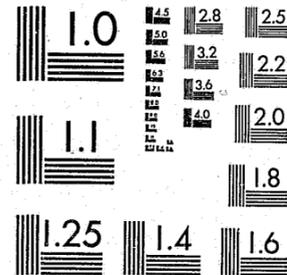


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08/04/82



FRANK A. HALL
DIRECTOR

NEW YORK STATE EXECUTIVE DEPARTMENT
DIVISION FOR YOUTH
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ALBANY, NEW YORK 12208

MF-1

April 3, 1980

Enclosed you will find the Final Report of an analysis of the detention needs of Long Island.

The information contained in this report represents the culmination of our efforts to identify and describe the key factors in the juvenile detention processes operating in both Nassau and Suffolk Counties. This has been a complex task which has included, in addition to describing the formal process, identification of the informal procedures which influence each county's detention needs.

Prior to this date a series of four short descriptive reports were circulated in draft form. The Final Report incorporates the contents of those reports, comments received concerning those reports, and other material and insight gained through our investigation of the juvenile detention needs of Long Island. The Final Report also provides a set of recommendations which are aimed at further strengthening the juvenile detention processes currently operating in each county.

This Final Report and the analysis conducted by Local Assistance Unit staff were possible only because of the cooperation exhibited by you and your staff. I look forward to our continued cooperative efforts to provide juvenile detention services which are responsive to the needs of juveniles residing in your county.

Sincerely,

William J. Bradley
William J. Bradley
Deputy Director

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vn

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ANALYSIS OF LONG ISLAND

DETENTION NEEDS

FINAL REPORT AND RECOMMENDATIONS

N.Y.S. Division for Youth
Local Assistance Planning Unit
April 2, 1980

Prepared By:

Max E. Chmura
Local Assistance Planning Specialist

PREFACE

On September 1, 1978 the Suffolk County Children's Shelter closed, thereby eliminating the county's ability to securely detain its own juveniles. The decision to close Suffolk County's one secure detention facility was based on the realization that the county's secure detention needs no longer warranted maintenance of an independent, county-operated facility. It was determined at that time that through an agreement with the N.Y.S. Division for Youth, the Nassau County Children's Shelter would provide secure detention services which could adequately meet Suffolk County's needs.

Since the closing of the Suffolk County Children's Shelter there have been occasions when the Nassau County Children's Shelter has not provided what Suffolk County has considered to be adequate secure detention services. In such instances Suffolk County youth have been securely detained in facilities other than the Nassau facility - primarily the Spofford Juvenile Center (NYC) or a Suffolk County Police Department Holding Cell. Suffolk County does not consider either of these alternatives to be appropriate for the detention of Suffolk County youth.

The frequency with which these situations have occurred has created concern over the inability of the Nassau County Children's Shelter to provide adequate secure detention services for Suffolk County. This concern was transmitted to the Division. In response, Local Assistance Planning Unit staff were assigned to study the juvenile justice process in both Nassau and Suffolk Counties, assess the impact that different components of that process have on the utilization of secure detention services, and recommend alternatives which will facilitate a mutually agreeable resolution to the present situation. To that end the Local Assistance Planning Unit has circulated a series of brief, descriptive papers dealing with the various facets of the juvenile detention systems operating in both counties. This, the Final Report, represents a compilation and expansion of the findings presented in those papers.

The purpose of this report is to provide all involved parties with a concise, comprehensive understanding of the scope of the present problem, the detention needs of each county, its current utilization of available detention services, and the role each of the involved criminal justice agencies plays on each county's needs and utilization patterns. It also presents a set of recommendations which are aimed at ensuring that the detention needs (both secure and non-secure) of both counties are met in the most effective and appropriate manner for all parties involved.

SEP 1 1981

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Analysis of the juvenile detention processes operating in Nassau and Suffolk Counties has identified those agencies whose administrative policies and practices have most directly affected the detention needs of Long Island. Evaluation of the impact of those policies and practices has identified strengths and weaknesses in the way that the Division for Youth, Nassau County juvenile justice agencies, and Suffolk County juvenile justice agencies have approached the tasks of first defining Long Island's detention needs and then meeting those needs.

The following recommendations focus on the weaknesses that are apparent in Long Island's juvenile detention process - weaknesses that appear to have created the current problem of the Nassau County Children's Shelter's inability to meet the secure detention needs of both Nassau and Suffolk Counties. The data provided in the text of this report indicate that certain factors have lead to the inappropriate use of the Nassau Shelter. The following set of recommendations are aimed at providing long-range systematic solutions to this problem. At the same time the recommendations provide short-range alternatives which can minimize the potential for the Shelter's becoming over crowded before the impact of any long-range solutions can be felt.

It is recommended that:

1. the Division for Youth's Detention Services Section adopt a more active, leadership-oriented role in resolving the question of regionalized secure detention for Long Island. The Division should convene a committee or series of committees whose function would be to provide a forum for articulating the needs, concerns and expectations of involved agencies in both counties. Such a committee should include but not be limited to officials from each county's Family Court, Department of Probation, Police Department, Detention staff and the Division for Youth.
2. the Division's efforts to implement a regionalized secure detention system result in a three-party contract which would structure each county's access to the Nassau County Children's Shelter. This three-party contract should guarantee each of the two counties access to no less than 10 male beds. Each county should have direct access (necessitating no third-party approval) to their 10 beds with additional access to be on an "as available" basis.
3. any three-party contract entered into by Nassau County, Suffolk County and the Division for Youth stipulate that financial arrangements are structured so that the service provider/consumer relationship existing between counties be reflected by a billing procedure where Nassau County bills Suffolk County directly for detention services provided.

4. the Division for Youth establish a set of criteria to be used in determining which juveniles are appropriate for detention. These criteria should be applicable across the state and should make a distinction between juveniles who are appropriate for secure detention and those that are appropriate for non-secure detention.
5. the Division for Youth, through its relationships with local Youth Bureaus, identify those Youth Development and Delinquency Prevention programs whose programming might meet the needs of juveniles currently deemed appropriate for detention. Such efforts should focus on diversion programs as well as programs geared towards juveniles already involved in the juvenile justice system. The Youth Bureaus should be prepared to convene informational meetings which would familiarize juvenile justice agency personnel with such programs.
6. the Division for Youth meet with the Family Court Judges and Detention Services personnel of both counties to explore the use of general remands to detention - remands which do not specify secure or non-secure placement. Remands could be made to detention in general with the secure/non-secure designation being made by a properly trained detention intake screening unit. General remands could be written for all detention admissions or for select subgroups of the Juvenile Offender or Delinquent detention population. This would provide the detention system with the flexibility necessary to be more responsive to the changing needs of the juvenile and the programmatic limits of each county's program.
7. the Division for Youth meet with officials from Nassau and Suffolk Counties to determine programs that might be developed to provide appropriate services for three sub-groups of the detention population:
 - a. PINS juveniles deemed in need of secure detention;
 - b. juveniles in detention because of truant behavior; and
 - c. juveniles in detention who have a history of involvement with Child Protective Services.
8. the Division for Youth's Rehabilitative Services personnel evaluate the appropriateness of the unusually long period of time which juveniles spend in detention between their placement with the Division and their movement to a long-term facility.
9. the Division for Youth undertake efforts to meet with Family Court Judges in Nassau County to discuss the county's non-secure detention needs and the appropriateness of non-secure detention for Delinquent Juveniles.
10. the Division for Youth meet with Nassau County officials to consider remodeling the Nassau Shelter to facilitate increasing the male bed capacity by decreasing the female bed capacity. It is expected that 7-9 female beds would be more than adequate to meet Long Island's projected female secure detention needs.

11. Nassau County give serious consideration to reorganizing the administrative structure of the County's detention services program to bring responsibility for the entire program under one agency. That agency should then commit at least one full time professional staff person and support staff to manage and coordinate the detention services provided by the Nassau Shelter and the three contracting agencies which provide non-secure detention services. Because of the inherent potential for coordinating all phases of the juvenile detention process, designating the Department of Probation as the agency responsible for the detention system could provide the most effective administrative structure possible.
12. Nassau County investigate the apparent lack of confidence (on the part of Family Court, Probation, and the Division for Youth) in the non-secure female group home program currently operating. Dependent upon the outcome of that investigation, consideration should be given to contracting for another female group home to either augment or substitute for the present program.
13. Nassau County expand its non-secure foster care program by at least 4-6 beds. The primary aim of this expansion would be to provide more non-secure alternatives to placing PINS juveniles in non-secure group homes - thereby making room for more Delinquents in the two non-secure group homes. The alternative is to recommend another non-secure male group home be opened to provide more non-secure alternatives to those delinquents presently detained in the Nassau Shelter.
14. the Nassau County Department of Probation and Family Court reassess the appropriateness of securely detaining delinquent juveniles whose probation has been violated on the basis of PINS behavior.
15. the Suffolk County Department of Probation be given final responsibility for all non-judicial detention intake screening decisions. Any request for detention made outside of court hours would be cleared through a 24-hour intake screening unit which would advise as to the appropriate detention placement (secure, non-secure group home or non-secure foster home).
16. the Suffolk County Department of Probation convene a staff meeting with those Probation Liaison Officers assigned to the Juvenile Services Section (JSS) of the Suffolk County Police Department. Such a meeting should focus on the fact that their apparent emphasis of secure detention for almost all Delinquent juveniles is inconsistent with departmental policy.
17. the Suffolk County Department of Probation consider expanding its male non-secure group home bed capacity. The fact that the present 10-bed facility operated at over 80% of capacity indicates that its use as a 24-hour non-secure detention intake facility for males is severely limited by the group home being consistently at or near capacity. This will hamper any efforts to emphasize the use of this facility as an alternative to secure detention.

