating in the program.

State and Local Agency Funds

Pursuant to Section 223(a)(5) of the Juvenile Justice and Delinquency Prevention Act, a state must pass on a minimum of 66 2/3% of its remaining allocation to units of local government with the remaining 1/3 for state agency

programs. This pass-through can be waived at the discretion of the Administrator of OJJDP for any state in which the services for delinquent or other youth are organized primarily on a statewide basis. New York State reserves the right to apply for this waiver using unexpended local initiative funds in order to allow state agencies to administer programming efforts on the local level.

Funds to state and local agencies are intended to supplement, not supplant, ordinary expenditures. OJJDP moneys should be used to permit agencies to develop demonstration projects and to encourage change in the system. They are not meant to subsidize currently mandated services.

Distribution of Local Funds

The previously described formula distributes JJDP funds to localities. Funds available to units of local government action programs are divided into two tracks. Those larger units of government, which would receive at least \$30,000 under the updated juvenile justice formula, will be allocated the amount for which they are eligible. Those units of local government who would receive less than \$30,000 will receive no direct allocation, but would be eligible to submit applications for funds through the Local Initiatives Program. This program will contain local pass-through funds remaining after allocation to the eligible localities.

SECTION II

JUVENILE JUSTICE NEEDS ANALYSIS AND PLANS

This section of the Plan presents a summary of problems and needs in juvenile justice related matters throughout the State. They represent a synthesis of the priority statements submitted by the localities and State agencies, as described in Section I. For each juvenile justice need identified, the following information is presented:

- 1) A brief discussion of the nature and dimensions of the problem;
- 2) A program description including program objectives and planned activities to address the need;
- 3) Its relationship to similar programs; and
- 4) A statement of DCJS' performance indicators for evaluating the value of individual programs.

In keeping with the concern of Congress, as reflected in the amendments to the JJDP Act, specific projects within program categories which address the problem of serious and violent crimes committed by juveniles are marked by an asterisk. These projects represent a minimum of 30% of the formula grant funds designated for New York State.

During the period of the federal award, modifications will be made in order to reflect the availability of additional funds from other sources, and changes in procedures and State and local agencies' priorities.

C-1 PRIORITY: DELINQUENCY PREVENTION/DIVERSION

Problem Statement

The co-existence of certain social and economic trends, such as those which affect family stability, employment, and housing conditions, are known to impact on the juvenile and criminal justice systems. Accordingly, prevention efforts should be as multifaceted as the problem.

DCJS has channeled OJJDP funds into new initiatives for populations in need of preventive services. New prevention efforts will be expanded to focus on a broader spectrum of children and youth without individual assessment of their potential for delinquent behavior. The expectation is that preventive programming initiatives will promote the development of prosocial attitudes and behaviors which will lower the probability of future involvement with the juvenile justice system. This is especially important as practitioners note the difficulty of changing anti-social behaviors once such trends become manifest. Also, data suggest that children are developing serious problems such as drug use, truancy and delinquency, at younger ages.

These new prevention efforts will address both the family and the community at large, through programs such as family support services, neighborhood development, and school based initiatives which develop the youth's resistance to negative peer pressure, self esteem, and educational competence. Other key areas will include employment competence and job opportunity programs, and substance abuse prevention.

More direct prevention activities are targeted towards populations possessing definite at-risk characteristics. Studies of neighborhoods that show a variety of socioeconomic problems--poverty, illiteracy, substandard housing, unemployment and/or underemployment, drug abuse, alcohol abuse, high rates of dropouts, truancy and underachievement in the schools, family disorganization, poor health conditions--indicate that these conditions breed particular problems for the youth population living in that community. In addition, these conditions are believed to be substantially allied with the prevalence of youthful criminal activity.

Finally, highly structured prevention efforts are directed at youths who have already become involved with the law, through prior arrest or adjudication as PINS, delinquents, or other categories of youth criminal behavior such as behavior considered under the juvenile offender laws. Youths manifesting anti-social or acting-out behavior such as truancy or criminality that could have formed the basis for a PINS or juvenile delinquency petition may be considered in the target group for this type of prevention activity.

Closely aligned to the concept of delinquency prevention is the idea of diversion from the juvenile justice system. Diversion, operationally, is an ambiguous term used to define a variety of practices in reference to any dispositions that avoid confinement. Decisions police officers make to avoid formal arrest of a juvenile suspect may be diversion, as may a judge's decision to place a child in a community service agency instead of a training school.

Diversion terminates or suspends further processing of youth who are already formally involved in the juvenile justice system, but who have not yet been officially labeled a PINS or delinquent for the current charge. Therefore, it is logical for diversion to begin where prevention can no longer occur-- at the point of apprehension or where the filing of a complaint is contemplated. It is also logical for diversion to end at the point of adjudication, where the court makes an official finding and is vested with the authority to impose sanctions on the youth. Efforts thereafter to provide a less restrictive sanction are considered "dispositional alternatives."

Diversion programs involve efforts which avoid arrest or the filing of a complaint, eliminating the necessity for filing a petition, or providing alternatives to adjudication. The goal of diversion is to minimize penetration of juveniles into the juvenile justice system since agencies located completely outside the juvenile justice system are considered to be less coercive. Priority should be given to those programs which divert youth completely out of and away from the juvenile justice system to community and social service agencies. At the same time, there is a need for diversion programs which operate within the framework of the juvenile justice system. Crime analyses conducted by DCJS and by local planning staff over the past several years have consistently demonstrated the overrepresentation of juveniles and youths among those arrested for serious crimes in high crime areas of this State.

Whether program activities are defined as prevention or diversion, the problems to be addressed should be viewed in the context of:

Education

Delinquency theorists believe that educational failure correlates strongly with delinquent behavior. Such problems as the lack of alternative education models; the lack of an adequate home learning environment; the frustrations of youth who have an inadequate range of support services within the educational environment; frustration of youth with learning disabilities; frustration of youths who do not see school as providing adequate career education; and the lack of adequate numbers of youth advocacy programs to aid in the resolution of some of these problems are seen as probable reasons for the high rate of truancy, dropouts, and suspensions - conditions which are strongly correlated with delinquent behavior.

The Family

Delinquency theorists also concur that youngsters need a cohesive and secure home environment and positive parental supervision to enable them to learn values, form internal controls and develop healthy self-images. Family life, however, can be disrupted in a number of ways which make the family environment inadequate and predispose youth to delinquent behavior.

Alcoholism, marital discord, and financial pressure often place a child in the midst of domestic quarrels. As a result, his emotional and physical needs often go unmet, or his behavior is inappropriately addressed. In 1985, there were over 84,000 reports of child abuse and neglect in New York State according to the Department of Social Services. Recent studies indicate that child abuse

and juvenile delinquency are strongly correlated. Other researchers have found that often child abusers were themselves abused children. Without adequate prevention efforts in this area, the problem merely perpetuates itself.

