



NYSAC
NEW YORK STATE
ASSOCIATION OF COUNTIES

RAISE THE AGE



Raising the Age of Criminal Responsibility in NYS: A County Impact Update

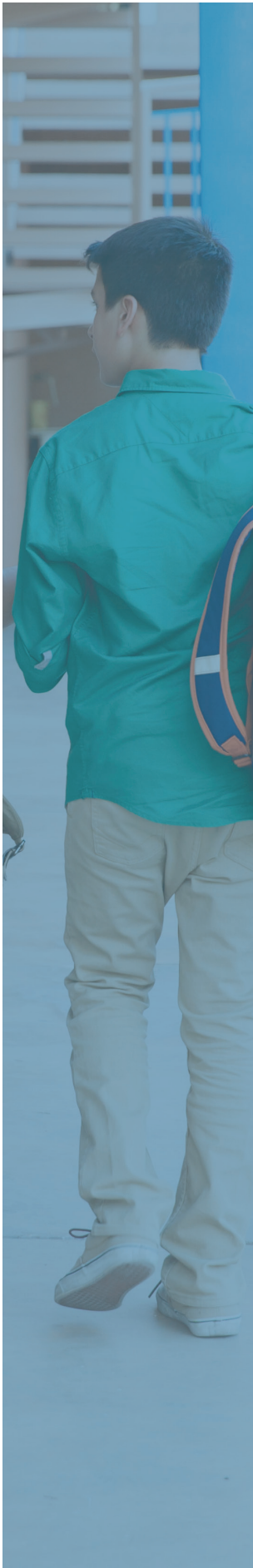
AUGUST 2019

CHARLES H. NESBITT, JR.
President

STEPHEN J. ACQUARIO
Executive Director

518-465-1473 • www.nysac.org





Introduction

The enacted 2017-18 New York State Budget, Part WWW of Chapter 59 of the Laws of 2017 included language to raise the age of criminal responsibility. This newly enacted legislation includes statutory amendments that create a new Adolescent Offender (AO) classification, establishes a new Youth Part in the Superior Court, and requires all misdemeanor cases, except for Vehicle and Traffic Law (VTL) misdemeanors, to be heard in Family Court. On October 1, 2018, this legislation went into effect for 16-year-old offenders taken into custody. On October 1, 2019, this legislation will go into effect for 17-year-old offenders taken into custody.

Governor Cuomo proposed a \$100 million investment for Raise the Age (RTA) related expenditures, which was secured in the FY2019 State Budget (Chapter 53 of the Laws of 2018). The Governor has continued his investment for Raise the Age and has proposed \$200 million for the FY2020 State Budget.

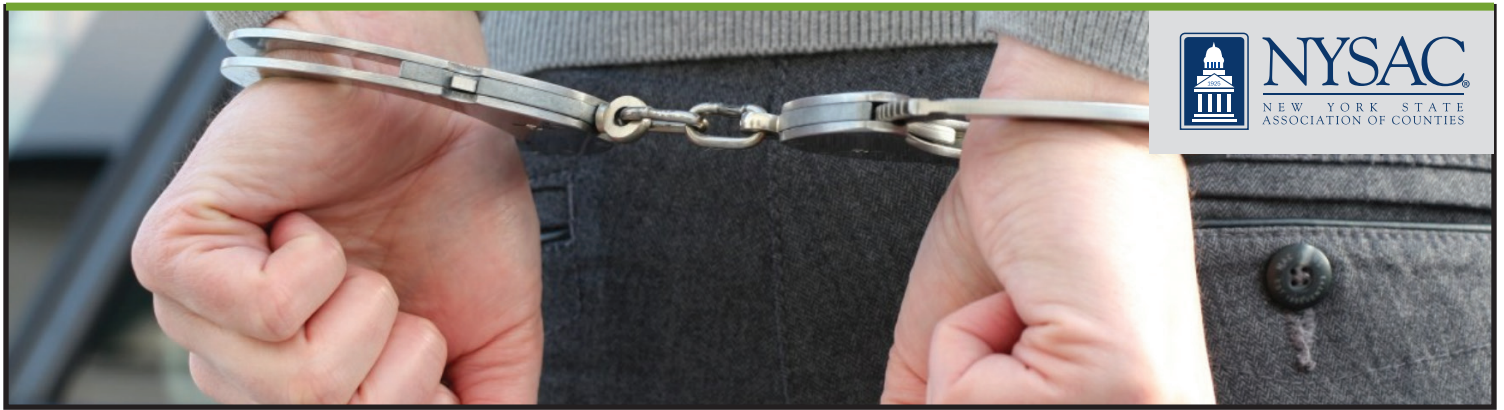
Counties continue to implement the new law, which heavily impacts several county departments. Implementation has required additional personnel and resources in county probation departments, county attorney's offices, mental health services, and social service agencies. This new law also requires county investments in court and youth detention facilities. Counties across New York State are hiring staff, creating programs, and expanding detention facilities.

Update on Implementation

The key goal of this legislation is to ensure children and families get the services needed to keep them out of the justice system, while ensuring the public safety of the community is maintained.

Counties, which have the responsibility of implementing this new law, have been facilitating meetings between departments that will have a role in providing alternative services for these young New Yorkers and their families. In order to meet the intent of the law, these internal county discussions have focused on the changes and investments that will be required.

Under the provisions of the law, counties will be reimbursed for all new incremental costs associated with the implementation and ongoing services associated with raising the age of criminal responsibility. To qualify for reimbursement, counties will have to adhere to the state-imposed property tax cap and submit for state approval a plan of work for raising the age locally.



A review of arrest statistics from 2010 to 2017 shows a 54% decrease in 16 and 17 year-old arrest. This trend continued in 2018. As counties continue to deliberate the most effective and efficient ways to implement the new Raise the Age Law, they are waiting for final state regulations, policies, and procedures for the range of programs, services, facilities, and staffing requirements. This report presents information about the changes required under the law and provides an update and details regarding its implementation status at the state and local levels.

Age Changes and Phase in Periods

Provisions of the new law will be phased in over two years. On October 1, 2018, the age of criminal responsibility will be raised from 16 to 17-years-old. This means that a 16-year-old that is charged with a non-violent felony or a misdemeanor will be considered an Adolescent Offender (AO), and will be protected from adult incarceration. On October 1, 2019, the age of criminal responsibility for these same crimes will be raised from 17 to 18-years-old.