I. INTRODUCTION

Juvenile detention systems do not operate in a vacuum. Unlike other components of the criminal justice system, juvenile detention exercises very little administrative control over its client population. Although charged with the responsibility of providing custodial maintenance, educational and recreational programming and access to appropriate external support services, juvenile detention can neither select its clients nor control their release. Juvenile detention functions primarily as a vehicle which facilitates the operation of other components of the criminal justice system.

It is because of this role that any discussion of juvenile detention needs cannot be limited to the number of detention transactions recorded and the detention services available. Juvenile detention actually consists of a three-part process: Intake, Detention Services, and Release. Of these three parts Detention Services is by far the most dependent component. The nature and scope of the detention services provided are by and large dictated by the detention needs created by the Intake and Release components of the process. As such they reflect the detention policies which function within the Intake and Release components.

While Section II, III, and IV of this report identify the three components of the juvenile detention processes working in Nassau and Suffolk counties, this Section shall present the basic detention needs of Long Island as evidenced by the detention admissions recorded during 1979. These data will provide the backdrop for discussions of the agencies involved in the Long Island juvenile detention process and the impact they have on the detention needs of both counties.

A. 1979 Long Island Detention Needs - Admissions

The detention intake processes operating in Nassau and Suffolk counties generated a total of 1597 detention admissions during 1979. In addition to those admissions recorded by detention facilities, juveniles were detained in a Jail Placement on 15 separate occasions during the year. The following table indicates where those admissions were recorded.

Table A-1

DISTRIBUTIONS OF 1979 LONG ISLAND ADMISSIONS BY FACILITY TYPE AND COUNTY

FACILITY-TYPE	NASSAU COUNTY ADMISSIONS		SUFFOLK COUNTY ADMISSIONS		TOTAL ADMISSIONS	
	#	%	#	%	#	%
Secure Facility	633	67.6%	251	37.2%	884	54.8%
Non-Secure Group Home	194	20.7%	135	20.0%	329	20.4%
Non-Secure Foster Home	110	11.7%	289	42.8%	399	24.8%
TOTAL	937	100.0%	675	100.0%	1612	100.0%

As Table A-1 indicates, there was a large disparity in the proportion of detention admissions which were recorded for secure facilities and non-secure foster homes in the two counties. In Nassau County two out of every three detention admissions recorded involved a secure facility. Proportionately, a Nassau County juvenile was twice as likely to be detained in secure detention than was a Suffolk County juvenile. On the other hand, a detained Suffolk juvenile had a 40% chance of being detained in a non-secure foster home while a Nassau County juvenile had little better than 10% chance of the same type of detention placement.

Although these calculations aren't presented on Table A-1, the data also indicate that Nassau County detention admissions accounted for 58.1% of all Long Island detention admissions (937/1612). At the same time Nassau County accounted for 71.6% of Long Island's secure detention admissions (633/884).

The disproportionate distribution of detention admissions between counties does not, of itself, imply procedural differences or philosophical differences regarding the use of detention. The implications come when the at-risk populations, the police juvenile contact rates, and the petition rates for each county are compared.

Suffolk County's at risk population (youth 7-15 years of age) is 25.9% larger than that of Nassau County. At the same time Nassau County recorded a higher number of police/juvenile contacts, petitions and detention admissions. Table A-2 shows these figures and translates them into rates per 1000 population.

Table A-2

DISTRIBUTION OF 1979 LONG ISLAND JUVENILE POPULATION, POLICE/JUVENILE CONTACTS, FAMILY COURT PETITIONS AND DETENTION ADMISSIONS - BY COUNTY

(Rates per 1000 population also shown)

	NASSAU COUNTY		SUFFOLK COUNTY	
	#	Rate/1000	#	Rate/1000
Juveniles Age 7-15 ¹	200,563	NA	252,425	NA
Police/Juvenile Contacts ²	9,000	44.9	6,513	25.8
Family Court Intake Petitions ³	3,645	18.2	3,506	13.9
Family Court Petitions Resolves ³	2,171	10.8	NOT AVAILABLE	
Detention Admissions ⁴	937	4.7	675	2.7

¹SOURCE: Long Island Regional Planning Commission Population Projections for 1980

²SOURCE: Suffolk County Police Department's Juvenile Services Section and Nassau County Police Department's Juvenile Aid Bureau

³SOURCE: Suffolk County and Nassau County Probation Departments

⁴SOURCE: N.Y.S. Division for Youth Detention Information Management System

As is evidenced by the above data, Nassau County juveniles are formally involved with the criminal justice system at a consistently higher rate than are Suffolk County juveniles. This implies that either a higher proportion of Nassau County juveniles engage in serious antisocial behavior or the Nassau County juvenile justice system operated from a more legalistic perspective.

The above data suggest intrinsic differences in the way that Nassau and Suffolk County approach the use of juvenile detention. These differences appear related to two primary factors - the lack of any secure detention facility in Suffolk County and Nassau County's emphasis on the more formal or legalistic approach to dealing with juveniles who come in contact with the juvenile justice system. Both factors reflect the differing philosophical perspectives influencing the juvenile detention processes operating in each county. The following report shall identify those influences, describe their differences and/or similarities, and explore the impact they have on the detention needs of Long Island.

II. DETENTION INTAKE

The decision to detain a Long Island juvenile is presently the responsibility of two juvenile justice agencies: Family Court and Police Juvenile Aid Bureaus. These agencies were responsible for almost all (93.6%) of all Long Island detention admissions recorded during 1979. In both Nassau and Suffolk Counties the Departments of Probation also play a significant (although different) role in the detention intake process. In Nassau County the Department of Social Services has another, indirect impact on that county's intake process. This section shall summarize the role that each agency has in the detention intake process, explain the guidelines used by each agency, and indicate how each agency affected the detention needs of each county. The agencies shall be dealt with individually and inter-county comparisons will be made where appropriate.

A. Legislative Guidelines

Underlying each agency's use of detention are a set of legislative criteria which set the basic parameters for detaining juveniles. The Family Court Act provides the basic criteria for regulating the use of detention. Section 739 (a) states that in exercising its discretion the court should not order detention unless it determines that:

- (i) there is substantial probability that he will not appear in court on the return date; or
- (ii) there is a serious risk that he may, before the return date, do an act which if committed by an adult would constitute a crime.

This section of the Family Court Act also states that the Court should state the facts and reasons for determining that the juvenile meets the above criteria.

The Family Court further restricts juvenile detention in terms of age. Section 712 specifies that no person under the age of seven may be detained while Section 720 (a) specifies that no one under the age of ten may be securely detained.

Only one other legal restriction has been placed on the use of detention. The recent Federal Mandate concerning the deinstitutionalization of

status offenders restricts the detention of Persons In Need of Supervision (PINS) to non-secure detention.

IMPACT - The age restrictions place inflexible age limitations on the use of detention. Both counties conformed to these limitations even though the non-secure detention of delinquent youth under the age of ten has occasionally created control problems which have strained the programmatic limits of non-secure detention.

The formal criteria for determining whether or not detention is appropriate is nowhere near as inflexible. While setting basic parameters, available data indicate that these criteria allow a degree of discretionary latitude that is sufficient to justify a wide range of interpretation. This is evidenced not only by the different operating philosophies identified in the two counties, but also by the different philosophies operating within the Family Courts of each county. A review of selected case files suggests that the definitions of the terms "probability" and "risk" are so open to interpretation that the restrictiveness of the criteria is called into question.

For example, in one case a female juvenile was remanded to secure detention upon appearing in court for the third time. She did not have a history of non-appearance or non-secure detention. Even though she appeared in court at the appointed time with her law guardian her mother was not present. The case entry indicated that the juvenile was remanded to secure detention because the absence of her mother was perceived as a risk of the juvenile's future non-appearance - even though the juvenile had appeared in spite of her mother's absence. In another case a male delinquent who was on probation was remanded to secure detention as a probation violator because of truant behavior - in spite of the fact that this juvenile had not been enough of a risk to need detention anytime during his previous delinquent adjudication process. These two examples, among others, suggest that at times, the interpretation of the phrases probability of non-appearance and risk of committing another crime is quite liberal.

The Federal Mandate to deinstitutionalize status offenders has had a significant impact on the detention needs of Long Island. Formally it has caused both Nassau and Suffolk counties to expand their non-secure detention systems to provide adequate services. Although Suffolk County responded to this mandate about a year before Nassau County did (for reasons explained on Page 40) the fact is that both counties increased their non-secure capacities by at least 50% as a result of this deinstitutionalization mandate. Informally, the impact of this mandate on the detention intake process has been characterized as "arbitrary," "senseless" and "debilitating" by personnel representing the Family Courts, Probation Departments, and Police Departments in Nassau and Suffolk Counties. In their opinion, the legal distinction between Delinquent and PINS juveniles does not preclude the necessity of certain PINS juveniles being remanded to secure detention. Their experience has led them to realize that, if anything, a PINS juvenile is more likely to be a control problem and therefore in need of a more structured detention placement than is available in non-secure detention. In such cases the deinstitutionalization mandate creates an arbitrary distinction which limits their ability to provide adequate detention services. This is forcing juvenile justice officials to seriously consider processing many juveniles as Delinquents when in previous times they would have preferred to process those juveniles as PINS. (This shift in emphasis was more prevalent in Nassau County than Suffolk County but this is probably reflective of the fact that Nassau County has recently passed their cut-off date for deinstitutionalizing status offenders while Suffolk County really went through this process a year before. Nassau County did.)

B. Family Court

Family Court formally affects the Detention Intake process in two ways; through remands and warrants.