In addition, over 100,000 New York State youth run away from home each year. More than 20,000 youth are homeless. The extreme vulnerability of these two populations contributes to their potential for involvement in the justice system. The State needs to ensure the existence of an adequate range of community-based supportive and prevention services if we are to minimize the number of these youth who will eventually become formally involved in the justice system.

Employment

In our society, almost all youths are taught to aspire to the goal of economic success. Thus, having a job gives a youngster a stake in a legitimate social order. Without such an incentive, youth often perceive no stake in obeying laws and often turn to delinquent or criminal behavior. Additionally, the youth accepting these economic goals have often been frustrated due to race, sex, or age discrimination, and lack of job preparedness. This frustration, due to perceived injustice, may then be acted out in hostility and resentment, and motivate the use of criminal means to achieve the goals of economic success. Adequate employment counseling and placement programs are imperative to enable youth to participate more successfully in the economic life of our society.

Youth Advocacy/Intervention Information

Institutions such as schools, public and private service organizations, and the juvenile justice system have substantial influence on the lives of young people, especially those from minority or low-income backgrounds. Often the policy and practices of these institutions frustrate and inhibit the efforts of youngsters. Young people have little influence, financial resources, time, and experience to generate advocacy efforts in their own behalf. Therefore, it is often necessary for adult groups to act in the youth's behalf either in individual cases or in classes for the purposes of protecting and promoting the youth's best interests in these various institutions. As a whole, the State needs to improve the linkages between these service providers and emphasize improved coordination among providers of human services.

Youth Service Planning

In many neighborhoods, public and voluntary agencies are already offering a variety of services. However, these services are frequently not developed in a way that relates to the needs of the neighborhood, nor is there a coordination mechanism to assure that services and needs are balanced. A comprehensive approach to youth service planning is critical to prevention and diversion efforts. In addition, planning activities need to focus upon early intervention strategies for youth at earlier stages of development and crisis to effectively blunt further involvement with the human service and juvenile justice systems.

Program Objectives

The general objective of this program is two-fold. First, through program efforts, youth are to be prevented from contact or further contact with the

juvenile and/or criminal justice system. Second, youth are to be diverted completely out of and away from the juvenile justice system. These objectives will be met by providing better services, either public or private, within communities while at the same time not compromising public safety.

Residence in a high crime area is a major characteristic of an "at-risk" population. Therefore, prevention efforts will provide services to youth who reside in these areas. High crime areas are correlated with those neighborhoods that have some or all of the following characteristics:

- 1) rates of unemployment for youth and adults which exceed the average of the metropolitan area;
- 2) school dropout and truancy rates which exceed the average of the metropolitan area;
- 3) high incidence of drug arrests and drug-trafficking within an area exceeding the average of the metropolitan area;
- 4) disease and death rates which exceed the average of the metropolitan area;
- 5) substandard housing; and
- 6) lack of essential social services in comparison to other communities in the metropolitan area.

Delinquency prevention programming and diversion may be directed at one or more of the following areas as needed: family services, education, employment, recreational/ cultural enrichment, advocacy and intervention, community coordination of the aforementioned services and projects designed to deter involvement in illegal activities.

Planned Activities

In order to meet the objectives of providing a range of prevention and diversion programs, DCJS will consider funding programs in the areas cited above, taking into account the legal mandates of other public agencies, as well as appropriate alternative sources of public funding.

DCJS acknowledges that the State Division for Youth (DFY) has the major responsibility for encouraging municipalities to develop prevention and diversion programs for juveniles. In addition, since the 1979 State Child Welfare Reform Act and the 1980 Federal Child Welfare and Adoption Assistance Act, the State Department of Social Services has made monies available to counties to develop alternatives to keep youth from initial foster care involvement or from reentering foster care placement.

DCJS will augment those prevention activities sponsored by DFY and the Department of Social Services by providing monies for projects directed at family services, education, employment, youth advocacy/intervention information and comprehensive youth service planning in the prevention population and directed at diversion of youth from the juvenile justice system. These areas of

focus are also intended to incorporate activities related to issues of child abuse, and the prevention of the sexual exploitation of children.

Additionally, DCJS will address issues of victimization as they relate to the prevention of delinquency. Treatment programs designed to meet the needs of victims of child abuse and child sexual abuse will be encouraged with the expectation that the cycle of violence can be broken.

The following is a description of some of those projects which are being funded:

***New York City - Adolescent Multi-Service Center (El Puente)**

Psychosocial assessment and individualized treatment are provided to adolescents in the Williamsburg area of Brooklyn. Services are directed primarily to youth with prior involvement with the criminal justice system or with chronic school truancy or suspension. The project offers classes in adult basic education, English as a second language, Graduate Equivalency Degree, and vocation/career development. Medical exams and nutrition programs are also offered.

Onondaga County - Absenteeism Project

This project is providing assistance to first and second grade students who have shown excessive absenteeism. Direct services are provided to the students and their families by home aides who do home visits, determine the causes of the absenteeism, assist children in getting to school, and teach parenting skills. Families are also linked to tutoring, counseling, and recreational services.

Schenectady - Project SAFE

The physical and emotional needs of sexually exploited youth involved in prostitution are addressed by this project. Prevention and diversion services are provided to juveniles identified as "at-risk" because of their being in a sexually abusive situation, or who have come to the attention of law enforcement authorities as PINS, runaways, or sexual offenders. Crisis intervention and services include counseling, access to medical care, shelter and financial support, needs assessments, and referrals.

Division of Probation and Correctional Alternatives - PINS Diversion Implementation

DPCA is developing standards and procedural guidelines for the establishment and operation of local assessment services and for the local adjustment services planning process required by the PINS Adjustment Services Act. Technical assistance and training are being provided to localities as they implement this legislation at the local level. DPCA is also reviewing, approving, and monitoring PINS activities in the localities.

Relationship to Similar Programs

DCJS will coordinate funding activities with the State Division for Youth, which provides preventive service funds through the Youth Development and Delinquency Prevention and Special Delinquency Prevention appropriations for community-based programs. Additionally, similar programs will be funded under the guidelines and mandates of the Child Welfare Reform Act, which operates under the auspices of the State Department of Social Services. Such programs operate in social service districts, and have as their primary objective provision of preventive and supportive services to families that otherwise might be disrupted by the placement of a child, as in a PINS or JD case.

Finally, DCJS will review all program proposals to identify opportunities for linkage with appropriate programs administered by the State Education Department and the State Offices of Mental Health and Mental Retardation and Developmental Disabilities. These agencies provide a range of community-based preventive activities designed to support family integrity and to prevent unnecessary institutionalization of youth.