Defining Adolescent Offender, Juvenile Delinquent, and Juvenile Offender

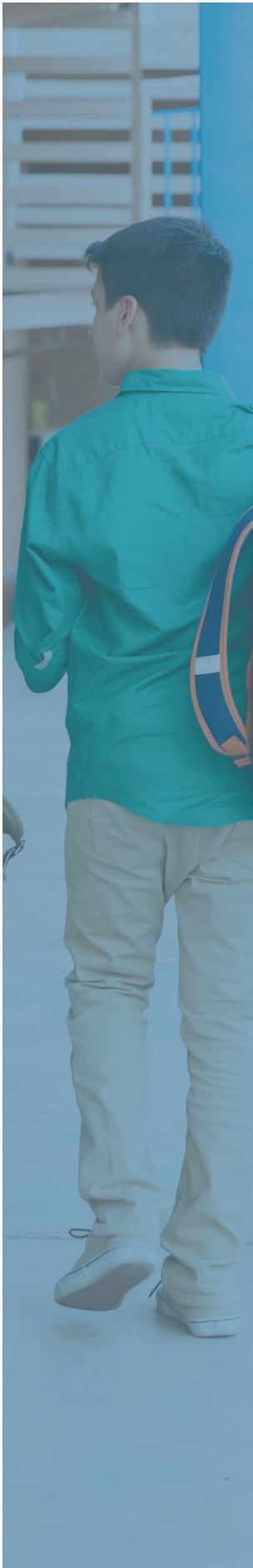
The new law creates a new class of offender called an Adolescent Offender (AO). AOs are 16- or 17-year-olds that commit a felony-level crime. These individuals have their cases heard in the Youth Part of Criminal Court. If the judge determines there is a need for pre-trial detention, AOs will be held in the newly created “specialized secure juvenile detention facilities for older youth.”

The definition of Juvenile Delinquents (JD) will remain the same: youths 7 to 15 years of age who are charged with misdemeanors. On October 1, 2018, JDs will include 16-year-olds charged with misdemeanors, and beginning October 1, 2019, this definition will also include similarly charged 17-year-olds. Juvenile Offenders (JO) are currently defined and will remain the same: youths between the ages of 13 and 15 who commit a serious felony or other violent act. Those who commit certain serious crimes for which they can be held criminally responsible will be processed in the Youth Part of Criminal Court.

Arrest Procedures

Parental Notification

The new law requires that parents of adolescent offenders (AO) are to be notified as soon as an offender has been



arrested and detained. These youths cannot be questioned without parental or guardian involvement and counsel, and any interrogation must take place in an age-appropriate setting.

Probation Case Planning

Probation case planning will be the first line of services offered to a JO or AO. If the JO or AO voluntarily accepts probation services, a probation officer will be assigned and must conduct a risk and needs assessment. Any assessment made must be done while offender's counsel is present and be included in the offender's Pre-Sentencing Investigation report (PSI), which is already required under law to be presented to the judge or magistrate.

Court Modifications

The new law requires that all county courts establish a Youth Part. The judges overseeing the proceedings in the Youth Part must be Family County Judges with specialized training and appointed by the Superior Courts.

Violations

All violations will remain the same as current law and will be heard in local courts.

Misdemeanors

All misdemeanor cases, excluding Vehicle and Traffic law misdemeanors, will now be held in Family Court, as happens now under current law.

Felonies

Under the new law, all felony cases will start in the Youth Part of the adult criminal court. All non-violent felonies will then be transferred to Family Court unless the District Attorney (DA) files a motion within 30 days. The DA's motion must include information citing "extraordinary circumstances" as to why the case should remain in the Youth Part of criminal court. The judge has 5 days to decide whether the case will be moved to Family Court or remain in the Youth Part of criminal court.

Violent felonies can also be transferred from the Youth Part to the Family Court. If the offender's charges do NOT include the accused displaying a deadly weapon during the offense, causing significant physical injury, or engaging in unlawful sexual conduct, the case will transfer to Family Court unless the (DA) files a motion within 30 days. The DA's motion must include information citing "extraordinary circumstances" as to why the case should remain in the Youth Part. The judge has five days to decide whether to the case will be moved to Family Court or remain in the Youth Part of criminal court. Vehicle and Traffic Law cases and Class A felonies other than Class A drug offenses cannot be transferred and will remain in the Youth Part of Criminal Court.



For 16 and 17-year-old offenders whose cases remain in the Youth Part, they will be referred to as AOs. Upon sentencing of the AO, a judge must take the youth's age into account when sentencing. AOs are eligible for Youthful Offender treatment, as is the current law with respect to 16 and 17-year-olds charged as adults.

Detention Facilities

Specialized Secure Detention Facilities (SSD)

The new law prohibits 16 and 17-year-olds from being placed in county jails. Therefore, beginning on October 1, 2018 a county must provide for 16 and 17-year-olds in a specialized secure detention facility. Youths awaiting trial or adjustment will be held pre-trial, AOs that have been sentenced to a year or less will serve their time in a county's secure detention facility. If the sentence is longer than a year, the state is required to contract with at least one facility that will provide housing and services.

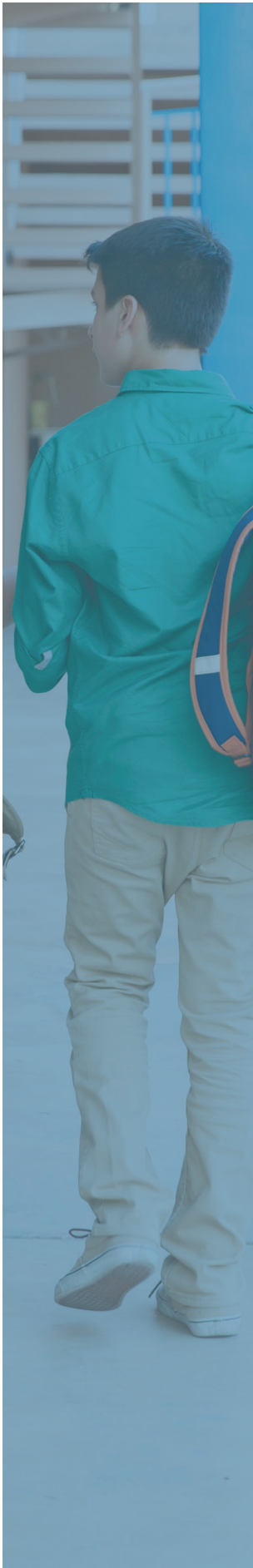
State Agency Updates

An RTA fiscal planning instrument and guidance document was sent to counties in June 2018. As noted above, 54 of 57 counties have completed and submitted a draft plan to NYS for approval. As of August 2019, the Division of Budget has fully approved 32 plans. Once approved, these plans will serve as the outline for state reimbursement of incremental costs associated with implementation of this new law. Only items outlined in plans approved by the State are eligible for full state reimbursement. If a county incurs unexpected expenses (those not included in an approved plan), they must amend their plan. Plans may be amended as necessary as implementation continues through 2019, 2020, and 2021.

DCJS

DCJS has also developed a detailed written memorandum which was sent statewide to Law Enforcement Agencies and Criminal Justice Executives in September 2018. The memorandum can be found at: https://www.ny.gov/sites/ny.gov/files/atoms/files/9618_FINAL_RTAMemo_and_Chart.pdf.

DCJS has developed enhanced five-day regional probation trainings to assist local probation departments in interacting with this younger population. The Office of Probation and Correctional Alternatives (OPCA) released proposed regulatory changes. The proposed changes can be found at: <http://www.criminaljustice.ny.gov/opca/>. The deadline for public comment was October 8, 2018.



OCFS

OCFS has held two summits with secure detention providers to work through fiscal, regulatory, policy and operational needs for SSD facilities and one summit with non-secure detention providers to work through the implications of RTA.