1) Family Court Remands - Remands are primarily issued as a result of a juvenile's appearance before the court. This is the case in both counties. The one exception involves Suffolk County. In Suffolk County the Family Court Judges provide after-hours coverage from 5 PM - 10 PM during the week. During these hours

two judges are designated as being "on-call." By being "on-call" the judges provide the Juvenile Services Unit of the Suffolk County Police Department and their Probation Liaison Unit with after hours detention decision-making services. During these "on-call" periods a verbal remand must be given before a juvenile can be placed in detention. Nassau County Family Court does not provide such "after-hours" services.

IMPACT - Family Court remands accounted for approximately six out of every ten detention admissions recorded by both counties during 1979. Although the proportion of admissions involving remands were remarkably similar the actual numbers indicate that Nassau County Family Court remands were responsible for 544 detention admissions while Suffolk County Family Court remands accounted for 421 admissions.

Table B-1

DISTRIBUTION OF 1979 LONG ISLAND DETENTION ADMISSIONS
BY COUNTY AND AUTHORITY FOR ADMISSION

AUTHORITY FOR ADMISSION	NASSAU COUNTY		SUFFOLK COUNTY	
	#	%	#	%
Family Court Remand	544	58.1%	421	62.4%
Police (Without Warrant)	233	24.9%	176	26.1%
Police (With Warrant)	88	9.4%	46	6.8%
Other	72	7.7%	32	4.7%
TOTAL	937	100.0%	675	100.0%

While these data indicate similar distributions it should also be noted that the remand figures presented above involve written remands. The verbal remands issued during Suffolk County's "on-call" hours are categorized on this table as "Police (No Warrant)" admissions. When the Police (No Warrant) admissions are broken down by time of admission we find that 63 (35.8%) occurred during the time period when Family Court judges are on-call. Since these took place when a judge was on-call the assumption must be made that verbal remands were issued in most - if not all - of these 63 cases. This indicates that 484 (421 + 63) of Suffolk County's admissions were probably made on the basis of a Family Court remand - either written or verbal. This amounts to 71.7% of all Suffolk County's detention admissions. The fact that

Suffolk County Family Court remands accounted for 72% of that county's detention admissions while Nassau County Family Court accounted for 58% of Nassau's admissions suggests that Suffolk County Family Court exerts more control over their Detention Intake Process than does Nassau County Family Court. The data indicate that the difference between counties is primarily a function of Suffolk County's "on-call" Family Court coverage.

2) Family Court Warrants - The Family Courts in both counties issue warrants which specify that certain juveniles are to be taken into custody. Such warrants can usually be divided into two categories: those representing the culmination of an active police investigation of criminal activity and those representing the court's recognition of a need to have a juvenile taken into custody for administrative reasons (non-appearance, runaway behavior, probation violation, etc.). In the latter case it is the court which takes the active role rather than a law enforcement agency. Such warrants are usually executed by the County Sheriff's Office which is thereby acting as an arm of Family Court. Such warrants are accepted as justifying (if not specifying) detention if a court appearance is not possible at the time the juvenile is taken into custody. In both counties, Family Court warrants are accepted as authorization for secure detention.

IMPACT - On 134 occasions during 1979 Long Island youth were detained on the basis of a Family Court warrant. Forty-six admissions involved Suffolk County youth while 88 involved Nassau County youth. Those totals accounted for 6.8% and 9.4% of Suffolk's and Nassau's admissions, respectively. The similarity of these two proportions suggests that Family Court warrant admissions do not constitute a major or disproportionate number of total detention admissions in either county.

3) Criteria Used In Detention Decisions - The decision to remand a juvenile to detention is primarily based on the two criteria specified in the Family Court Act: substantial risk of either non-appearance or commission of another crime prior to the juvenile's return court date. This is the case in both counties.

In Suffolk County the interpretations of such substantial risk are based on the following factors:

- whether or not the charge involved indicates an act of violence and there is a perceived risk of further violent behavior;
- whether or not the juvenile has a long history of non-violent criminal behavior (8-12 incidents);
- whether or not the juvenile has a history of Delinquent; runaway or non-appearance behavior; and/or;
- whether or not some adult (primarily but not always the juvenile's parent) would accept the responsibility of taking the juvenile home and getting him or her to the next court appearance.

When the first three criteria are met, either individually or in combination, the Family Court judges are predisposed to remand to a secure detention facility. Depending on individual situations, when a remand is precipitated merely because of the inability of the court to release the juvenile to his/her parents, the delinquent juvenile may be remanded to either secure or non-secure detention (Family Court remands may specify either secure or non-secure detention).

Suffolk County PINS juveniles are primarily detained on the fourth criteria. In such cases the inability to release to parents is usually interpreted as a lack of sufficient parental control to ensure appearance in Family Court. All detained PINS are remanded to non-secure detention.

Nassau County Family Court interpretations of substantial risk of non-appearance and commission of another crime are articulated in terms of the following factors:

- the type of violence involved in the activity as well as the amount of harm done to the victim;
- the extent of the juvenile's criminal or PINS history;
- the availability of a parent or guardian willing to accept responsibility for the juvenile and his/her appearance on the return date;

- whether or not this is the juvenile's first appearance before the court;
- whether or not this is the juvenile's first arrest or police involvement;
- whether or not the juvenile's behavior (either JD or PINS) appears to be drug- or alcohol-related; and,
- the availability of beds in detention.

This set of criteria indicates that Nassau County Family Court judges also apply an orderly, professional approach to the overall decision as to whether or not a juvenile needs detention. However, once the decision to detain has been made, their determination of whether the juvenile is remanded to secure or non-secure detention is primarily related to one simple factor: whether or not the juvenile has been arrested. Juvenile Delinquents not released to a parent or guardian are remanded to secure detention - with few exceptions. Non-secure detention is usually reserved for the worst of the PINS juveniles in their charge. This policy has been followed because Nassau County's non-secure detention program was developed with the expressed intent of creating a non-secure program which would facilitate the deinstitutionalization of status offenders. This intent was even formalized through the initial contractual agreements between the county and their first two non-secure detention providers. Although there are no current contractual agreements which stipulate that Nassau County's non-secure detention service providers have to accept only PINS juveniles, there remains an articulated predisposition to reserve the non-secure system for PINS juveniles.

IMPACT - The criteria used by the Family Courts in both counties impacted upon the Detention Intake Process by directly generating a total of 1028 detention admissions (484 in Suffolk County and 544 in Nassau County). Suffolk County's criteria is limited to four basic factors and the application of those factors resulted in a detention rate of 2.7 admissions/1,000 youth. While, as Table B-2 indicates, this is considerably lower than Nassau County's admission rate/1,000 population, the detention admission rates per 100 Family Court Intake Petitions shows

considerably less difference.

Table B-2

1979 LONG ISLAND FAMILY COURT REMAND DETENTION RATE/1000 POPULATION AND RATE/100 FAMILY COURT INTAKE PETITIONS BY COUNTY

	NASSAU COUNTY	SUFFOLK COUNTY
Population Age 7-15 ¹	200,563	252,425
Family Court Intake Petitions ²	3,645	3,506
Detention Admissions ³	937	675
# Total Admission/1,000 Population	4.7	2.7
# Remand Admissions/1,000 Population	2.7	1.9
# Remand Admissions/100 Intake Petitions	14.9	13.8

¹SOURCE: Long Island Regional Planning Commission Population Projections for 1980

²SOURCE: Suffolk County and Nassau County Probation Departments

³SOURCE: N.Y.S. Division for Youth Detention Information Management System

As Table B-2 indicates, although Suffolk County's total detention rate/1000 population and remand rate/1000 population were significantly smaller than those recorded by Nassau County, their rate/100 Intake Petitions was quite similar to that recorded by Nassau County. This implies that although Suffolk County juveniles are less likely to be brought into Family Court Intake (see Page 3), once they do arrive in Family Court they are just as likely to be detained as are Nassau County juveniles. This suggests that while the criteria used by each Family Court does differ in some respects, each court ends up detaining juveniles at approximately the same rate.

The data indicates that although the two courts detain at the same rate (with respect to their volume of intake cases) the impact of their differences in detention policy become obvious.

Table B-3

1979 LONG ISLAND FAMILY COURT REMAND RATES/100 INTAKE PETITIONS BY COUNTY AND SECURE/NON-SECURE PROGRAM

	NASSAU COUNTY	SUFFOLK COUNTY
# Secure Remand Admissions/100 Petitions	9.1	3.1
# Non-Secure Remand Admissions/100 Petitions	5.8	10.7
# Total Remand Admissions/100 Petitions	14.9	13.8

The rates presented on Table B-3 indicate that although the remand detention rates for both counties are similar, there is a great deal of difference in the secure/non-secure distribution of these admissions. These differences suggest that the similarities evident in the criteria used for the initial detention decision are not extended into the secondary decision which determines whether secure or non-secure detention is appropriate. The differences reflect, to a large extent, Nassau County Family Court's hesitancy to use non-secure detention for delinquent juveniles (86% of all Nassau County delinquents remanded to detention went to secure detention, 53% of Suffolk County's delinquent remands resulted in the secure detention of the juvenile involved). The rest of the difference reflects the fact that Suffolk County Family Court did not remand any PINS juveniles to secure detention during 1979. Exactly one-quarter of all Nassau County Family Court's 1979 detention remands involved PINS juveniles.