Performance Indicators

Because of the range of potential programs to be funded under this priority, performance indicators will be finalized on a project by project basis. However, included among performance indicators for each project will be the following:

- 1) number of cases serviced/processed,
- 2) source of referral,
- 3) demographic profile of clients,
- 4) prior, during service, and subsequent contact of client with police and/or the juvenile justice system,
- 5) number of cases closed successfully,
- 6) follow-up regarding services used and case progress.

C-2 PRIORITY: SERVICES AND PROGRAM DEVELOPMENT FOR DETAINED AND INCARCERATED YOUTH

Problem Statement

Several thousand New York State youth are in detention centers, shelter care facilities, training schools, camps, group homes, and other types of residential facilities, as well as in supervised non-residential programs. The physical, mental, and emotional well being of these youths is a principal concern of those supervising their custody. Those placed in residential programs should have access to a full range of diagnostic, educational, vocational, counseling, mental health, medical, dental, and recreational programs. In order to make secure programs as free as possible from negative effects on the youngster, secure facilities must be of manageable size to ensure the most efficient staff supervision. Services should also be provided which facilitate the youth's return to the home community.

Nationally recognized standards of care and services for detained and incarcerated youth have been developed. Efforts must be made to improve policies and procedures of programs in the State to conform with these standards. Standards favor placement of youngsters in the least restrictive appropriate setting, and the development of non-residential programs and non-secure programs to minimize the use of secure settings. Youngsters should be allowed as much freedom and as much access to meaningful programs as possible within a restrictive environment.

Non-secure detention and residential programs should be designed for the less serious offender, to encourage youngsters' contact with family members, continued school attendance, maintenance of after-school employment, and participation in other neighborhood activities. Support services should be available for youths (and their families) in non-secure programs.

Aftercare services (such as supervision, counseling, education and employment assistance) should be provided to youth returning home from residential placements. Programs should also support such youth and their families to promote the youths' reintegration into the community.

In 1985, 26 percent of all persons admitted to county correctional facilities in New York State were under the age of 21 (NYS Commission of Correction, 1986). Many of these youth are believed to be learning disabled (LD), developmentally disabled (DD), or otherwise handicapped. Of the approximately 2,000 youth detained in Division for Youth facilities, 800 (40 percent) have been found to be educationally handicapped, most being classified as emotionally disturbed, mentally retarded, or learning disabled (NYS Division for Youth, 1986). These individuals require a higher level of supervision as well as programs and services that are not currently available in most parts of the State. These youths are at a distinct disadvantage within the criminal justice system. Criminal justice professionals (e.g., police officers, attorneys, judges, probation officers, and corrections officers) often lack the knowledge to appropriately facilitate and expedite cases involving developmentally disabled offenders. In addition, the service requirements of this population necessitate coordinating the resources of several state agencies as well as those of voluntary provider agencies. In general, communication

linkages between the criminal justice and human service systems are not well-developed.

Many youth who become involved with the justice system or who eventually are placed in a residential care facility have significant histories of alcohol and drug abuse. The State needs to promote the integration of alcohol and drug screening, intervention and treatment services into its response to both its institutionally and community based juvenile justice clients.

Program Objectives

The general objective of the program is to maximize the availability and quality of services for detained and incarcerated youth to promote their well-being, enhance the rehabilitation process, and reduce or eliminate the disruptive effects of separation from home, and to provide transition services that increase chances of successful reintegration into the community.

Planned Activities

In the context of the above objectives, planned activities should include efforts to:

- 1) assist the State and units of local government to develop and expand medical, educational, and recreational programs for juveniles and youths in out-of-home settings;
- 2) assist the State and units of local government to bring juvenile detention and correctional facilities and programs into compliance with national standards;
- 3) assure that juveniles in care have access to needed services in a violence-free, uncrowded atmosphere;
- 4) assure the legal and civil rights of all juveniles in care, including the ready access to counsel and opportunities for contact with families and friends;
- 5) encourage the recruitment and training of staff who will provide humane care and be cognizant of appropriate ways to deal with the youngsters' adjustment problems;
- 6) enlist the participation of units of local government and community agencies in the development of non-secure detention programs;
- 7) assist local government in avoiding the inappropriate use of non-secure detention by developing adequate crisis intervention services including family crisis counseling, mediation and voluntary short-term respite care; and
- 8) assure that aftercare services are provided to youths returning to the community after out-of-home placement.

The following projects are among those which are being funded:

Herkimer County - Correctional Services Program

The Herkimer County Sheriff's Department is maximizing the availability of services for detained and incarcerated youth in order to promote youths' well-being, enhance the rehabilitation process, reduce or eliminate the disruptive effects of separation from home, and provide transition services that increase chances of successful reintegration into the community. These services include arranging for placement and participation in alcoholism treatment and mental health programs, job readiness skills and GED classes, vocational rehabilitation, and alternatives to incarceration programs.

***Suffolk County - Adolescent Sex Offender Project**

Comprehensive diagnostic treatment is being provided for youth who have committed non-consenting statutory sexual crimes, or who are identified as violent offenders in need of therapeutic intervention. Screening, assessment, and structured group treatment are key components of this program, which also offers family support services and training for criminal justice, education, and mental health personnel.

***New York City - Aftercare Employment Project**

The Vocational Foundation, Inc. is providing aftercare services for sentenced adolescent inmates at the Riker's Island Correctional Institution. These services, initiated on a pre-release basis, include assessment, employability workshops, counseling and referral, job placement, basic life skills, and training opportunities.

Division for Youth - Family Services Project

This program is strengthening the families of delinquent youth returning to their home communities from residential facilities by: identifying local service providers who can offer appropriate services; formalizing the implementation of family services as part of the DFY rehabilitation process; and replicating and expanding appropriate and successful family service models.

Relationship to Similar Programs

This program is allied with efforts of the various counties in the State to deinstitutionalize status offenders and non-offenders through assisting in development of a variety of detention alternatives such as foster homes, group homes, and home detention. The State agency projects provide necessary services to incarcerated and recently released youth which cannot be provided by other State or local programs.

Performance Indicators

Performance indicators to measure whether objectives and goals have been achieved will include:

- 1) number of medical, educational, and recreational programs for youths in out-of-home care to promote social, physical, and emotional growth;
- 2) number of staff training programs to improve methods of child care and reduce isolation between staff and juveniles;
- 3) number of policies and procedures to assure that the rights of youths in residential care are made known to them, observed, and protected;
- 4) number of programs and services, and encouragement of contacts with families and friends, in order to promote community reintegration of incarcerated youth; and
- 5) number of youth served by the above programs.