On October 23, 2017, the NYS OCFS held a webinar on Detention Planning. The presentation included information regarding projected bed needs for Secure and Specialized Detention Facilities and suggested assistance for county and regional planning to identify and address gaps.

On December 20, 2017, OCFS published Specialized Detention emergency regulations. Under the new Raise the Age law, OCFS is required to promulgate and publish the rules which apply to the newly created specialized secure juvenile detention facilities.

On March 09, 2018, OCFS released the notice of emergency adoption and rulemaking for the regulations for Specialized Secure Detention facilities. Due to the substantive change regarding co-location of male and female, the regulations had an additional public comment period which closed on April 26, 2018. The regulations include requirements in the following areas:

- Case Management
- Health Services
- Behavioral Health Services
- Conditions of Supervision of Youth
- Visits by OCFS Staff and Other Officials
- Telephone Access
- Standards of Personal Hygiene for Youth
- Loss of Good Behavior
- Allowance for Sentenced
- Facility Safety
- Enforcement Powers
- OCFS Policies and Procedures

The facilities will be certified and regulated by OCFS and the State Commission on Corrections (SCOC). In partnership, OCFS and SCOC have created draft regulations that explain the necessary standards for the facility, training of personnel, and programs that need to be provided for the AOs. Regulations can be found at: <http://www.scoc.ny.gov/regulations.htm> and <https://ocfs.ny.gov/main/legal/Regulatory/final/>.



Furthermore, on September 26, 2018, OCFS released information to counties regarding the location and initial capacity of the newly created SSD facilities. OCFS has updated capacity information for SSD, SD and NSD facilities as of August 2019 (See pages 20-21).

In addition, over the past couple of months OCFS contracted with counties throughout NYS to aid in serving as an “Anchor County” to act as a conduit for funding for voluntary placement agencies certified to house RTA youth. There are 12 voluntary agencies approved to create specialized RTA programs statewide. As of October 1, 2018, there were 24 voluntary agency beds available for RTA youth. Additional beds will open as the need increases.

Lastly, OCFS is constructing limited secure detention facility capacity at Industry Residential Center in Monroe County to serve 80 limited secure males, and re-opening the Harriett Tubman Residential Center in Cayuga County to serve 25 limited secure females.

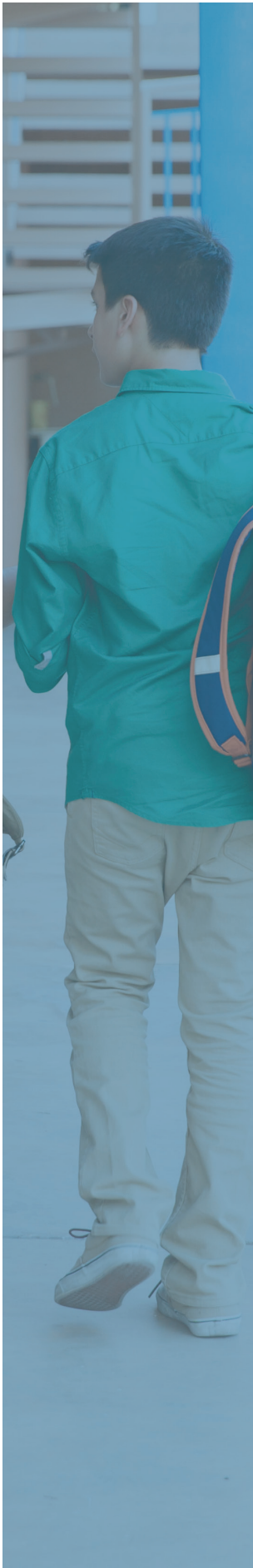
State Specialized Secure Detention Facility

The state will operate specialized secure detention facilities for AOs who are sentenced longer than a year. These secure facilities will be managed by the OCFS. An oversight council will be responsible for assessing the operations of the facility and reporting information to the Governor. The oversight council will include OCFS, SCOC, and the Department of Criminal Justice Services (DCJS).

The state facility will have a two-year treatment program. The two-year program will include:

- Specialized therapeutic programs designed for adolescents to develop cognitive skills;
- Academic transition plans;
- Substance abuse treatment; and
- Upon the age of 18, AOs transferred to a state prison will receive a transitional plan.

Those who complete the two-year program will receive discharge planning services. These services will be a coordinated effort between correction and community supervision staff, county services, and OCFS.



These services will include:

- Family reintegration;
- Housing assistance;
- Mental health and medical care;
- Employment support; and
- Educational needs.

These individuals will be monitored by Parole Officers and the county will have the ability to receive monthly reports on those AOs who complete treatment programs.

The OCFS and SCOC will create regulations for the standards for the facility, programs, and personnel. The Department of Correction and Community Supervision (DOCCS) will operate three AO facilities. Hudson Correctional Facility in Columbia County will be certified to house both males and females and Adirondack AO Facility in Essex County will be certified to house 143 males on October 1, 2018. Sonyea AO Facility (formerly Groveland Annex) in Livingston County will be operational on October 1, 2019 and will house male AO's.

Supervision and Treatment Services for Juveniles Program (STSJP)

In 2011, Governor Cuomo created the Supervision and Treatment Services for Juveniles Program (STSJP). The STSJP funding is used to provide local services intended to divert the following types of youth from placement in detention or residential care:

- Youths who are at risk of becoming, alleged to be, or adjudicated as juvenile delinquents,
- Youths alleged to be or convicted as juvenile offenders, and
- Youths alleged to be or who have been adjudicated as persons in need of supervision.

Municipalities develop their STSJP plans in collaboration with local agencies responsible for probation, law enforcement, detention, diversion and social services, as well as courts, service providers, schools and youth development programs. Upon that approval, the municipality may receive 62 percent reimbursement of the cost of the approved services and expenditures up to the municipality's allocation cap, which is set through an allocation methodology determined by OCFS.

Sealing of Records

On October 7, 2017 the new provision that allows for the sealing of records went into effect. Anyone convicted of an eligible offense in court may seek to have their record sealed after ten years from the sentencing or discharge. Sealing is only available for offenders who have no more than two convictions and one may not be a felony.



An offender must file a form with Office of Court Administration (OCA). An offender is eligible for sealing after 10 years have passed since the imposition of the latest sentence or if sentenced to incarceration, including split sentence of probation and jail, once released from jail or prison. Sealed cases are still available to qualified agencies. All federal, state, and law enforcement agencies will be able to view the sealed records if necessary. More information can be found at: <http://www.nycourts.gov/courthelp/Criminal/sealedAfter10years.shtml>.

State Education Department

The Governor's office has been in discussions with the State Education Department (SED) to create a model for educational availability to the AOs while in a jail, local specialized secure detention facility, or a state specialized secure detention facility.