C. Police Juvenile Aid Bureaus

Three Juvenile Aid Bureaus (JAB) operate on Long Island. In Nassau County the Nassau County Police Department's Juvenile Aid Bureau has jurisdiction in all cities and townships except the City of Long Beach - which has its own JAB. The Suffolk County Police Department's Juvenile Services Section (JSS) has county-wide jurisdiction. Each Juvenile Aid Bureau has the responsibility for coordinating all police-initiated contacts within their jurisdiction and for follow-up investigations and/or diversion of appropriate cases. Within their jurisdictions each JAB functions as a clearing house for all juvenile arrests which culminate pre-adjudicatory detention except those involving Family Court warrants executed by their respective County Sheriff's Offices.

Each of the three JAB's operates within the Detention Intake Process on two different levels. The distinction between these two levels consists primarily of whether or not Family Court is in session when a juvenile is taken into custody.

1) Normal Court Hours - Normal court hours in both counties are 9 AM - 5 PM on weekdays. During normal court hours the Juvenile Aid Bureaus in both counties have a primary responsibility to determine whether or not the juveniles they

take into custody are in immediate need of Family Court services. This determination is based on two basic factors: whether or not the juvenile's crime or criminal history merits immediate court attention and, if that is not the case, whether or not the police are able to find a responsible adult who will accept the responsibility for making sure the juvenile appears in court on the appropriate date.

If it is decided that the juvenile or the crime warrants immediate court attention then the JAB role becomes one of contacting the court, representing their understanding of the juvenile, the behavior which precipitated the arrest, and their knowledge of the juvenile's criminal history. While JAB personnel do not directly recommend that the court remand a juvenile to detention, the fact that they (JAB personnel) perceive a need for immediate court attention acts as a tacit recommendation for detention. This tacit recommendation is evident by virtue of the fact the juvenile's appearance indicates that the JAB personnel did not think it appropriate to divert the juvenile, to release the juvenile, or to let the juvenile's case be processed through the Family Court's normal intake screening process.

It should be noted that in Nassau County such determinations are made by JAB officers in conjunction with their supervisors. In Suffolk County the determination of need of immediate court attention is made by the JSS supervisor on duty in consultation with the Probation Liaison Officer on duty. Formally, it is the Probation Liaison Officer who has the final say in whether or not immediate court attention is necessary. Informally, that responsibility often falls back onto the JSS supervisor because of an inability to contact the one Probation Liaison Officer on duty.

There is an admitted tendency for Nassau County JAB personnel not to initiate any Family Court Intake proceedings after 4 PM Monday - Thursday. On those days the JAB officers will usually make an independent detention decision rather than burden the court at that late hour. This effectively shortens the court's coverage on four days out of five (law enforcement agencies are reluctant to do so on Friday because it involves a minimum of 60 hours of detention over the weekend rather than just 16 hours as on a weekday).

IMPACT - The formal structure of the Detention Intake Process during normal court hours relegates the Juvenile Aid Bureau's role to one of a screening mechanism - one which determines those juveniles in need of immediate court attention. As such they have a great deal of impact on which of their juvenile arrests result in detention without having to make the final decision. The only time that this is not the case is during those times when the Nassau County JAB decides it doesn't want to burden the court and makes an independent detention decision although the court is formally open.

2. After Normal Court Hours - The detention decision-making responsibilities are primarily focused on the Juvenile Aid Bureaus during those hours when Family Court is not in session. Since Family Court hours cover less than one-quarter of all the hours in a week, this indicates that Juvenile Aid Bureaus are expected to control the detention intake process most of the time. There are significant differences in the way that each county's JAB discharges this responsibility - differences which can only be properly explained by looking at the counties separately.

a. Nassau County - During those hours when court is not in session (or when it is sufficiently late in the normal court workday to preclude initiating the intake process) the Nassau County Police Department's JAB is responsible for determining whether or not a juvenile needs detention. The Long Beach PD's Juvenile Aid Bureau also has this primary responsibility within their jurisdiction. Their decisions are made independently of any other agency and are based upon criteria which will be explained shortly.

b. Suffolk County - After normal court hours the Suffolk County Detention Intake Process is controlled by three criminal justice agencies: Family Court, Probation and the JSS. In essence, the responsibility for making a detention decision rests first with the court, secondly with the Probation Department and thirdly with the JSS.

The role of the Family Court and JSS are statutorily established. In Suffolk County a third dimension has been added to the JSS role in the Detention

Intake Process. This dimension focuses on the impact that the Probation Department's Liaison Unit has on JSS detention decisions. Created through a Federal grant, the Probation Liaison Unit consists of three Probation Intake Officers assigned to work directly with the JSS. The addition of these Probation Officers was designed to provide the JSS with an expanded juvenile diversion capability. As such the Probation Liaison Officers, when available, play a significant role in the JSS's detention decision-making process. While it is beyond the scope of this report to provide a complete exposition of this Unit's role, the impact it has on the Detention Intake Process will be explained in the following paragraphs.

As mentioned previously, Family Court judges are on call between the hours of 5 PM and 10 PM on weekdays. If the JSS arrest a juvenile who, in their opinion needs detention services, they have the Probation Liaison Officer on duty call the judge to request a verbal remand and, if a remand is given, locate an appropriate detention placement. During those hours the detention decision rests with the Family Court judge although the JSS still operates in a screening capacity.

There is a large block of time during each week when the Probation Liaison Officers are on duty when Family Court judges are not available (the hours of 10 PM - 1 AM weekdays and the hours of 9 AM - 1 AM on weekends and holidays). In the absence of an available Family Court judge, the Liaison Officer on duty formally has the final responsibility for determining which juvenile needs detention services. This determination is made only after consultation with the JSS supervisor (Sergeant) on duty.

Manpower constraints in both Family Court and the Probation Liaison Unit dictate that between the hours of 1 AM and 9 AM or on weekends or holidays when neither a Family Court Judge nor a Liaison Officer is available Juvenile Services Section personnel have sole responsibility for deciding whether or not a juvenile needs detention. At such times the JSS supervisor on duty makes the decision in consultation with the JSS officer involved.

IMPACT - In Nassau County it is obvious that, after normal court

hours, the Detention Intake Process rests in the hands of the JAB. Because this is the only agency involved during those hours, the lines of authority are clearly delineated and subject to little procedural confusion. This is not the case in Suffolk County.

Although Suffolk County's detention intake decisions are supposed to be a result of JSS/Probation Liaison/Family Court dialogue or JSS/Probation Liaison dialogue, in reality the geographic size of the county, manpower constraints, and personal preferences often combine to undermine these relationships - seemingly always in the direction of JSS personnel making independent detention decisions. Because of the size of the county and the fact that only one liaison officer is on duty on any one shift, it is not uncommon for a JSS officer to have a juvenile in custody without being able to reach a Probation Liaison Officer to discuss the need for detention. There have also been instances when JSS personnel don't wish to be able to reach the Probation Liaison Officer because it is expected that the Liaison Officer will disagree with the perceived need for detaining a specific juvenile. In such cases JSS personnel seriously consider an independent detention decision.

In addition to the above considerations, there is also an admitted hesitancy on the part of JSS personnel (and to a lesser extent Probation Liaison personnel) to contact Family Court personnel after normal court hours. This hesitance stems from a history of less than enthusiastic responses on the part of certain Family Court judges who were contacted at home and requested to issue verbal remands.

While these three situations were not presented as serious enough or occurring frequently enough to seriously undermine the formal procedural structure they were discussed as examples of instances when the formal structure did not operate as efficiently as possible because of such informal considerations.

3) Detention Decision-Making Criteria - Detention decisions made by Juvenile Aid Bureaus are formally guided by the two criteria stated in the Family Court Act. But, as was the case with the Family Courts (see Page 8) each county's JAB also operates within the confines of certain internal detention admission policies which provide more specificity than the criteria provided by the Family Court Act.

a. Nassau County - The Juvenile Aid Bureau's informal detention admission policies indicate that a juvenile will be detained when:

- a Family Court warrant is involved;
- the juvenile committed an act of sufficient violence and/or responded to police with violent tendencies;
- the juvenile has an extensive history of criminal activity (either property or violent crimes);
- the juvenile is unable to return to his/her home (either because of a family crisis situation or because the parents refused to accept custody); and
- the juvenile is known to be on probation

Although these criteria are used to provide a consistent interpretation of "probability of non-appearance" and "risk of commission of a crime" it should be noted that the JAB's main efforts are aimed at avoiding detention. Only juveniles arrested on Family Court Warrants and juveniles who have exhibited chronic runaway behavior are automatically considered prime candidates for detention. If at all possible, the JAB tries to find some way of assuring a juvenile's appearance in court without using detention and without placing the community's safety at risk. Consideration of the above criteria are accepted by JAB personnel as giving insight into whether or not a juvenile can complete his or her pre-arraignment period successfully without detention.

Once the JAB determines that a juvenile needs detention the secondary decision (secure vs. non-secure detention) is a relatively simple matter. Juvenile Delinquents and Juvenile Offenders go to secure detention while PINS go to non-secure detention. The automatic placement of Delinquents in secure detention is based on two basic considerations. First, the fact that the non-secure program in Nassau County was developed specifically for PINS has left JAB personnel with the understanding that non-secure facilities will not readily accept Delinquents. Second, non-secure detention is not viewed as either guaranteeing a juvenile's appearance in court (because of perceptions of high AWOL rates) or providing an adequately structured shelter environment (because of perceptions of program weaknesses in certain non-secure

facilities). This second concern has been resolved to an extent by the operation of the St. Mary's non-secure group home for males (which has a very positive image as far as the JAB is concerned) but the JAB remains extremely hesitant to place Delinquents in non-secure detention.

b. Suffolk County - The JSS/Probation Liaison detention decision-making process is formally guided by a set of written criteria. That set of written criteria was provided by the Probation Department and identifies five factors to be considered before a juvenile is either placed in detention or released. Those five factors are:

- the nature of the crime;
- the number of previous similar, or other delinquent acts;
- the status of the respondent (whether or not the juvenile is under other agency supervision);
- the Family Court Act criteria concerning risk of continued involvement in illegal activities; and
- whether or not the juvenile has a parent or guardian and/or a home he can return to with the reasonable assurance that he will appear in court at the appropriate time and date.