C-3 PRIORITY: DISPOSITIONAL ALTERNATIVES FOR JUVENILES

Problem Statement

The New York State Family Court Act provides for a variety of dispositions for adjudicated delinquents and persons in need of supervision (PINS), including placement with a relative or suitable private person, placement on probation under the jurisdiction of a county probation department or placement with a county commissioner of social services or the New York State Division for Youth. Residential care is provided in facilities operated by State and local governments and by voluntary non-profit agencies.

Probation supervision is the disposition used most frequently in cases today and its use is likely to increase in the years to come. Probation supervision is designed to monitor the behavior of probationers in the community in order to discourage the commission of additional criminal and delinquent acts, while assisting the probationer in lawfully meeting his needs and addressing the problems he encounters while living in the community. Toward this end, probation departments and individual probation officers are called upon to provide a wide variety of services to probationers ranging from individual counseling to job development. Equally important to generating more placement services for juveniles is the need to create better linkages between the Family Court and the dispositional agencies. Too often the dispositional process is plagued not so much by a shortage of appropriate resources as by its cumbersome, time consuming and inefficient procedures.

The provision of a variety of dispositions is consistent with national standards enforcing the concept of the "least restrictive alternative". It is essential to ensure that court procedures and appropriate programming are in place to foster dispositional alternatives consistent with public safety.

Program Objectives

The general objective of this program is to improve the dispositional alternatives available to the courts in the following four categories.

1) Non-Residential Care

Considered the least restrictive disposition for adjudicated youth, non-residential care offers the court some degree of supervision over the youth. This type of program is often referred to as at-home, day treatment, or probation supervision. Probation supervision is the primary mode of non-residential care provided youths in the State. However, youth are also placed with commissioners of social services, and are supervised in day treatment programs provided by a variety of agencies, including voluntary non-profit agencies. DFY administers similar day treatment programs. Most non-residential programs also provide aftercare services for youth who leave residential care and return to the community.

2) Community-Based Residential Placement

Many juveniles, because of their own acts and/or family situations, require placement outside their home in residential care. Community-based residential care is defined as programs which are small, non-secure, located in reasonable proximity to the juvenile's family and home, and allow the juvenile to participate in community activities. Other non-community-based residential programs care for youth who require a more structured program but do not need a secure setting.

3) Non-Community-Based Residential Placement

Consistent with the JJDP Act, alternatives to secure correctional facilities are mandated for status offenders (PINS) and non-offenders, and are encouraged under State Law for all juveniles except violent and serious offenders; such alternatives include group homes, and other residential therapeutic treatment programs. These programs include a variety of support services.

4) Secure Placement

Secure juvenile correctional facilities must be maintained for juveniles who have committed violent and/or serious acts, but the percentage of those juveniles now placed in the traditional juvenile correctional system can be greatly reduced. Removal of PINS, non-offenders, and the less serious non-violent delinquent from secure detention will permit more intensified work with those who require secure settings.

Planned Activities

In order to meet the objectives for providing the range of dispositional alternatives mandated by the Family Court Act, DCJS will fund programs in the areas cited above. Specifically:

- 1) A variety of non-residential alternatives which provide programs to juveniles who can be treated effectively while remaining in their home environment. Among those alternatives are community service programs, in which young offenders perform a set number of hours of unpaid community labor in cases where restitution is not feasible or the nature of the crime does not warrant restitution. These programs are not intended for youth with violent criminal histories and/or certain emotional disorders. Consideration will also be given to programs which meet the treatment needs of adolescent sex offenders while keeping them out of inappropriate placements. An effort will also be made to fund community-based programs that treat young people with drug and alcohol related problems while they continue to live at home. In addition, funding will be directed to programs which provide sentencing alternatives for particularly troublesome cases. These youth, often already charged with serious crimes, require very close supervision, such as that provided within juvenile intensive supervision programs.

- 2) Community-based residential programs providing, in addition to custodial care, a broad range of supportive social, educational, physical, mental health, vocational, and recreational services.
- 3) Non-community-based alternatives to secure correctional facilities will be eligible for funding, with priority given to programs which are the least restrictive and consistent with the juvenile's needs. Both public and private agencies are encouraged to participate in developing such programs.

The following are among those programs which are being funded:

New York City - Family Court Community Service Project

The New York City Probation Department is implementing a community service sentencing program in the Bronx and Brooklyn. Delinquent youth who would have received probation or been placed in a facility are given the option of a reduced sentence and 24-64 hours of community service. Approximately 80 youth in each borough are participating.

Westchester County - Yonkers Group Counseling Probation Project

Group therapy for juvenile delinquents and PINS as a condition of probation is being mandated for selected youth by the Yonkers family court judge in order to improve youths' self-esteem and prevent recidivism.

Southern Tier East - Tioga County Adolescent Sexual Offenders Project

Individual, family, and group treatment are being provided to adolescent sexual offenders in the least restrictive environment. Law enforcement, school, social social service and mental health professionals, as well as the general public, are being educated on issues pertaining to these young offenders.

Relationship to Similar Programs

This program is associated with a coordinated effort by State and local agencies to establish and implement dispositional alternatives for juveniles. Interagency coordination among the Division for Youth, Department of Social Service, Division of Probation and Correctional Alternatives, the Council on Children and Families, the Division of Alcoholism and Alcohol Abuse, and the Division of Substance Abuse Services will be ongoing to improve alternatives for children.

Performance Indicators

Performance indicators to measure whether objectives and goals have been achieved will include:

- 1) number of juvenile delinquency dispositions;

- 2) number of PINS dispositions;
- 3) a profile of juvenile delinquency dispositions by dispositional category;
- 4) a profile of PINS dispositions by dispositional category;
- 5) number of new program slots added to each category for juvenile delinquency dispositions;
- 6) number of new program slots added to each category for PINS dispositions;
- 7) number of serious and violent juvenile offender dispositions by dispositional category;
- 8) number of new program slots added to each category for serious and juvenile offender dispositions;
- 9) kinds of services provided and number of clients served by such new program slots; and
- 10) specific program data as identified in Priority C-1 for each new program.

C-4 PRIORITY: COURT PROCESSING OF JUVENILES

Problem Statement

The Family Court Act of 1962 established the Family Court as part of a sweeping revision of the entire New York State Court structure. In addition to juvenile delinquency, the Family Court's jurisdiction extends over other aspects of family life such as neglect, support, paternity, family offenses, and adoption. In 1978, enacted legislation created a new category for the serious juvenile violent offender entitled "Juvenile Offenders". Under the new law, children aged 13-15 charged with specified serious felonies are subject to the Criminal Law and can be prosecuted by adult court process. However, under given conditions, the juvenile offender may be removed to the Family Court to be dealt with there as a delinquent. Such a removal can occur at virtually any point in the adult court process.

Processing of an alleged delinquent or PINS begins in probation intake. The procedures at this stage are primarily screening and diagnostic, for the purpose of diverting from the system those cases which do not warrant court intervention.