2018-19 Enacted State Budget

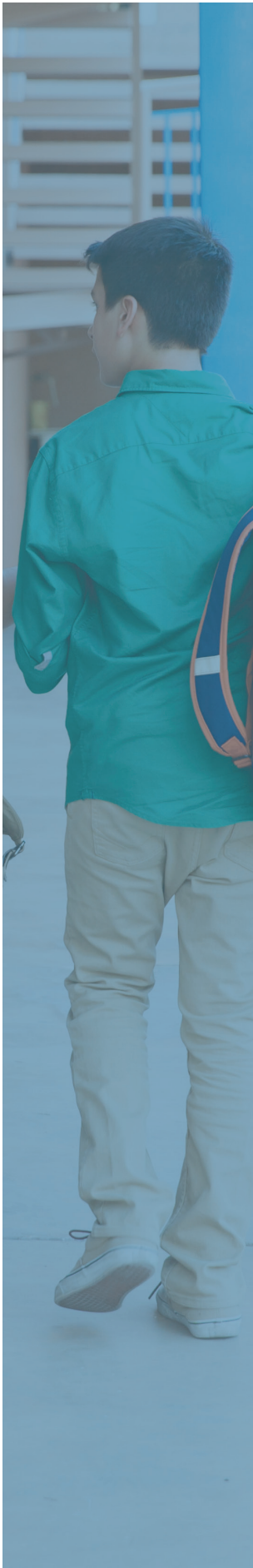
Assistance with Facility Construction

The enacted budget includes authorization to work with the Dormitory Authority of NYS (DASNY) to obtain bond financing and construction services to local social services districts, probation departments, and not-for-profits providing juvenile residential placement services; to finance the construction of new specialized secure detention facilities and/or retrofitting existing juvenile detention facilities in time for the implementation of Raising the Age of Criminal Responsibility.

State Funding

The enacted 2018-19 budget includes \$100 million to implement Raising the Age of Criminal Responsibility. The 2019-20 State Budget included \$200 million.

The funding will be allocated for: services and expenses related to raising the age of juvenile jurisdiction, including but not limited to: juvenile delinquency prevention services, law enforcement services, transportation services including



transportation provided by sheriffs, court operational expenses and services, adolescent offender facilities, detention and specialized secure detention services, probation services, placement services, specialized housing services, aftercare services, program oversight and monitoring services, local presentment agency costs, and county costs.

- Funds shall be available for incremental costs associated with raise the age and to reimburse eligible counties and the City of New York for incremental costs associated with raise the age-related expenditures, pursuant to section 54-m of the state finance law.
- Counties and the City of New York shall submit a comprehensive plan, in a form and manner prescribed by the OCFS and DCJS in consultation with other applicable executive state agencies, as approved by the Division of Budget (DOB), identifying eligible incremental costs for which reimbursement will be requested. Plans will be reviewed by OCFS and DCJS, and other related executive state agencies and approved by the DOB.
- Counties and the City of New York may amend such plans, as needed, and resubmit for review by the OCFS and DCJS and approval by the director of the budget.

NYSAC will continue to monitor the progress of implementation and will advocate on behalf of NYS counties to ensure that NYS fully covers all new costs associated with changing the age of criminal responsibilities for counties and New York City to avoid the imposition of a new unfunded mandate on local taxpayers.

Reimbursement

The Governor's office has recognized that there will be an increase in local costs, particularly for law enforcement, local detention, court services, sheriff transportation, probation, youth services, and capital expenditures.

County Departments

Reimbursement is provided to counties and New York City for the added costs resulting from raising the age of criminal responsibility unless the most recently adopted county budget exceeded the allowable tax levy limit as prescribed in the general municipal law.

NYS Department of Budget Update

Counties that have adopted a 2018 budget that does not exceed the property tax cap must



submit a certification of compliance to the NYS Division of Budget. As of January 17, 2019, DOB has received 53 certifications.

If a county's budget exceeds the property tax cap, the state may waive the local share of RTA costs based upon a determination of financial hardship. Applications for a waiver based on financial hardship were made available to counties in June and rely on three tests to determine financial hardship:

1. Financial Restructuring Board (FRB) Criteria:

Counties that exceed the tax cap must complete the Fiscal Eligibility Tests with the State's Financial Restructuring Board for Local Governments or complete the State Comptroller's Fiscal Stress Monitoring Assessment Tool.

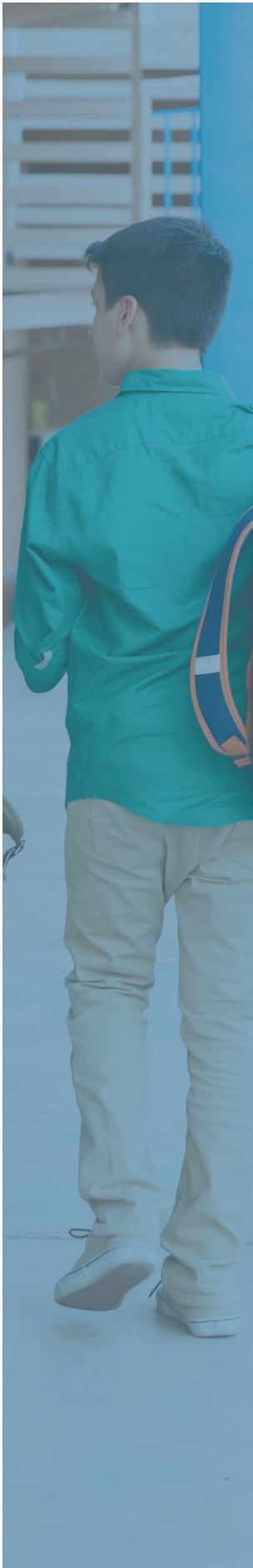
2. A Fiscal Stress Designation from the Office of the State Comptroller (OSC):

If counties continue to show hardship the Division of Budget is authorized to waive any local share of expenditures if the county or NYC can show financial hardship, which would include, but not be limited to, the occurrence of a disaster, extraordinary costs associated with maintenance and repair of infrastructure, including roads and bridges, snow removal, or such other factors as may be determined.

3. Additional Financial Hardship Justification (for counties that do not meet the above criteria):

To receive reimbursement for RTA expenses, counties are required to submit their comprehensive plans as one combined packet to the state. There is no submission deadline for counties, however comprehensive plans must be received and approved by New York State prior to reimbursements being issued. The fiscal planning instrument can be found at <https://www.ny.gov/sites/ny.gov/files/atoms/files/fiscal-planning-instrument.xlsx> and plans should be submitted to LocalRTAGuide@ocfs.ny.gov.

Probation



For county probation departments, the DCJS Commissioner will provide funding for evidence-based intervention services for suspected youth, adjudicated JD, or for eligible youth before or sentenced under the Youth Part. Probation departments will also be 100 percent reimbursed for evidence-based practices and juvenile risk and evidence-based intervention services for 16-year-olds, if these services were not provided prior to the enactment of this law.

The DCJS Commissioner may consider granting additional state aid for county probation services for juvenile risk intervention services coordination, and funding for evidence-based intervention service for JD and AO sentenced in Youth Part. Under the new law, the state will eliminate state reimbursement to county probation departments for the placement or detention of persons in need of supervision (PINS), beginning January 1, 2020.

Sheriffs

State funding shall be available for 100 percent of a county's costs associated with a sheriff's transportation services that would not otherwise have occurred without the implementation of this law.