While these five criteria provide the formal guidelines for deciding whether or not detention is necessary, there was a consensus among JSS personnel that the decisions were really based on four factors. Detention is necessary if:

- the juvenile exhibits violent behavior or a tendency toward violent behavior (regardless of formal arrest charge)
- the juvenile is a multiple recidivist (even if previous activity led to diversion and not arrest)
- a juvenile's parents can't be reached or are unwilling to accept responsibility for the juvenile
- the juvenile's parents exhibit a lack of control (even if the parents are willing to have the juvenile released in their custody)

As was the case in Nassau County, it is the exceptional Delinquent who was not taken to secure detention. The Suffolk County JSS use non-secure detention primarily for the few PINS they deal with and for those Delinquents who are not perceived as a threat to the community and who do not have parents to be released to.

IMPACT - The stated reluctance on the part of both JAB's to place a juvenile in detention is not necessarily supported by the 1979 data. The data indicate that about one out of every ten juvenile arrests led to the juvenile being taken directly to detention by the police and this does not include those juveniles arrested during normal court hours and taken directly to court. This rate was recorded by the JAB's in both counties. While this might have been a function of each county's high diversion rates it might also have been a function of unnecessarily broad selection criteria for detention. Analysis of available data suggests that it is probably a combination of both factors.

The reliance of each JAB on secure detention for all Delinquent's is evidenced by the fact that 82% of all the Suffolk County JSS/Probation Liaison detention admissions were recorded in a secure facility while 92% of all Nassau County JAB admissions were recorded in a secure facility. In Nassau County this is not surprising in light of the general lack of confidence in the non-secure system (except for the relatively new male group home) and the understanding that the non-secure system was developed strictly for PINS juveniles. It is also not surprising in light of the Family Court's similar predisposition to place Delinquent youth in secure detention.

The predisposition of the Suffolk County JSS/Probation Liaison Unit to use secure detention for Delinquent juveniles is surprising in light of the fact that Suffolk County's Family Court remanded almost 40% of its Delinquent cases to non-secure detention. In addition, the Department of Probation has an articulated policy of minimizing the use of secure detention for all but the violent offenders yet the JSS/Probation Liaison personnel express a great deal of hesitancy at the idea of using non-secure detention for any but the most non-threatening of delinquent juveniles.

These factors suggest that the detention decisions made by JSS/Probation Liaison personnel reflect an emphasis on the use of secure detention which is inconsistent with that exhibited by other agencies operating within the Detention Intake Process in Suffolk County.

D. Departments of Probation

As mentioned previously the Suffolk County Department of Probation has assigned Probation Officers to work with the County Police Department's Juvenile Services Section (JSS) as an intake screening unit. During the hours of 9 AM - 1 AM these Liaison Officers work with the JSS and are to have direct input into any detention decisions made during those hours without judicial involvement. That comprises the impact that Probation has in Suffolk County's Detention Intake Process.

Although the Nassau County Department of Probation does not control access to detention in as direct a fashion it does function in a capacity which impacts greatly on the Detention Intake Process. Probation is provided with this role because of a long-standing Family Court predisposition to place a juvenile on probation in hopes that the supervision and services available through the Department of Probation might meet a juvenile's needs to such an extent that a court-ordered placement won't be necessary.

If it is determined that a juvenile's case (either arrest-initiated or intake-initiated) requires formal involvement in the criminal justice system it is quite likely that the juvenile will be placed on either probation or parole under the supervision of the Department of Probation. This practice amounts to a formal adjustment period during which Probation has the responsibility for supervising the juvenile. It is a period of time when the juvenile has access to appropriate support services and has the opportunity to exhibit personal traits and/or development which would influence future judiciary considerations.

At the other end of the behavioral spectrum, a juvenile's lack of adjustment or his/her inappropriate behavior during this period of probation leads to a probation violation. It is at the time when a probationer is violated that the Department of Probation influences the Detention Intake Process.

A probationer may be violated for a number of reasons: a new arrest, PINS behavior (even if the probation involved an original Juvenile Delinquency adjudication), non-appearance in court, not adhering to conditions of probation. etc. The decision to recommend detention at the time of a formal violation appears most often to be related to a deterioration of the juvenile's home situation. Although specific behavior is identified as a reason for violating a juvenile's period of probation, a recommendation for detention usually denotes a recognition of inadequate control over the juvenile at home. This includes either self-control or parental control.

IMPACT - Any recommendation for detention which is based on the Department of Probation's documented knowledge of a juvenile, his/her behavior, and his/her home environment pointedly affects a Family Court Judge's determination of whether or not detention is appropriate in probation violation cases. The fact that probation violators account for one out of every four detention admissions recorded by Nassau County last year (for both secure and non-secure detention) indicates that through this mechanism the Department of Probation wields considerable influence on the Detention Intake Process.

E. Department of Social Services

The Nassau County Department of Social Services, by virtue of its overall administrative responsibility for operating Nassau County's juvenile detention system, affects the Detention Intake Process because it has some control over the physical access to its detention facilities. This is quite unlike the situation in Suffolk County where the Department of Social Services plays no real part in the Detention Intake Process.

The policies and practices of the Nassau County Department of Social Services affect the Detention Intake Process on two levels - one related to the admission of Nassau County juveniles, and the other related to the admission of juveniles from other counties.

1) Nassau County Juveniles - Access to the Nassau County detention

system is formally restricted by the Family Court Act and the Federal Mandate to deinstitutionalize status offenders. Although the deadline for deinstitutionalizing status offenders in Nassau County was set for mid-February 1980, Department of Social Services policy has greatly restricted PINS admissions to the secure facility over the past months (in anticipation of the deadline). Through a well developed system of interagency communication the staff of the Nassau County Children's Shelter has tactfully resisted efforts of the Family Court and Juvenile Aid Bureau to place status offenders in secure detention. While this might not have been effective in all cases, its overall impact on their use of secure detention is demonstrable. In this way Social Services policy has directly affected Nassau County's Detention Intake Process.

2) Out of County Juveniles - Department of Social Services policy has also directly affected the secure detention intake process involving out-of-county juveniles. In order to ensure that only the most appropriate of juveniles are sent to the Nassau Shelter by other counties, the Department has, on occasion, specified that certain criteria must be met before out-of-county juveniles can be admitted to the Nassau Shelter. Such criteria have included:

- a written Family Court remand;
- written documentation of an arrest or warrant;
- prior clearance with Shelter staff; and,
- verbal clearance through the Division for Youth's Detention Services Section.

IMPACT - Through the enforcement of such admissions policies the Department of Social Services played a significant screening role in the Detention Intake Process. For the most part this role appears to have been aimed at creating administrative obstacles which were intended to make the admission of out-of-county juveniles a more cumbersome (and henceforth self-restricting) procedure. While the purpose was to ensure that other counties did not use the Nassau Shelter needlessly (thereby at times restricting Nassau's own access to the Shelter) the result was a set of arbitrary restrictions that appeared more capricious than parochial.

III. DETENTION SERVICES

The Detention Services systems operating in Nassau and Suffolk counties are quite different in size, structure, and administrative organization. The most obvious difference reflects the fact that Nassau County has a secure detention facility while Suffolk County does not. The other differences reflect basic distinctions which are evident in the approach that each county takes toward operating a detention system.

A. Nassau County Detention System

The Nassau County Detention system presently consists of a secure facility, two non-secure group homes (one male, one female), and a series of non-secure family boarding care homes. The secure facility has an overall capacity of 48 beds (31 male, 17 female). The two non-secure group homes are each certified for nine juveniles. The non-secure family boarding care subsystem has a total certified capacity of 8 co-ed beds.

1) Utilization Rates - The 1979 detention data indicates that Nassau County recorded a total of 13,399 detention days of care last year. Not surprisingly, two out of every three detention days of care was recorded in the Nassau Shelter. This disproportionately high number of days of care in secure detention was offset by a somewhat smaller than average number of days of care recorded in each of the two non-secure levels of detention care.

Table C-1

1979 DISTRIBUTION OF NASSAU COUNTY DETENTION DAYS OF CARE BY LEVEL OF DETENTION CARE

<u>LEVEL OF DETENTION CARE</u>	<u>NASSAU COUNTY</u>		<u>STATEWIDE TOTAL</u>	
	<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
Secure Facility	8,493	63.4%	116,466	53.9%
Non-Secure Group Home	3,000	22.4%	61,282	28.4%
<u>Non-Secure Family Boarding Home</u>	<u>1,906</u>	<u>14.2%</u>	<u>38,312</u>	<u>17.7%</u>
TOTAL	13,399	100.0%	216,060	100.0%

The number of detention days of care recorded provides a general indication of the frequency with which Nassau County utilized each level of detention care. For example, the 8,493 secure days of care recorded indicates that Nassau County averaged 23 juveniles in secure detention on any given day last year. Nassau County averaged five juveniles in the Family Boarding Care subsystem each day during last year. Over the last four months of the year they averaged 12 juveniles in the two Group Homes (this figure was adjusted to reflect the fact that the male group home opened in August).