PINS cases tend to involve family and human service issues. To reduce the large number of youth who become involved in the family court process in New York State, the PINS Adjustment Services Act was enacted during 1985. The law provides incentives and guidelines for counties to develop comprehensive service plans for diverting PINS youth from family court and mandates the diversion of youth with specific problems for whom a petition to family court is being requested. The law further requires that service plans be based upon a comprehensive assessment of the needs of youth and his or her family. The legislation includes incentive funding for localities to develop currently unavailable services required by these youth and their families. Counties have an option to choose these new procedures or to continue to operate under the "old" provisions of the Family Court Act. As of January 1, 1988, 26 jurisdictions will be operating under this new system.

While the New York State Family Court Act provides for preliminary probation procedures (intake) in delinquency and PINS proceedings, the probation service may not:

- 1) prevent any person who wishes to file a petition from doing so;
- 2) extend the adjustment procedures for a period of more than two months without permission from the court (the limit for an extension is 90 days);
- 3) compel any person to appear at any conference, to produce any papers, or visit any place;
- 4) adjust any case involving a designated felony act without prior written approval of a judge;
- 5) adjust any case which has been removed from the criminal justice system pursuant to the new juvenile offender laws;

- 6) adjust any case involving one of the following acts without prior written consent of the corporation counsel or county attorney, if the juvenile has had one or more prior adjustments of delinquency charges based on these same acts: assault 2; reckless endangerment 1; manslaughter 2 (subdivision 1 only); sexual abuse (subdivisions 1 and 2 only); coercion 1; endangerment 1; manslaughter 2 (subdivision 1 only); sexual abuse (subdivisions 1 and 2 only); coercion 1; arson 3; and criminal possession of a weapon 3 (subdivisions 2, 3, and 4 only).

The intake unit can, in those cases not requiring formal adjudication, make referrals to community-based agencies. This procedure serves the important function of protecting youth from the consequences of negative labeling often associated with the process of formal judicial proceedings.

For those counties operating under the PINS Adjustment Services Act, the intake procedures mandate that, for most cases, an attempt to resolve the problem through the provision of adjustment services must be made prior to referring a case to court.

Subsequent to adjudication of a juvenile, the probation department has the responsibility to perform an investigation of the case, including an assessment of the needs of the youth, and make a recommendation concerning the most appropriate disposition. This often includes recommendation for a youth's placement within a specific program.

Appropriate dispositions often rely on the court's recognizing interdependency with public and private rehabilitation, counseling, education, health, welfare, employment, legal, and other services. Though the courts have developed and expanded collaborative working efforts with such agencies or programs, probation and the courts are continually clarifying the changing roles of such agencies.

During Family Court processing of juveniles, it is often necessary for the judge or the Department of Probation to order diagnostic medical or psychiatric examinations of a youth. These tests are often the basis for deciding which disposition would best meet the respondent's needs and protect the public.

New York State law requires that certain juveniles under age 16 charged with serious violent crimes are to be tried in Criminal Court, and mandates that these juveniles will go through the regular criminal court system.

The law provides for removal to the Family Court from the criminal justice system at the district attorney's recommendation in the local Criminal Court, by the Grand Jury, after indictment, or even after conviction. None of these removed cases may be adjusted by probation. The order of removal is deemed to be equivalent to a delinquency petition, with the case going directly to fact-finding or disposition on the charges in the removal order.

In light of this law, continued efforts are necessary to implement the procedures developed and to enhance the skills of those individuals working with an age group heretofore not encountered within the Criminal Court. Furthermore, this Act has made the system for handling serious juvenile offenders more complex, requiring the services of three new court parts and several new agencies. This requires careful coordination of activities, which may be

difficult to achieve due to inadequate resources. DCJS recognizes this problem and will work with appropriate agencies to address specific priorities, problems, and needs.

Program Objectives

The general objective of this program is to improve the Family and Criminal Court process by establishing a variety of services within the court, and promoting collaboration between the court and the agencies with which it interacts.

Specific objectives for the program include:

- 1) assisting probation departments in organizing and enhancing their intake and supervision service roles consistent with the principles and standards of the community;
- 2) assisting the Department of Probation and the court in developing procedures and better collaborative efforts with programs for youth placed after adjudication;
- 3) assisting the corporation counsel and district attorneys in developing a system whereby the repeated and serious juvenile delinquency cases may be appropriately identified and prosecuted;
- 4) assisting agencies in providing an improved quality of representation to juveniles in the Family Court and providing additional counsel in the juvenile delinquency proceedings;
- 5) assisting in developing appropriate mechanisms by which to medically and psychiatrically diagnose youth prior to dispositions;
- 6) assisting in developing of appropriate mechanisms to diagnose youth with learning or developmental disabilities prior to disposition;
- 7) continuing to implement the procedures and guidelines established by the juvenile offender law; and
- 8) assisting localities to implement the provisions of the PINS ADJUSTMENT SERVICES ACT of 1985.

Planned Activities

DCJS will consider funding programs in the areas cited above in order to meet the objectives for providing the range of court processing services.

- 1) Assist the Judiciary and Probation Personnel in the Development of Post-Adjudicatory Programs

An adjudication of the court is of little practical consequence unless it is supported and implemented through broad community-based programs, both public and private. Therefore, DCJS will support efforts to

develop procedures and collaborative means to assist the courts and Department of Probation in providing services in lieu of placement.

2) Improve the Capability of District Attorneys and Corporation Counsels to Prosecute in Cases Involving Young Violent and/or Repeat Offenders

DCJS will support programs that will enhance the ability of district attorneys and corporation counsel to identify chronically violent youth and/or those who are repeat offenders and to prosecute them effectively.

3) Improve the Representation and Counsel for Children and Juveniles in Court Proceedings

DCJS will assist the State and units of local government in improving legal representation to any child or juvenile whose liberty, custody, or status may be affected any court proceeding.

4) Develop Procedures and Guidelines for Medical and Psychiatric Services for Juveniles Prior to Disposition by the Courts

DCJS understands that many, if not most, children appearing in courts are troubled youngsters who are detrimentally affected by unhealthy social and emotional environments. DCJS will cooperate with State and local mental health units and with the private sector to determine the needs of these youth, and set up procedures and services for their care as well as aid in determining standards for agencies to provide feedback to the courts on individual cases.

5) Provide Support Services for Criminally Involved Youth

Many children who are court-related, in addition to having physical and emotional problems, are believed to be developmentally disabled, have subtle learning problems, or have other disabilities. DCJS will work closely with appropriate agencies to ensure that these youth are identified and provided with necessary support services.

DCJS will be funding several projects in the area of court processing of juveniles. The following is a description of some of those projects which are being considered for funding.