State Raising the Age Taskforce

On April 30th, 2018, Governor Cuomo named the members of New York State's Raise the Age Implementation Task Force, as required under the law. The task force will be responsible for:

- Monitoring the overall effectiveness of the law by reviewing its implementation progress;
- Evaluating the effectiveness of the local adoption and adherence to the provisions of the law; and
- Reviewing the sealing provisions including but not limited to an analysis of the number of applicants, the number of individuals granted sealing, and the overall effectiveness of the law's sealing requirements.

State Task Force members include:

- Anthony Annucci, Acting Commissioner, Dept of Corrections and Community Supervision
- Hon. Michael Coccoma, Deputy Chief Administrative Judge for Courts Outside NYC
- David Condliffe, Executive Director, Center for Community Alternatives
- RoAnn Destito, Commissioner of the Office of General Services
- Nancy Ginsburg, Director of Adolescent Intervention and Diversion Team, Legal Aid Society
- Eric Gonzalez, District Attorney, Kings County District Attorney's Office
- Mike Green, Executive Deputy Commissioner of the Division of Criminal Justice Services
- Peter Kehoe, Executive Director, NYS Sheriffs' Association
- William Leahy, Director, NYS Office of Indigent Legal Services
- Robert Maccarone, Director of the Office of Probation and Correctional Alternatives
- Hon. Edwina G. Mendelson, Deputy Chief Administrative Judge for Justice Initiatives
- Sheila Poole, Acting Commissioner of the NYS Office of Children and Family Services



- Naomi Post, Executive Director, Children’s Defense Fund-NY
- Allen Riley, Commissioner of the State Commission of Correction
- Todd Scheuermann, Unit Chief, of the New York State Division of Budget

NYSAC Raising the Age Taskforce

In response to the new law, NYSAC created an RTA Taskforce to discuss implementation of this new law. The mission of the RTA taskforce is to help local leaders facilitate the implementation of the new law and provide leadership, guidance, assistance, and track the fiscal impact so the counties can be fully reimbursed for the expanding impacted programs.

The goals of the taskforce are:

- To generate and collect concerns and recommendations from all the county departments that will be affected by the new law,
- To engage local government and the state to work together to make sure the intention of the law is fulfilled, while providing the county departments responsible for implementation maintain funding and assistance from the state,
- Provide a communications system and procedure for guidance to local governments,
- To produce a model that can assist all the county departments that will be affected by implementation, and
- To provide recommendations and guidance to the State Raising the Age Task Force to most effectively implement this new law.

Taskforce members represent the county departments most directly affected by the law, and include:

- Chuck Nesbitt, Orleans County Administrator (Chair)
- Alex Wilson, Counsel, Sheriff’s Association
- Tony Jordan, District Attorney, Washington County
- Bob Masters, District Attorney, Queens
- Kira Pospesel, DSS Commissioner, Greene County
- Brian McLaughlin, Commission of Probation, Erie County
- Robert Iusi, Probation Director, Warren County
- James M. Fedorchak, County Attorney, Dutchess County
- Ariana Caplan, NYC Mayor’s Office
- Dana Kaplan, NYC Mayor’s Office



FAQ and State Correspondence

Question 1:

The first question received deals with the nexus between the Raise the Age Fiscal Instrument (DOB/NYS plan) and STSJP plans. A few counties had been notified that in order to qualify to receive reimbursement for evidence-based diversion and case management services, a county must have submitted an approved STSJP plan which was due October 15, 2018.

Answer from OCFS: “In regard to providing services to the AO and YO populations, placement in Foster Care is not a dispositional option for the courts which is an eligibility requirement for DSS preventive services. This is a perfect example of where both the RTA fiscal instrument and STSJP plans intersect; LDSS could provide those same services through STSJP-RTA at 100% re-imbursement with no effect on their annual STSJP allocation by including it on both plans.

A couple of examples where counties have found this as their best option have been, 1) when expanding existing STSJP programs to serve the RTA population, they selected the STSJP-RTA as the better alternative to using DSS preventive funding for the expansion, 2) when developing alternatives to detention programming, counties have found this option provides them with the most flexibility for this type of short term program that could be utilized at various juvenile justice decision points, i.e arrest, fact-finding, disposition, and violations of probation.

It’s important to note, there is no requirement that a county submit both a RTA Fiscal plan and STSJP plan, however, there may be instances, such as those cited above, where counties chose this as the best option for them. Additionally, as we review the RTA fiscal plan submissions with our county partners, we have been and will continue to provide the additional guidance so that their plans are reflective of the hard work and commitment they have put forward and make the most sense for them.”

Question 2:

The second question was regarding the training of Accessible Magistrates in local courts. Counties had indicated to NYSAC that some of their Accessible Magistrates had not yet been trained on the Raise the Age law and needed training. NYSAC reached out to OCA to obtain clarification.

Answer: “Judges who have been designated as an Accessible Magistrate who need training on Raise the Age law need to reach out to their judicial district to obtain training materials or to register for training. There are training programs that have been created and presented for designated Accessible Magistrates, however those training programs and materials are



contained on OCA's secured Court Net web-sites and not made available to anyone outside the court system."

OCA was not able to provide NYSAC with the secure web portal or training information that we could have shared with the counties. OCA noted that all local courts have their judicial district contact information and Accessible Magistrates should reach out to their judicial district for any questions they may have.

Question 3: SSD Bed Availability

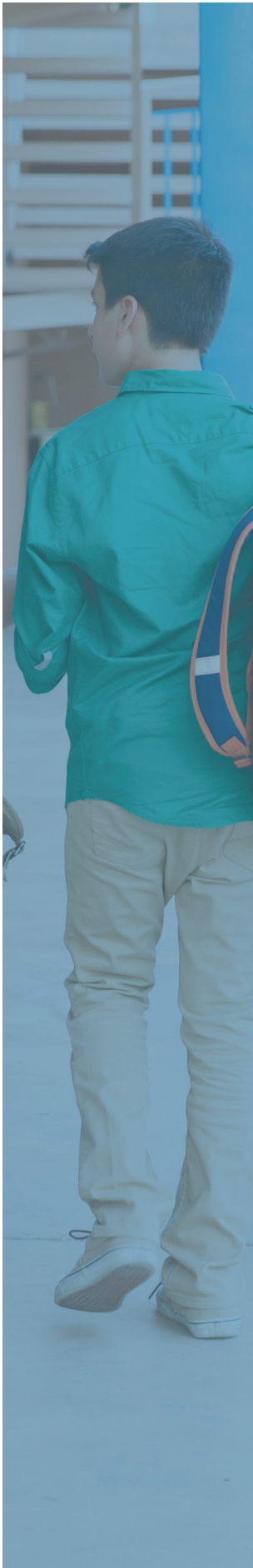
Can NYS provide counties with a real-time daily census and bed availability on either DCJS or OCFS websites for counties to know which facilities have capacity to take AO's?

Answer from New York State: OCFS collects a daily weekday census as reported by the SSD detention providers. In response to this request, OCFS will be posting the daily census report on the OCFS website (Detention section) effective Monday, December 10th. To view the daily weekday census, please follow this link: <https://ocfs.ny.gov/main/rehab/facilities.asp>.