By comparing the average number of juveniles in care each day with the number of detention beds available it is possible to calculate utilization rates which indicate how efficiently each county's detention system was being used (efficiency in this case refers strictly to usage of available space).

a. Secure Detention - A total of 12,922 days of care were recorded at the Nassau Shelter during 1979. This indicates that the Shelter operated at 73.8% of capacity last year (having an average of 35 out of 48 beds full each day). The 8,493 secure detention days of care recorded by Nassau County juveniles indicates that although the Shelter operated at almost 75% of capacity, Nassau juveniles utilized a little less than 50% of the Shelter's capacity (48.5%). The rest of the Shelter's days of care were recorded by out-of-county juveniles.

Although the overall utilization shows that the Shelter operated at 75% of capacity, when the days of care are broken down by sex it becomes obvious that male juveniles were primarily responsible for this high overall utilization rate. The male portion of the facility (31 beds) operated at 87.2% of capacity while the female portion (17 beds) operated at 49.2% of capacity.

b. Non-Secure Detention - Group Homes - The female group home has operated for more than two years while the male group home accepted its first juveniles in August of last year. During 1979 both of these facilities operated at about 66% of capacity. Both of these facilities accepted primarily Nassau County juveniles.

c. Non-Secure Detention - Family Boarding Care Homes - Nassau County has contracted with a private agency to operate an 8-bed family boarding care home non-secure system. During 1979 Nassau County averaged 5 juveniles in care in this subsystem. This translates into a 65.3% utilization rate.

IMPACT - The data indicate that while the secure beds designated for male juveniles were utilized at a very high rate last year (due to peak period usage fluctuations, a utilization rate of 75% or higher is considered to be full utilization) the female beds in secure detention were consistently and significantly underutilized. At the same time the female group home and family boarding care homes were also somewhat underutilized. (Although the utilization rate for the non-secure group home for males was somewhat low this appears to be a function of the 6-8 week start-up period built into the program's implementation phase.)

The data also shows that, without the out-of-county juveniles that were admitted to the Nassau Shelter, that secure facility would have operated at less than 50% of capacity last year. This overall utilization rate is expected to decrease even more during 1980 as the deinstitutionalization of Nassau County status offenders becomes complete.

2) Administrative Structure - The Nassau County Detention Services System is administered by two county agencies: The Department of Social Services and the Department of Probation. The Department of Social Services operates the secure facility, contracts with the individual agencies who provide non-secure detention services, and is responsible for all detention-related fiscal matters. The Department of Probation is responsible for coordinating the non-secure programs and monitoring the contractual services provided. Probation has also accepted the informal responsibility of coordinating the placement of juveniles within the non-secure detention system. At the present time neither the Department of Social Services nor the Department of Probation have assigned central office staff to monitor and coordinate the detention system on a full time basis.

IMPACT - The fact that five different agencies (DSS, Probation,

and the three agencies which provide non-secure detention services on a contractual basis) are directly involved in the Nassau County detention system creates an atmosphere of independent operation which decreases the system's ability to function effectively and efficiently. This problem is exacerbated by the fact that no administrative staff have been assigned by either agency to coordinate and oversee the administration of the entire detention system on a full-time basis.

The fact that Nassau County's detention system really consists of four independent detention subsystems - each of which is operated by a separate agency - creates a potential management problem which, without a sense of strong direction from some over-seeing agency, could hamper any and all efforts to provide a consistent programmatic approach to Nassau County's detention needs. Simultaneously, the lack of a clearly defined line of authority or accountability creates a situation where marginal programs are continued in spite of their obvious detrimental impact on the detention system as a whole.

The lack of a consistent programmatic approach to detention is evidenced by Nassau County's Juvenile Aid Bureau's misunderstanding that Delinquent juveniles could not be placed in non-secure detention. This is a programmatic restriction which is contrary to the policy and practice of both Family Court and Probation. Although neither Family Court nor Probation emphasize the use of non-secure for Delinquent youth they still recognize it as a viable programmatic alternative. Such inconsistencies are more a function of the administrative confusion precipitated by the lack of a cohesive, coordinated and articulated detention services program than anything else.

The continuation of marginal programs has also affected utilization of the county's non-secure program. One non-secure program is perceived as the weak link in the detention system by personnel from the Family Court, Probation, DSS, and the Division for Youth. This is translated into an informal intake screening policy which restricts the type of female juvenile placed at the female group home to strictly PINS juveniles (only 3% of all this facility's admissions involved Delinquent females) while its male counterpart reported that over one-third of its population consisted of

Delinquent males. While this discrepancy could have reflected a number of influences there was a consensus among the agencies involved in the Detention Intake Process that the female group did not provide a structured atmosphere that was strong enough administratively or programmatically to adequately handle the needs of many of the female juveniles who were in detention. This created a reliance on the secure facility for housing female delinquents (and PINS prior to the deinstitutionalization cut-off date) which was not only inconsistent but inappropriate.

B. Suffolk County Detention System

The Suffolk County Detention System consists of one non-secure group home for males and a network of non-secure family boarding care homes. The male group home has a certified capacity of 10 beds while the family boarding care network has an overall certified capacity of 20 beds - most of which are designated as coed beds. Suffolk County has no secure detention facility of its own and relies primarily on the Nassau County Children's Shelter for its secure detention needs.

1) Utilization Rates - Suffolk County recorded 10,580 detention days of care during 1979. A little more than 30% of these days of care were recorded in a secure detention facility. As Table C-2 indicates, Suffolk County utilized non-secure family boarding care homes to a much larger extent than did either Nassau County or the State as a whole.

Table C-2

1979 DISTRIBUTION OF SUFFOLK COUNTY DETENTION DAYS OF CARE ACCORDING TO LEVEL OF DETENTION CARE

(Nassau County and Statewide Totals Also Shown)

LEVEL OF DETENTION CARE	SUFFOLK COUNTY		NASSAU COUNTY		STATEWIDE TOTALS	
	#	%	#	%	#	%
Secure Facility	3,315	31.3%	8,493	63.4%	116,466	53.9%
Non-Secure Group Home	3,034	28.7%	3,000	22.4%	61,282	28.4%
Non-Secure Family Boarding Home	4,231	40.0%	1,906	14.2%	38,312	17.7%
TOTAL	10,580	100.0%	13,399	100.0%	216,060	100.0%

The figures presented on the above table indicate that, on an average day, Suffolk County had 9 juveniles in secure detention, 8 juveniles in their non-secure group home, and 12 juveniles in their family boarding care network.

a. Secure Detention - It was not possible to calculate a true utilization rate based on Suffolk County's secure detention days of care because they did not have their own secure facility. The data did show that Suffolk County utilized 18.1% of the capacity of the Nassau Shelter - the secure facility used most frequently by Suffolk County. The number of days that Suffolk County juveniles spent in care at the Spofford Juvenile Center (128) or the Riker's Island JODC (4) was so small that the utilization of these facilities were not affected by their admission. Suffolk County juveniles recorded another 15 days of care in jail placements.

b. Non-Secure Detention Group Home - The one non-secure group home is certified for a capacity of 10 male juveniles. Data show that during 1979 this group home operated at 83.1% of capacity - a utilization rate that indicates that the group home was at or near capacity on a regular basis.

c. Non-Secure Detention Family Boarding Care Network - Suffolk County has a non-secure detention family boarding care network that has a certified capacity which ranged from 14 to 28 beds during 1979. The average certified capacity was 19 beds. The 4,231 days of care recorded by this non-secure detention subsystem indicates that it operated at 59.2% of capacity last year. While this utilization rate appears low it should be noted that the frequent and rather significant change in the certified bed capacity for this subsystem has, in all likelihood, created a utilization rate that is a bit conservative. This is reflected by the fact that those foster homes which operated for long periods of time during 1979 recorded a substantially higher utilization rate than did those homes which operated for short periods of time during 1979.

IMPACT - The lack of an in-county secure detention facility has prompted the development of a strong non-secure detention program in Suffolk County. Their reliance on this non-secure system resulted in Suffolk juveniles recording twice as many care days in non-secure detention as they did in secure detention. It also resulted in the one male group home being at or near capacity so often that its value as a 24 hour intake facility was probably greatly diminished.

The lack of an in-county secure facility has also created a situation where Suffolk County officials can never be sure where they will be able to securely detain appropriate juveniles. This is evidenced by the fact that Suffolk County juveniles were securely detained in four separate facilities. One out of every five secure detention admissions involving a Suffolk County youth were recorded by some facility other than the Nassau County Children's Shelter - even though the Shelter is considered the closest and most appropriate facility for Suffolk County to use.

2) Administrative Structure - Administration of Detention Services in Suffolk County is controlled by the Department of Probation. They contract with a private agency to provide non-secure group home detention services and operate their own non-secure family boarding care home network through contractual agreements with a number of private families. Three staff members have been assigned full-time responsibilities for the direct management of Suffolk County's Detention System. In addition, personnel from the Department of Probation are also directly involved in the Detention Intake Process (through the Probation Liaison Unit working with the SCPD Juvenile Services Section) and the processing of juveniles in detention (certain Probation Officers are assigned case loads which include only those juveniles who are or have been in detention.)

IMPACT - By virtue of the Department of Probation's direct involvement in the juvenile detention system on all three levels (intake, detention services, release) the Department has the organizational and administrative tools to provide a programmatically consistent approach to meeting the detention needs of the County. Their commitment of personnel to the full time task of managing and coordinating the detention system has created a series of interactive detention alternatives which not only allows for a range of detention placement alternatives but also facilitates movement between the different levels of detention. This latter feature is especially important to the County's goal of providing detention services which are responsive to the changing needs of a juvenile.

IV. RELEASE FROM DETENTION

The final component of the juvenile detention system consists of the process of releasing juveniles from detention. This process is primarily controlled by Family Court but their detention release decisions are influenced by a number of factors. In addition, their decision to release a juvenile from detention often initiates a placement selection process that leaves the juvenile in detention until an appropriate placement is found, even though the adjudicatory process has been completed.