***New York City - Adolescent Young Adult Program for Children of Violent Families**

This program provides extensive needs assessments and services to 250 youth in Queens, most of whom have been referred through the courts on a complaint of family violence. Services include group treatment, crisis intervention, individual and group counseling, referral, and follow-up.

Office of Mental Health - Mental Health/Juvenile Justice Urban Demonstration Project

The Office of Mental Health is demonstrating the adaptability and effectiveness of the Mobile Mental Health Team model in improving mental health service delivery to an urban probation/juvenile justice population. A mental health specialist works as a liaison between the juvenile justice and mental health systems to address issues of identification of mental health needs and access to mental health services for court-related youth.

Division of Criminal Justice Services - Study of the Juvenile Justice System and Family Court Procedures

The Division of Criminal Justice Services proposes to undertake a study of the Juvenile Justice System and Family Court procedures, in conjunction with the Division for Youth, the Division of Probation and Correctional Alternatives, and with the cooperation of the Administrator of the Unified Court System. Recent efforts to promote community safety have been frustrated by the lack of adequate information to support legislative and programmatic recommendations to strengthen the juvenile justice process. This study is designed to provide the requisite data upon which to make policy determinations which will assure that juveniles who commit serious crimes are properly identified, adjudicated and treated.

Relationship with Similar Programs

The efforts of this priority will be coordinated with activities of district attorneys, corporation counsel, legal aid, probation departments, and the Office of Mental Health.

Performance Indicators

Performance indicators for the planned activities under this priority include:

- 1) number of youth affected by court proceedings;
- 2) number of youth coming to the attention of Family Court Mental Health Units;
- 3) number of youth identified as learning or developmentally disabled and referred for appropriate services;
- 4) number of youth being serviced by mobile mental health teams;
- 5) number of youth referred to probation;
- 6) number of youth being diverted from formal court proceedings;
- 7) number of youth successfully prosecuted as juvenile offenders and youthful offenders; and
- 8) number of attorneys being trained to effectively represent court-related youth.

C-5 PRIORITY: MONITORING COMPLIANCE WITH THE MANDATES OF THE JJDP ACT

Problem Statement

The Juvenile Justice and Delinquency Prevention (JJDP) Act mandates that each state participating in the Act report annually to the Administrator, Office of Juvenile Justice and Delinquency Prevention, on the State's progress in achieving compliance with Sections 223(a), (12), (13), and (14), regarding the removal of status (PINS) and non-offenders from juvenile detention and correctional facilities and the separation of juveniles from adult criminal offenders. In response to this requirement, DCJS submits reports on the results of the monitoring of compliance for these Sections of the Act at the end of each calendar year.

Deinstitutionalization of Status Offenders and Non-Offenders

Each year since 1980, on the basis of the review and analysis of New York State's Compliance Monitoring Reports, OJJDP has found New York State to be in full compliance with the deinstitutionalization requirements of Section 223(a)(12)(A) of the JJDP Act.

New York must continue to assure that adequate plans and resources are available to maintain full compliance so that the State remains eligible for formula grant funds. New York State law prohibits any county and the City of New York from placing a child alleged or adjudicated a person in need of supervision (PINS) in a secure detention facility. By State Executive Law, only adjudicated juvenile delinquents and juvenile offenders may be placed in secure juvenile correctional facilities administered by DFY. No status and non-offenders may be placed there.

Contact with Incarcerated Adults

OJJDP's review of DCJS' Compliance Monitoring Reports determined that compliance has been achieved in New York in that juveniles are not detained or confined in any institution in which they have contact with incarcerated adults (Section 223(a)(13) of JJDP Act). The State must assure that adequate plans and resources are available to maintain compliance. To this end, the Family Court Act prohibits the placement of status offenders in adult correctional facilities. Legislation passed in 1977 requires that all adjudicated delinquents must be placed in juvenile facilities. Juvenile offenders, 13, 14, and 15 year olds alleged to have committed certain serious felonies, and processed through the adult criminal courts, must be placed in secure juvenile facilities administered by DFY. They may stay with DFY until their 21st birthday, though under special circumstances they may be transferred to an adult facility upon reaching their 16th or 18th birthdays.

Regulations promulgated by DFY in 1978 provide that juveniles may not be detained in adult lock-ups except in extraordinary circumstances where local authorities receive DFY permission to detain a youth for 24 hours or less. In these special cases, the facility where the juvenile is detained must have been

certified to provide complete sight and sound separation of juveniles from adults.

Removal of Juveniles from Adult Jails and Lock-ups

The State must assure that adequate plans and resources are available to maintain full compliance with Section 223(a)(14) of the JJDP Act. A specific plan, procedure, and timetable for assuring that no juvenile shall be detained or confined in any jail or lock-up for adults must be described. A review by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) found New York State to be in full compliance with de minimis exceptions with the requirements of Section 223(a)(14).

Monitoring of Jails, Detention Facilities, and Correctional Facilities

- 1) New York will continue to annually identify and survey all secure detention and correctional facilities, jails, and lock-ups used or potentially usable for the confinement of juveniles, through the cooperation of the five State control agencies: the NYS Division of Criminal Justice Services, the NYS Division for Youth, the NYS Department of Social Services, the NYS Commission on Correction, and the NYS Office of Mental Health.

In order to comply with federal requirements, DCJS will follow up on the data provided to us by the Department of Social Services, the Commission on Correction, the Office of Mental Health, and the Division for Youth by increasing the number of visits to verify the accuracy of their data. Visits will be made to DFY facilities, police lockups, facilities under contract to DSS, and to those Office of Mental Health facilities that house juveniles referred by the court.

For each facility visited, the monitor must prepare, at a minimum:

1. A general description of the jurisdiction the facility is located in.
2. A description of who (which agency) administers the facility.
3. A description of the facility in terms of its residents, how they are processed, and their daily schedule.
4. A description of the human and mechanical supervision of residents (visual and auditory).
5. A diagram of the facility (sketched by the auditor, including the "juvenile area" of adult facilities.
6. A detailed description of the provisions for sight and sound separation in adult facilities.

7. A detailed description of the admission data reviewed.
8. A list of the monitor's finding in relations to the admission data reviewed.

The Division of Criminal Justice Services Office of Funding and Program Assistance will coordinate the monitoring effort in New York State. The project coordinator of this sub-unit has developed liaisons with the State Division of Youth (DFY), the State Department of Social Services (DSS), and the State Commission of Correction (COC), the three State agencies responsible for most residential care in the State, either directly or through supervision and licensing. The Division will also work with the Office of Mental Health to monitor those cases where youth have been referred for mental health services.