Question 4: On-call Questions Hotline

Can NYS provide counties with a 24/7 or extended hotline number so counties are able to ask questions regarding placement of youth. Specifically, when 17-year-olds will now fall under the jurisdiction of this law, beginning October 1, 2019. There will be situations where 17-year-olds arrested prior to October 1st who are ROR'd re-offend after October 1st and are now classified as an AO. Counties are concerned with the appropriate course of action for housing these individuals. There was some confusion during the initial implementation this October with regard to this issue.

Answer from New York State: The state became aware of several situations where there were questions concerning such placement during the early weeks of RTA implementation. The state brought these concerns to the attention of the RTA leadership team at the Office of Court Administration which has since provided written guidance to the administrative judges across the state. OCA is continuing to address issues related to after hours arraignment in the 9th Judicial District. The state has also been responsive to the NYS Sheriff's Association's questions and we have encouraged them to continue to immediately reach out for assistance. All in all, we are confident that the few early post implementation procedural issues that were raised have been addressed. We would also encourage NYSAC to elevate issues to our immediate attention.



Question 5: Breakdown of Current Statistics

Director Maccarone: you were able to provide me with statistics on the number of arrests since October 1, 2018 of 16-year-olds. Is it possible for DCJS to provide NYSAC with a breakdown of these statistics? I.E. the number of 16-year olds who have been ROR'd, RUS'd, posted bail, remain in an SSD facility or removed from Youth Part and sent to Family Court?

Answer from New York State: DCJS is in the process of reviewing all data to ensure it is being accurately reported from all counties in the state. Data will be available in the near future and will be shared with the counties. Preliminary data shows significant declines in AO arrests against 2017 and 2018 pre-raise the age cohort (16-year-old youth charged with felonies), and significant numbers of AO cases moving to family court and the probation intake and adjustment process. DCJS plans to begin posting a monthly activity report that will show 16-year-old felony arrests, arraignments and removals to family court by county beginning in December.

Question 6: Bail Issue

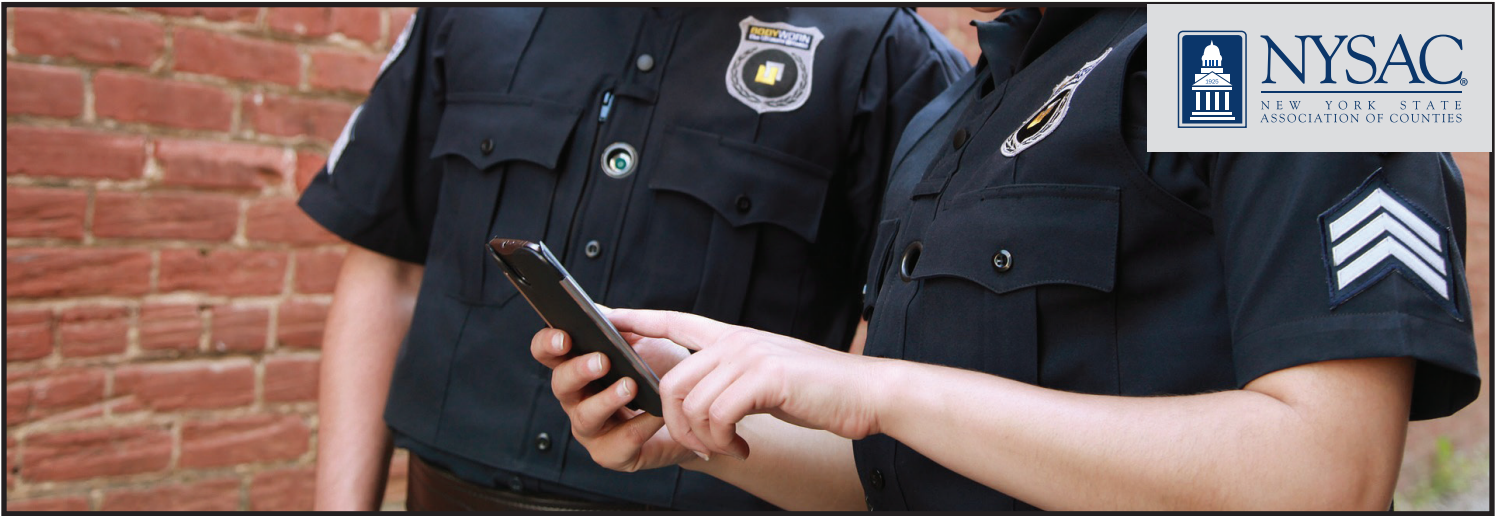
If there is a child in an SSD facility, can the parents go to pick the child up if bail has been posted or does the child need to be transported from the SSD facility back to the Sheriff's office in the county? Or is there some other location that the child needs to go to?

Answer from New York State: The answer depends on the individual situation and circumstances. The central issues are whether the youth has been released from the custody of the sheriff and where the youth has been detained pending arraignment. These are local decisions and protocols that should be discussed among local RTA implementers.

Question 7: Reimbursement

Does NYS know how the reimbursement process will work (both for the portion of the plan submitted by Probation offices and the portion submitted for OCFS)?

Answer from New York State: Yes, once a county's RTA comprehensive plan is approved by the state, the county will receive a notification letter of that approval and then may begin to pursue reimbursement for services included in that approved plan. The state has intentionally kept the claiming and reimbursement processes aligned with current practice for claiming and reimbursement wherever possible. We've made the necessary edits to a variety of state claiming systems to track and account for RTA related costs. The state has provided guidance to local departments of social services and probation. OCFS has recently completed a series of regional fiscal institutes with LDSS fiscal administrators.



Question 8: Local Police Cost Reimbursement

We are not clear on what the state meant by transportation costs being covered 100 percent. Is it true that local police costs can be reimbursed through the RTA plan?

Answer from New York State: Yes, the mechanism will be the same as all other RTA costs. Local police costs need to be included as part of the RTA plan. If approved, the county would receive reimbursement for the local police costs and then those costs would be reimbursed from the county to the local police jurisdiction.

Question 9: Claiming

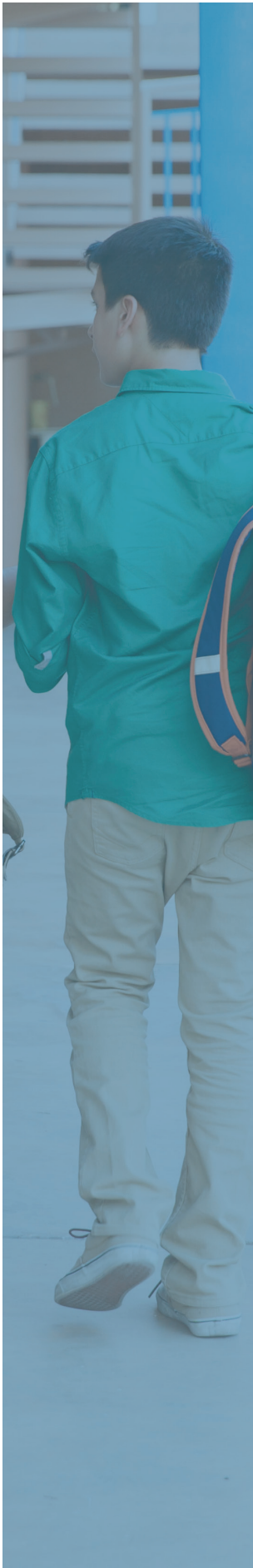
Can you describe the process for how and when to claim the state aid in accordance to the approved RTA plans?