For the purpose of this report those administrative factors influencing the timing of a juvenile's release from detention have been separated into two categories. The first category includes those factors which influence a judge's decision to release a juvenile from detention. Such factors impact upon the juvenile prior to adjudication and thus are labelled "pre-adjudicatory factors." Other factors affect the actual movement of the juvenile out of detention once the adjudicatory process has been completed. These factors are labelled "post-adjudicatory factors." The following paragraphs deal only with those pre- and post-adjudicatory factors which were identified as having a direct impact on the time lapse between the admission and the release of Nassau and Suffolk County juveniles from secure detention.

A. Pre-Adjudicatory Factors

Analysis of the detention release processes operating in each county identified three pre-adjudicatory factors which had direct impact on the timely release of juveniles from secure detention. Those factors were: the adjudicatory time frame proscribed by Family Court Law; the time lapse between detention and the completion of appropriate medical, psychiatric, psychological and/or social evaluations; and, the role played by the law guardians in each county.

1) Mandated Time Limits for Processing Detained Juveniles - The Family Court Act (Articles 729, 747, 748a and 749b) place specific limits on the length of time that can elapse between the different phases of a detained juveniles adjudication

process. The legislation states that, in the absence of exceptional circumstances, the time lapse between the specific phases of a detained juvenile's court processing may not exceed:

- three days between detention and the filing of a petition;
- three days between the time a petition is filed and the date of the fact-finding hearing;
- three days between the adjournment of the fact-finding hearing and the completion of the fact-finding hearing;
- ten days between the completion of the fact-finding hearing and the initiation of a dispositional hearing; or
- ten days between the initial adjournment of the dispositional hearing and the completion of the dispositional hearing.

While the Family Court Act provides an explanation of exceptional circumstances, the above items provide the basic time limits that the Family Court must work under when processing a juvenile who is in detention. According to the above time limits, juveniles in detention shouldn't spend more than 20 days in detention after a petition is filed and not more than 26 days in care after their arrest.

There was a consensus among Family Court judges that seldom - if ever - did the time lapse between arrest, petition, and completion of the fact finding hearing last longer than the proscribed six days. Nassau County officials indicated that they seldom if ever kept a juvenile in detention longer than 20 days after the fact-finding hearing. They referred to this as their 10, 10 and out rule. Even if a juvenile's adjudicatory process was incomplete after 20 days the juvenile would be released from detention. It also was not unusual for the juvenile to be returned to detention at a later date to facilitate the administrative processing of the juvenile's case or because the court felt that detention was still appropriate for the juvenile.

Suffolk County, on the other hand, was not as rigid about adhering to the 20 day time limit. Their Family Court saw no point in adhering to such arbitrary time limits if it was in the juvenile's or the community's best interest to continue

the juvenile in detention until all elements of the juvenile's case could be completed and a viable dispositional hearing scheduled and completed. Although Suffolk County did not see the need for strict adherence to the proscribed time frame it was obvious that the prompt processing of detention-related cases was still their goal. Their lack of adherence to the 20 day time limit was a function of their realization that the involved county agencies often did not provide required medical or psychological evaluations within the required 20 day time period. This, they felt, should not precipitate an untimely release from detention.

Both counties agreed that the 20 day time limit was not as rigidly enforced when the juveniles were being detained in a non-secure setting. Their primary concerns revolved around the prompt processing of juveniles in secure detention.

IMPACT - The data suggest that Nassau County's strict adherence to the 10, 10 and out rule could be at least partially responsible for the fact that their average length of stay in secure detention was substantially lower than that recorded by Suffolk County juveniles. Nassau County juveniles averaged a little over 12 days in secure detention before release. Suffolk County juveniles averaged 16 days in care after admission to the Nassau Shelter.

While the data show that Nassau County's juveniles spend less time in secure detention per admission, the data also show that Nassau County's readmission rate is substantially higher than that recorded by Suffolk County juveniles. Over 52% of the Nassau County juveniles admitted to the Shelter during 1979 had been there before. Less than 35% of the Suffolk County juveniles had been admitted to the Shelter on a previous occasion. This difference corresponds to Nassau's admitted tendency to release prematurely and to readmit rather than go beyond the 20 day limit.

2) Medical and Psychological Evaluations - Most Family Court dispositions are at least partially based on the findings of requested medical, psychological or social evaluations of the juvenile. Because of that, a juvenile's final dispositional hearing cannot be conducted until those evaluations are completed.

While this inability to receive timely evaluations appears to surface more frequently in Suffolk County, Nassau officials admitted experiencing periodic difficulty in getting proper evaluations completed within the time frame specified by Family Court. Suffolk County officials indicate that medical and psychological evaluations took an average of three weeks just to schedule - it would then take an additional day or two to get a written evaluation to Family Court. Nassau officials indicated that they had usually been able to have such evaluations conducted and written reports filed within 1 - 2 weeks time. They did qualify this by stating that, of late, they have been having trouble scheduling such appointments as quickly as they had in the past. Both counties agreed that while the scheduling of medical and psychiatric or psychological evaluations created a problem the social evaluations conducted by the Department of Probation were usually made available in a timely fashion.

Suffolk County officials perceived the problem as one of not getting proper scheduling priority for detention-related cases from both the County Department of Health Services' Medical Clinic and Consultation Services Center. While the Nassau County Medical Center and the Center's Division of Forensic Services both give priorities to detention cases their very real staff limitations often require that even priority appointments have to be made at least two weeks in advance.

IMPACT - The length of time it takes to perform the requested medical, psychiatric, and or psychological evaluations is positively related to the number of days a juvenile stays in detention. This is acknowledged as such by both counties. Although the timeliness of such evaluations does not affect every juvenile in detention it does create an often unnecessary extension of the length of time some juveniles spend in detention between the fact-finding and dispositional hearings.

3) Law Guardians - Law guardians are appointed by Family Court to "represent" a minor who is the subject of the proceeding or who is sought to be placed in protective custody, if independent legal representation is not available...." (Family Court Act 249a). In Nassau County the Family Court judges appoint Law Guardians from an established Panel listing. In Suffolk County the Legal Aid Society has contracted to provide law guardians for Family Court. This contract places the responsibility for selecting the law guardians with the Legal Aid Society and not the Family Court.

IMPACT - The influence that law guardians have on the timeliness of the court's processing of detained juveniles is related to the role they take in facilitating the court's proceedings. While it was not within the scope of this study to investigate and identify that role, there was enough conjecture raised (in both counties) about their role to merit attention.

There was somewhat of a consensus of opinion that the Suffolk County Legal Aid Society's appointed Law Guardians, by virtue of the independence of their selection process, performed in more of an aggressive advocate role than did their counterparts in Nassau County. Because their selection (and hence, part of their livelihood) was not directly dependent on the Family Court it was felt that they could be more aggressive in their representation of juveniles. This difference is allegedly seen in data which indicates that Suffolk County Family Court's rate of reducing a juvenile's adjudication level (from Felony JD to Misdemeanor JD, from JD to PINS, etc.) was significantly higher than Nassau County's. At the same time Nassau County's admission rate (which reflects the proportion of court cases where a juvenile admits to criminal charges or PINS behavior) was reportedly significantly higher than that recorded in Suffolk County Family Court. While there are no data currently available to substantiate these contentions, the fact that such discrepancies have been observed in other regions lends credence to such contentions.

Such discrepancies suggest that the law guardians in each county place a different emphasis on their role as facilitator of Family Court proceedings.

These differences influence the juvenile detention system because the more aggressive adversary role performed in Suffolk County has frequently led to extended adjudicatory periods. For juveniles in detention this would be reflected as longer lengths of stay. The fact that Suffolk County juveniles do record a significantly longer average length of stay when compared to Nassau County juveniles lends further credence to such contentions.

B. Post-Adjudicatory Factors - Division for Youth

Post-adjudication detention primarily involves juveniles who are placed (by the court) with the Department of Social Services or the Division for Youth which then has the responsibility of finding an appropriate residential placement. As a rule such post-adjudication detention consists of a short wait until transportation can be arranged to an appropriate placement or to that agency's diagnostic component. Both counties agree that the one major exception to that rule involved juveniles who were placed by the court with the Division for Youth.

Both counties expressed concern over the Division for Youth's inability to move juveniles out of detention (especially secure detention) and into a Division rehabilitative facility in a timely fashion. Release data strongly suggests that this concern is justified. Those data indicate that 60 Nassau County juveniles and 17 Suffolk County juveniles were placed with the Division during 1979. These figures represent 9.6% and 8.5% of each county's total releases respectively. Those figures are very close to the statewide average of 9.2%. The data indicate that the Nassau County juveniles placed with the Division averaged 36 days in care before their release while Suffolk County juveniles averaged 48 days in care. As Table C-3 indicates these figures are substantially higher than either the average length of stay for the Nassau Shelter or the average length of stay for juveniles placed with the Division who were detained in other secure facilities across the State. It should also be noted that the 48 days in care averaged by the 17 Suffolk County youth who were placed with the Division is even longer than the 45-day cut-off specified by Division for Youth regulations.

TABLE C-3

1979 AVERAGE LENGTHS OF STAY FOR LONG ISLAND JUVENILES IN SECURE DETENTION
(State Total Also Shown)

	AVERAGE LENGTH OF STAY		
	NASSAU COUNTY	SUFFOLK COUNTY	STATEWIDE TOTALS
All juveniles	12.7 days	16.1 days	13.2 days
Juveniles Placed with DFY	36.4 days	48.2 days	31.1 days

Juveniles in no other release type category recorded average lengths of stay that came close to that recorded by juveniles placed with the Division for Youth.