The Division for Youth is responsible for the administration and operation of a network of residential and non-residential detention, and placement programs for court-related youth and the supervision, certification, and partial reimbursement of county operated detention and post-adjudication residential facilities. DFY keeps extensive statistics on all children admitted to juvenile detention facilities in New York State. Statistics are based on admission/release forms supplied by local counties and voluntary agencies to the Division. Monitoring staff make on-site visits to spot check these forms for accuracy, and to check for compliance with regulations for certification.

The DFY Program Review Unit is responsible for monitoring all Division-operated residential treatment programs. Part of the monitoring function is directed at assuring that DFY-operated secure facilities are in compliance with the provisions of the JJDP Act with respect to the placement of status and non-offenders.

The Department of Social Services shares responsibility for standard setting and on-site monitoring of (non-secure) voluntary child care agencies with DFY. Each agency and facility providing services to PINS and delinquent children in the care of local social services districts or voluntary agencies supervised by DSS is required to file an annual program statement describing the facilities, operations, and services provided for the children in its care.

The Commission of Correction has responsibility for development of standards for the care and treatment of criminal offenders and for inspecting jails, lock-ups, and other detention facilities to insure compliance with State law and Commission standards.

The Office of Mental Health operates a statewide system of psychiatric hospitals to provide intensive inpatient, day treatment, and outpatient services to mentally disabled children and youths. It also finances a number of community-based residential mental health programs to enable children to receive necessary services in settings less intensive than those in the Children and Youth Psychiatric Centers.

Beginning in 1988, DCJS will develop a facility visitation schedule with OMH to ensure compliance with federal standards in those programs that house court referred youth.

- 2) The Division for Youth detention program staff will make visits to secure centers at least monthly and to non-secure group homes and agency operated boarding homes at least semi-annually.

The Division for Youth has established procedures for dealing with secure detention facilities which are found to have a child admitted in violation of state laws prohibiting detention of status offenders in secure facilities.

Should a judge violate the law prohibiting placement of a status offender in a secure detention facility, the Division would take the following action:

- a) An immediate notification would be made to the child's law guardian so that the law guardian may petition for a writ of habeas corpus on behalf of the child.
- b) The Division would request the immediate removal of the child from the secure detention facility and the Division would deny reimbursement for that day.
- c) If the child remained in care beyond that day, the Division would be forced to suspend certification of the secure detention facility, which would result in the suspension of intake at the facility and the total denial of reimbursement to the facility.
- d) As a last resort, the Division would revoke the operating certificate for the secure detention facility and the facility would be forced to close.

DFY's Program Review Unit (PRU) will continue to monitor all Division-operated residential treatment programs. Annual on-site visits will be made by a PRU member to each juvenile correctional facility to assure that such facilities comply with the provisions of the JJDP Act with respect to the placement of status and non-offenders. Supplemental supervisory visits will be made by DFY regional and district-level administrators who have overall management responsibility for one or more facility. The responsibility includes assuring that status offenders and non-offenders are not placed in such facilities. These visits may occur as frequently as once per week.

The Department of Social Services, through its regional offices, will conduct foster care agency inspection visits to each of the voluntary agencies and social service districts in the State.

The Commission of Correction (COC) inspects all lock-ups operated by police departments, as well as detention facilities. Each jail or county correctional facility is inspected at least once a year by the COC regarding the classification of prisoners and an annual survey of all jails and lock-ups is also completed. DCJS staff will make selective visits to

precinct lock-ups to supplement the work of COC staff on a selective basis where judged appropriate. The COC will continue to cooperate with DFY to investigate jails and lock-ups upon request when DFY has a report of a juvenile detained in an adult facility, and to determine compliance with State law and JJDP Act mandates.

Program Objectives

DCJS has responsibility for ensuring that New York State maintains 100% compliance with the mandates of the JJDP Act.

Planned Activities

DCJS will coordinate the monitoring efforts of the Division for Youth, Department of Social Services, Commission of Correction, and Office of Mental Health (as explained above) to ensure that all residential facilities housing juveniles comply with the JJDP Act mandates that:

- 1) status and non-offenders are not detained in secure detention facilities;
- 2) status and non-offenders are not placed in secure correctional facilities;
- 3) status and non-offenders in residential care are placed in the least restrictive alternative facilities appropriate to their needs;
- 4) juveniles are not detained or confined in institutions where they have regular contact with adult offenders.

To facilitate the compliance efforts of these agencies, DCJS will develop a procedure manual for conducting on site visits and verification of data. In addition, DCJS, on its own, will make on-site visits to approximately ten percent of all jails, lock-ups, court holding pens, juvenile detention facilities, mental hygiene secure facilities, and other secure and non-secure residential programs. The agency will select a representative sample of these facilities, to ensure the validity of data submitted to it by the State oversight agencies regarding their compliance efforts. In addition to inspections, monitoring visits, and audits, staff will provide technical assistance to State, local, and voluntary agencies to help develop and maintain programs and policies related to the deinstitutionalization, separation, and jail removal requirements of the federal legislation.

Relationship to Similar Programs

The monitoring efforts of DCJS coordinate with the duties and responsibilities of four other State agencies (COC, DSS, DYF, and OMH) as set forth in State Correction Law, State Executive Law, State Social Services Law, and State Mental Health Law (see above for a description of these responsibilities).

Performance Indicators

Performance indicators for the aforementioned planned activities will include:

- 1) number of status offenders or non-offenders detained in secure correctional facilities;
- 2) number of status offenders or non-offenders placed in secure correctional facilities;
- 3) number of juvenile delinquents detained in any institution in which they have regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges;
- 4) monitoring procedures developed by State agencies which operate or have jurisdiction over detention or correctional facilities housing juveniles.

C-6 PRIORITY: SYSTEMS PLANNING AND INTERAGENCY COORDINATION

Problem Statement

Each year millions of dollars in State and local funds are spent on preventive and rehabilitative services for youth in New York State, in response to an escalating number of PINS and delinquency cases in the juvenile justice system.

Several State agencies are particularly involved in the planning for this population. Both the Division for Youth and the Department of Social Services are responsible for PINS and JD's in voluntary child care agencies. DSS is also responsible for administering a system of public and private foster care to provide out-of-home care for dependent and/or neglected children. Additionally, prevention mandates for DSS dictate they are responsible for preventive foster care, while DFY's mandate holds they are responsible for preventing delinquency. State budgets have provided appropriations to DFY and DSS to respond to these mandates.

At a local level, service providers and planners are often acutely aware of interagency issues which affect PINS and JD problems. For example, local departments of social services, probation departments, youth bureaus, Division for Youth service teams, and child care providers may all acknowledge and be concerned with the increases in the number of PINS and JD's in residential placement, and those in the community in need of services. However, because the planning and funding regulations under which they operate do not require extensive coordination and may even present barriers to it, efforts are not routinely made at the local level to cooperatively address these problems.