Answer from New York State: Claiming is dependent on the type of expense. For OCFS related expenses, counties can use the ACS system to claim expenses. For DCJS and Probation related expenses, counties can claim expenses through the JDAS system. For all other expenses OCFS has published LCM's on their website with instructions to counties for claiming. These policy directives can be found here: <https://ocfs.ny.gov/main/policies/external/#LCM>.

Question 10: SSD Bed Capacity

Given the limited number of facilities and beds available throughout the state, what would the Sheriff's office do if an AO is committed to our custody and there is no bed available anywhere?

Answer from New York State: The Sheriff's office can work with the judge to identify an alternative to detention. If that is not possible, it will be the responsibility of the Sheriff to transport the youth to a specialized secure detention facility.



Question 11: SSD Facility Location/ Distance Issues

If the only bed available is far away (ie. Buffalo, NYC etc) it will become cost and manpower prohibitive to transport the AO to and from court on a regular basis. Would it be possible to either limit appearances or utilize some sort of teleconferencing for appearances?

Answer from New York State: OCFS is not able to make this decision. OCA in conjunction with Attorneys for the child would need to make this determination.

Question 12: Additional Capacity

Some of the secure/ specialized secure detention facilities are getting close to capacity. Do you know if additional beds will be coming online to accommodate the 17-year-old population beginning on October 1? If so, how many beds, and where?

Answer from New York State: OCFS will have a much clearer sense of how many beds will be coming online once some of the construction issues have been addressed. We are working with facilities to really determine how many beds are coming online, and whether they are specialized secure beds or just secure beds. In many cases, the number of beds is staying the same but the number of secure detention beds that have been upgraded and hardened to become specialized secure detention beds have been increasing.

Question 13: RTA Plan Approvals

Can you share an updated list of the number of approved plans by DOB? How many plans are being considered by DOB? How many plans are still being negotiated between counties and OCFS/DCJS? And how many counties have not submitted a plan?

Answer from New York State: DOB has approved 39 county plans as of June 26, 2019. There are a number that are in process. These plans are in the final process, they have been re-submitted. Counties will receive an award letter and then DCJS will begin executing contracts with these counties. That process is underway. There are still four counties that have yet to submit an application for RTA funding assistance. Between ten and twelve counties are in the process of contract negotiations.

Question 14: Anchor County Reimbursement Issues

With regard to reimbursements for “anchor counties” that are upfront the costs associated with some foster care placements, the first cycle of reimbursement was turned around very quickly- counties appreciated that for cash flow purposes. However, since then, it has decreased dramatically. One county is now waiting on reimbursement equivalent to 10% of their property tax levy with their next submission. Can you speak to the reasons for the delay in reimbursement? Will the state be able to issue reimbursements timelier?



Answer from New York State: OCFS is developing a new process for the GAP funding. It will be fronted to counties and then reconciliation will be later. The amount of funding to be advanced in the reconciliation schedule is yet to be determined but OCFS is working on that now.

NYSAC Recommendations

- Continue the commitment to fully fund 100% of all new costs associated with changing the age of criminal responsibility for counties and New York City to avoid the imposition of a new unfunded mandate on local taxpayers.
- The State should fully cover all new costs associated with changing the age of criminal responsibility for counties and New York City;
- De-link the adherence to the state property tax cap as an eligibility requirement for full state reimbursement of costs incurred to implement the new state mandate;
- Raise the minimum age that a youth can be charged as a juvenile delinquent from seven to twelve years old.
- Increase the maximum time frame for diversion services from four to six months for juvenile delinquents.
- Mandate that the state's evidence-based criteria should account for existing local best programs.
- Allow probation the ability to make an application for a temporary order of protection as a part of the adjustment process.
- Establish a dedicated funding stream through DCJS/OPCA for 100% of all local probation costs including but not limited to probation personnel and evidence-based programming associated with the Raise the Age law.
- Eliminate the requirement of a sentence of a conditional discharge or probation for Leandra's Law cases when a defendant has been sentenced to a definite jail term or a term of imprisonment.
- Ensure that local probation departments receive 100% of all costs including but not limited to probation personnel associated with bail reform/ cashless bail.

Appendix

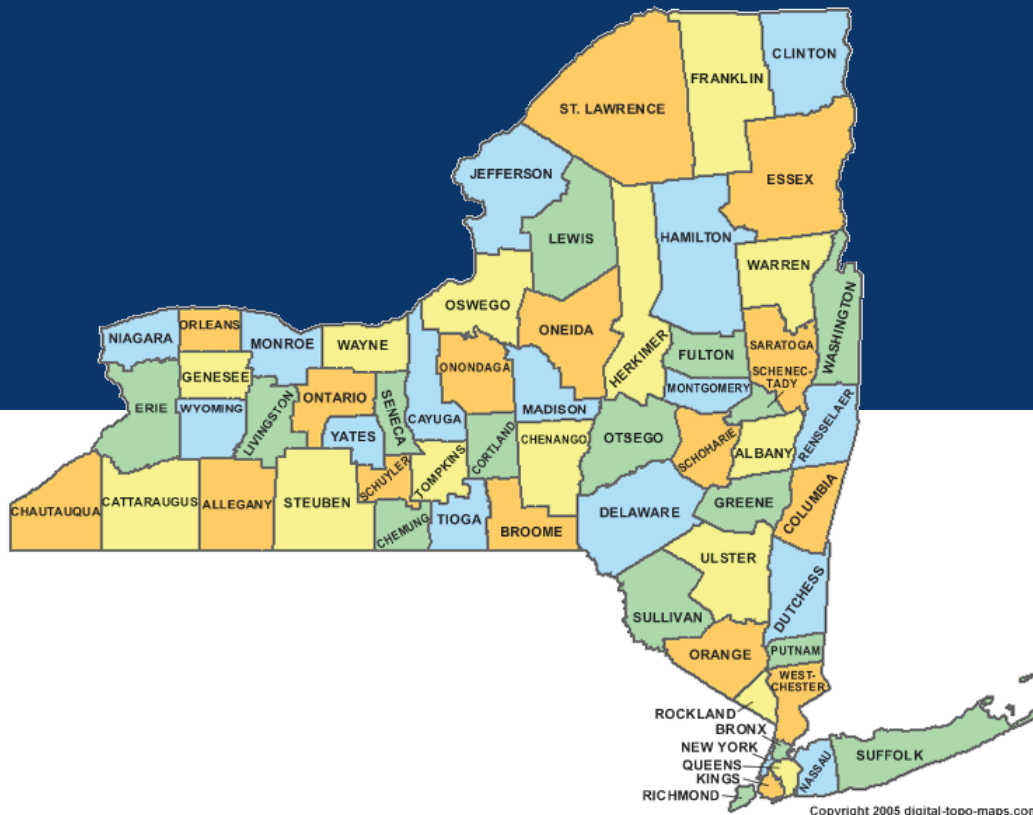
Non-Secure Rest of State Detention Facilities (As of 8/13/19)