IMPACT - Although only 77 juveniles were placed with the Division, they accounted for an average of five beds per day in the Nassau Shelter. On top of that, juveniles who were merely "referred" to the Division (but not formally placed) accounted for another 2 beds per day. Although they accounted for only a total of 7 beds on the average, weekly census reports indicate that, during those times when the male side of the Shelter was at capacity, juveniles placed with or referred to the Division accounted for 8-12 male beds each day.

Family Court judges in both counties were not optimistic about lowering the number of juveniles placed with the Division. Both counties agreed that they placed juveniles with the Division only as a last resort. Neither court thought it possible to further restrict their selection process. Division personnel on Long Island agreed that they could not expect a decrease in Division placements. In fact, they indicated that they were actually experiencing an increase in Division placements for Nassau County. This was reflected in data which indicate that the number of Nassau County juveniles placed with the Division during the last six months of 1979 was almost 30% higher than the number placed during the same period during 1978. The continuation of this trend is expected to place a greater burden on the Division's Regional resources which could well result in even longer lengths of stay for those youth placed with the Division.

Division personnel from the Long Island Regional Offices explained that two factors were primarily responsible for the long lengths of stay

in detention. First, the chance that a juvenile will be placed with the Division is directly and positively related to the severity of the youth's developmental or emotional problems. This in turn makes it all the more difficult to match the juvenile with an appropriate placement - especially since the fact that the court has placed the youth with the Division usually indicates that all other private or voluntary agencies have rejected the juvenile. Secondly, the Division for Youth's rehabilitative facilities are experiencing capacity problems of their own. This creates a situation where a juvenile may be denied access to the appropriate facility. This results in either wait-listing the juvenile or seeking another placement - two options which result in the juvenile spending more time in detention.

The substantial difference in the average length of stay recorded by juveniles from the two counties is conjectured to be related to the influence of the role that the law guardian plays in each county. In Nassau County both the Family Court and the law guardians are viewed as emphasizing the facilitation of the formal processing of a juvenile's case. This not only leads to quicker decisions to place the youth with the Division but also leads to more communication between the court, the law guardians and the Division. This communication sometimes results in dispositions which facilitate the Division's placement of certain juveniles. Suffolk County on the other hand, with the Legal Aid Society Law Guardians operating in a more independent and adversarial capacity, has neither the lines of communication nor the emphasis on facilitation. This has reportedly led to a number of instances where a juvenile with a history of aggressive delinquent behavior was placed with the Division after having been adjudicated as a PINS. This makes it difficult to locate an appropriate placement. While the less restrictive Division facilities usually have beds available Division staff are hesitant to place a juvenile with such a history in those less restrictive placements. The designation of PINS restricts the Division from placing the juvenile in the most restrictive of settings. This leaves only those facilities which fall in between - facilities which have been consistently running at capacity. This dilemma makes the placement of such juveniles much more difficult and time consuming.

V. JUVENILE OFFENDERS

The previous three sections of this report have focused on the juvenile detention systems operating in Nassau and Suffolk counties. Those sections took a close look at the three components of each system (intake, detention services, release), identifying the agencies involved in each component and presenting the impact that each agency's detention policies have had on the detention needs of Long Island. Through that process we have covered almost all of the factors which affect the usage of those detention systems. The major exception involves that point in the criminal justice system where the adult and the juvenile criminal justice systems overlap - the adjudication of the Juvenile Offender (J.O.).

Conceptualized as a political response to the public outcry for harsher treatment of violent juveniles, the Juvenile Offender legislation mandated that juveniles aged 13-15 who were charged with certain serious, violent crimes be adjudicated as adults. Although court processing was to take place in the adult court system, any Juvenile Offender in need of detention was (and is) to be detained in a juvenile detention facility. This overlap between the adult and the juvenile justice systems has created a small class of juvenile detainees whose intake and pre-adjudicatory release processes do not operate within the framework outlined in the previous sections of this report because their intake and release are governed by criminal court procedure and not the Family Court Act.

IMPACT - During 1979 a total of 56 Long Island juveniles were admitted to detention as Juvenile Offenders - 28 from each county. All of Nassau County's J.O. admissions were recorded at the Nassau Shelter. While most of Suffolk County's J.O. admissions were recorded at the Nassau Shelter (17) the rest were recorded at the Spofford Juvenile Center (3), Riker's Island JODC (2) and as Jail Placements (6).

While these 56 Juvenile Offenders accounted for only 6% of all the secure detention admissions recorded by the two counties they accounted for almost 13% of the secure detention days of care recorded during 1979. This reflects the fact that Juvenile Offenders have an average length of stay in detention that is twice as long

as other juveniles in secure detention (25.1 days to 12.8 days). The data indicate that on an average day, the Nassau County Children's Shelter had 3 Juvenile Offenders in care.

The above data indicate that the Juvenile Offender law has not had a significant impact on the capacity of the Nassau Shelter. While the average 3 J.O.'s in care account for almost 10% of the male capacity of the shelter (few Juvenile Offenders are female) it should be realized that, had the same 56 juveniles been admitted as Delinquents they still would have accounted for 1.5 beds per day. Therefore the new Juvenile Offender legislation has only accounted for an additional 1.5 beds per day - less than 5% of the facility's male capacity. It appears that the exceptionally long lengths of stay recorded by a few Juvenile Offenders (three spent more than 6 months in care before their release) has created a sensitivity to their impact on the facility's capacity that isn't necessarily warranted.

VI. CONCLUSIONS

The data presented in this report indicate the limits of the detention needs of the Long Island region as perceived by juvenile justice system officials in Nassau and Suffolk counties during 1979. This report also identifies those agencies and policies which influence those detention needs. During 1979 those organizational structures and policies generated 1612 detention admissions. Those 1612 detention admissions represent the total number of times that the two counties were compelled to detain a juvenile because of the perceived risk of non-appearance or further criminal activity. The 23,979 detention days of care recorded represent the total number of days it took the juvenile justice systems on Long Island to deal with those detained juveniles in an appropriate manner.

As indicated in Section II the official definitions of the criteria used to identify those juveniles in Nassau and Suffolk counties who needed detention were quite similar - as were the official attitudes taken by most involved agencies with regard to the interpretation of these criteria. But, as the data presented in this report attest, the translation of these criteria and attitudes into practice has resulted in the development of two substantially different juvenile detention systems operating on two

apparently different working philosophies concerning the nature and scope of the detention needs of the two counties. These different working philosophies are again evident in the way that each county's juvenile detention services are organized and operated. These differences also affect both the content and the timeliness of the procedures used to precipitate a juvenile's release from detention.

The data collected and the numerous interviews with involved local officials, while further clarifying the differences in the way that Nassau and Suffolk Counties approach juvenile detention, do not point to any gross or irrational use of detention in either county. Both detention systems operate in a highly organized and professional manner. Independently both systems function well and could continue to do so with a minimum of outside intervention. Both counties have developed accepted operating philosophies and detention systems which compliment those philosophies. Their differences become a problem only when the two systems overlap. The regionalization of Long Island's secure detention system constitutes just such an overlap.

The regionalization of Long Island's secure detention has obviously affected Suffolk County more than it has Nassau County. The closing of the Suffolk County Children's Shelter precipitated (or perhaps coincided with) the development of a strong non-secure detention system which could cope with the majority of the county's detention needs (almost 70%). It also made Suffolk County dependent on the Nassau County Children's Shelter for its secure detention needs. This in turn generated a number of indirect changes in Suffolk County's detention policies (hastened compliance with the Deinstitutionalization mandate, broadened criteria used for selecting delinquents to be detained in a non-secure setting, etc.). Nassau County, on the other hand, because of the availability of its own Shelter, does not appear to have been as affected by the regionalization concept. Nassau County continues to detain juveniles at a substantially higher rate than Suffolk County. Nassau County also shows a surprisingly strong and unchanged propensity to emphasize the use of secure detention rather than non-secure detention. On top of this, outside factors such as the inability to schedule appropriate medical or psychological evaluations or the Division for Youth's

inability to move juveniles to an appropriate placement create a backlog of juveniles in detention who are occupying beds for an inappropriate length of time.

The net result of these developments is that, on occasion, the juvenile detention processes operating on Long Island generate a larger than normal number of juveniles in the Shelter at a time when Suffolk County has a need for a secure detention bed. At such times Nassau County feels justified in refusing access to the Suffolk County juvenile because the Nassau juveniles in secure detention were put there for reasons consistent with their established philosophy of using secure detention. Suffolk County, while operating their detention system in a manner that makes use of secure detention much more selective, feels as justified in their demand for access to the Shelter, especially in light of agreements made with the Division for Youth concerning their use of the Nassau Shelter. On such occasions Suffolk County does not consider its access to the Nassau Shelter adequate to meet their secure detention needs.

Therein lies the present problem. On no less than 53 occasions during 1979 the Nassau County Children's Shelter was unable to accept a juvenile perceived (by Suffolk County officials) to be in need of secure detention. The frequency with which this situation has occurred has generated concern over the viability of the Division for Youth's commitment to deal with Long Island's secure detention needs on a regional basis. In support of that commitment the Division has undertaken this indepth assessment of the detention needs of Nassau County and Suffolk County and the juvenile detention processes at work in each county. While this report has been directed toward articulating the Division's understanding of the problem and the detention systems involved, the overall purpose of the endeavor is to formulate a set of recommendations aimed at reconciling the differences and formulating an approach to the regionalization of Long Island's secure detention needs that is not only equitable to all parties involved, but that is also consistent with Division policy.

END