Fiscal pressures may prove to be the greatest incentive to closer coordination at the local level. As county public funds become increasingly difficult to secure, local service systems are searching for ways to derive the greatest benefits from the dollars they have available to them. Local coordination is an obvious alternative which an increasing number of counties are beginning to explore.

In addition to interagency concerns related to juvenile delinquents and PINS, there are issues which arise relative to the juvenile offender. Pursuant to Executive Law 515(G), the Division for Youth maintains secure facilities for the care and confinement of juvenile offenders until age 21. While in these facilities such youths are to be provided appropriate services related to: education, vocational training, recreation, mental health needs, medical needs, and counseling.

Each youth, whether an adjudicated juvenile delinquent or juvenile offender, once in a facility, is assigned a youth service team worker who plans for the youth's release in terms of reintegration into the community. The same worker is usually assigned to work with the juvenile once released. Little distinction is made between the juvenile delinquent and the juvenile offender.

The Division of Parole, on the other hand, through the enactment of the Juvenile Offender Law, Chapter 481 of the Laws of 1978, has the statutory

responsibility for the discretionary release and community supervision of the convicted and sentenced juvenile offender. In this capacity the Division assigns a parole officer to a youth while he is in residence within a DFY facility to begin planning for his release. Similar to the DFY youth service team worker, this individual is responsible for planning a successful reintegration of the youth into the community, and will also make recommendations to the Parole Board.

After release a youth will be assigned a field parole officer, who though essentially responsible for "supervision" of the youth, must also be concerned with programs available to such a youth in the community.

The efforts of both of these agencies clearly impact upon the juvenile offender and the concerns of the State relative to juvenile crime recidivism. Therefore, both agencies must work in a coordinated fashion, though each has its own jurisdictional authority.

In keeping with the concerns of many states relative to coordinated approaches within the juvenile justice system, Section 223(a)(8) of the JJDP Act was added under subparagraph C. This section requires that states receiving formula grants develop a plan for concentration of State efforts. This plan calls for a coordination of all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities.

In a report entitled "State Options for Supporting Delinquency Prevention" which was prepared for OJJDP, it was noted that "much interagency work is undertaken without adequate support ...Often the internal business of the various agencies takes precedence". Additionally, few resources are made available for this undertaking and the interagency initiative "is not recognized or confirmed anywhere in any of the plans, guidelines, or budgets of an agency". This priority will therefore seek to coordinate the efforts of those organizations which are aligned with the interests of the juvenile justice system.

Program Objectives

The general objective of this program is to provide more effective systems planning and interagency coordination to meet the needs of those youth coming into contact with the juvenile or criminal justice systems.

More specific objectives include:

- 1) State agency planning and coordination which would seek to improve coordination between State agencies which participate in the juvenile justice system, as these agencies' responsibilities influence planning, fiscal, programmatic, and administrative guidelines for JD and PINS preventive services for the juvenile offender.
- 2) State agency-local counterpart planning and coordination which would improve coordination between State agencies and their local counterparts relative to complementary regulations for providing services to PINS, JD's, and JO's.

- 3) Local agency planning and coordination which would improve coordination among local agencies involved in the provision of community-based preventive services for PINS, JD's, and JO's.

Planned Activities

In order to meet the objectives of providing for systems planning and interagency coordination, DCJS will fund programs in the areas cited above. Additionally, DCJS will be interested in new initiatives which encourage:

- coordinated activities on behalf of at-risk youth by state agencies;
- coordination of departments of local government which serve at-risk youth; and
- local planning activities which promote citizen and service provider involvement in the planning process.

The following projects are among those that are being funded:

Rockland County - Child Abuse Prosecution Services Coordination

A child abuse services coordinator is acting as a liaison between the District Attorney's Office and police and social service personnel in the management of child sexual abuse cases. The coordinating agencies are minimizing further trauma to child victims and facilitating the provision of services to those victims.

Governor's Commission on Domestic Violence - Domestic Violence/Child Abuse Training Program

Personnel from the Division of Parole and the Division of Probation and Correctional Alternatives are being trained as trainers in domestic violence and child sexual abuse issues in order to break the cycle of violence and the perpetuation of delinquency and criminality.

Commission of Correction - Sensitivity Education, and Management Training

Criminal justice professionals and human service providers who serve developmentally disabled adolescent offenders are being linked in three regions of the State to assist in the creation of local coordinating boards which will identify and resolve region-specific problems pertaining to these offenders.

Department of Social Services - Independent Living Aftercare Project

Linkages are being developed between youth being discharged from foster care to independent living and appropriate community resources capable of meeting the post-discharge needs of these youth.

Relationship to Similar Programs

This program is consistent with all DCJS efforts in comprehensive and coordinated planning, and services for youthful at-risk populations.

Performance Indicators

Performance indicators to measure whether objectives and goals have been achieved will include:

- 1) identification of gaps in preventive and rehabilitative services;
- 2) development of interagency efforts to fill those gaps in services;
- 3) increase in cost-benefits relative to preventive and rehabilitative services;
- 4) development of cross-agency information;
- 5) identification of and further avoidance of duplication of services.

SECTION III

SPECIAL REQUIREMENTS OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

The Juvenile Justice and Delinquency Prevention Act contains many special requirements. This section presents materials responsive to those requirements not responded to elsewhere. Included in this section are certified assurances that New York State is in compliance with the requirements of the Juvenile Justice and Delinquency Prevention Act, a monitoring report indicating program compliance achieved by New York State in the removal of status and non-offenders from juvenile detention and correctional facilities and the separation of juveniles from incarcerated adults, technical assistance needs, and audit information.

Advisory Group Allotment

The JJAG will use the funds allotted to them to enable members to:

- 1) make site-visits to projects funded with JJDP funds;
- 2) make site-visits to secure and non-secure detention and correctional facilities housing juveniles;
- 3) make site-visits to exemplary projects and facilities in other states;
- 4) attend workshops, conferences, and training courses relevant to their responsibilities on the Board; and
- 5) undertake or commission special studies or conferences relating to the priorities set forth in the Plan that have statewide implications and can lead to more effective planning and programming in the juvenile services area.

Technical Assistance

At the present time DCJS has received no specific technical assistance requests from local and State planners. DCJS recognizes that technical assistance requests may surface during the course of this plan's implementation, and reserves the right to submit these requests for consideration should the need for such assistance become necessary.

Audit Information

In general, local planning offices, since they are a part of a unit of local government, fall under the umbrella of the auditing mechanism for that unit of government. Local auditing procedures usually involve a continuous audit by the appropriate department of the unit of local government with an annual or biannual audit of the entity by the State Department of Audit and Control and/or a private auditor.

In addition to the above, DCJS staff conducts audits of projects, with each grant being audited approximately once every two years.

New York State has implemented the provisions of the Single Audit Act of 1984 by determining the entity to be audited to be the State of New York as a whole.