County	Address	24-7 Phone Number/ Director Contact	Secure Detention Bed Capacity M/F
Albany	Berkshire: Albany 593 River Rd. Glenmont, NY 12077	24/7 intake number: 518-650-6137 Director: Ashley Goodacre AshleyGoodacre@berkshirefarm.org	10 Co-ed
Broome	Children's Home of Wyoming Conference 1182 Chenango St. Binghamton, NY 13901	24/7 intake number: 607-772-6904 Director: Mackenzie Quarella mquarella@chowc.org	6 Co-ed
Columbia	Berkshire: Burnham Youth Center 13640 Rte. 22 Canaan, NY 12029	24/7 intake number: 518-781-0909 844-281-9588 Director: Ashley Goodacre AshleyGoodacre@berkshirefarm.org	12 Co-ed
Erie	New Directions/Gateway Longview-Curry 6350 Main St. Williamsville, NY 14221	24/7 intake number: 716-661-9722 Director: Ivan Sosa ISosa@gateway-longview.org	12 Co-ed
Jefferson	Children's Home of Jefferson County 1704 State St. Watertown, NY 13601	24/7 intake number: 315-778-9751 Director: Michelle Monnat MMonnat@nnychildrenshome.com	10 Co-ed
Lewis	Lewis-Larry and Lucy Green 2651 Alger Rd. Boonville, NY 13309	24/7 intake number: 315-942-4502 Program Manager: Mary Jo Burkhard Maryjoburkhard@lewiscounty.ny.gov	2 Co-ed
Monroe	Hillside: Northaven Terrace 160 Northaven Terrace Rochester, NY 14621	24/7 intake number: 585-336-8100 Program Manager: Michael Buckpit Mbuckpit@hillside.com	12 Co-ed
Nassau	Mercy First 87 Shell St. East Massapequa, NY 11758	24/7 intake number: 516-799-5874 Program Manager: Ariana Ebel aebel@mercyfirst.org	6 Co-ed
Oneida	The House of the Good Shepherd: Sunset Ave 1606 Sunset Ave. Utica, NY 13502	24/7 intake number: 315-733-6537 Program Manager: Shad Czerniak shade@hgs-utica.com	8 Co-ed
Onondaga	Elmcrest-Skeele Valley 6912 Jones Rd. Tully, NY 13159	24/7 intake number 315-683-5341 315-683-5467 Director: Stephanie Grover stgrover@elmcrest.org	12 Co-ed
Ontario	Hillside: Hopewell 3093 County Complex Dr. Canandaigua, NY 14424	24/7 intake number: 585-394-0180 Program Manager: Michael Buckpit Mbuckpit@hillside.com	8 Co-ed
Orange	Berkshire Farms: Orange County -Middletown 630 E. Main St. Middletown, NY 10940	24/7 intake number: 844-281-9588 Program Manager: Tiffany Reid Tiffanyreid@berkshirefarm.org	12 Co-ed
Steuben	Glove House: Steuben County 6983 County Rd. 113 Bath, NY 14810	24/7 intake number 607-776-2383 Program Supervisor: Kate Dailey kdailey@glovehouse.org	12 Co-ed
Suffolk	Hope for Youth 201 Dixon Ave. Amityville, NY 11701	24/7 intake number: 631-841-1650 Program Manager: Cara Cantor ccantor@hfyny.org	12 Co-ed
Westchester	Family Court Assistance Program: Clearview 1 Echo Hill Dobbs Ferry, NY 10522	24/7 intake number: 914-693-0600 x1841 Director: Dean Dekranis ddekranis@childrensvillage.org	12 Female
Westchester Cont.	Family Court Assistance Program: Scholes 1 Echo Hill Dobbs Ferry, NY 10522	24/7 intake number: 914-693-0600 x1841 Director: Dean Dekranis ddekranis@childrensvillage.org	12 Male

Secure and Specialized Secure Detention Facilities (As of 8/13/19)



County	Address	24-7 Phone Number/ Director Contact	Secure Detention Bed Capacity M/F	Specialized Secure Bed Capacity M/F	Notes
Albany	Capital District Youth Detention Center, Inc. (CDYCI) 838 Albany Shaker Rd Loudonville, NY 12211	24/7 intake number 518-456-9399, ext. 234 Director: Rick Riccio RichardRiccio@berkshirefarm.org	21 male 3 female (SD/SSD)	21 male 3 female (SD/SSD)	Female beds are both SD and SSD- 3 total female beds for facility All counties referring youth to the facility must have a signed contract with the Capital District Youth Center, Inc. Or email amy.weinstock@cdrpc.org 518-453-0850 Albany, Rensselaer, Saratoga and Schenectady County have priority for beds over all referring counties.
Erie	Erie County Juvenile Detention 810 E. Ferry St. Buffalo NY 14211	24/7 intake number 716-923-4062 Deputy Commissioner: Paul Kubala Paul.Kubala@erie.gov	64 male/female (SD)	40 male/female (SSD)	The 8-bed female SSD pod may at times also be both SD and SSD
Monroe	Monroe County Juvenile Detention 400 Rush-Scottsville Rd. Rush, NY 14543	24/7 intake number 585-753-5940 Director: Catherine Thomas Catherine.Thomas@dfa.state.ny.us	31 male/female (SD/SSD)	31 male/female (SD/SSD)	Female beds are both SD and SSD- 4 total female beds for facility Additional beds to be added after 10/1/18
Nassau	Nassau Juvenile Detention 61 Carman Ave Westbury, NY 11590	24/7 intake number 516-571-9260 Director: LaQuetta Robbins- Kennedy lrobbins@nassaucountyny.gov	16 male/female (SD)	N/A	Additional SD beds may be added post 10/1 SSD beds pending post 10/1/18
NYC	Crossroads 17 Bristol St. Brooklyn, NY 11212	24/7 intake number 212 442-7100 Director: Darlese Smith Darlese.smith@acs.nyc.gov	106 male/female (SD/SSD)	106 male/female (SD/SSD)	Out of county youth are taken only on a case-by-case basis in urgent circumstances
NYC	Horizon SJD 560 Brook Ave Bronx, NY 10455	24/7 intake number 718-292-0065 Director: Susan Campos Susan.campos@acs.nyc.gov	106 male/female	106 male/female	
Onondaga	Hillbrook Juvenile Detention 4949 Velasko Rd. Syracuse, NY 13215	24/7 intake number 315-435-1421 Director: Omar Osborne OmarOsbourne@ongov.net	32 male/female (SD/SSD)	32 male/female (SD/SSD)	All beds co-certified as SSD/SD Only taking out of county JO and AO youth
Westchester	Woodfield Juvenile Detention 20 Hammond House Rd Valhalla, NY 10595	24/7 intake number 914-231-1103 Dean DeKranis ddekranis@childrensvillage.org	34 male/female (SD/SSD)	34 male/female (SD/SSD)	Beds for females to be added after 11/1/18



Represent ■ Educate ■ Advocate ■ Serve

www.nysac.org

518-465-1473

540 Broadway, 5th Floor

Albany, NY 12207



NYSAC®

NEW YORK STATE
ASSOCIATION OF COUNTIES