NYSAC Raise the Age Presentation
Update on State Implementation Efforts

July 24, 2018
The Raise the Age (RTA) legislation was signed by the Governor on April 10, 2017 (Part WWW of Chapter 59 of the Laws of 2017)

Governor Cuomo proposed a landmark $100 million investment for RTA-related expenditures that was secured in the FY 2019 Budget

RTA implementation is a collaborative effort between the Human Services and Public Safety agencies of the state, including: Office of Children and Family Services (OCFS), Division of Criminal Justice Services (DCJS), State Commission of Correction (SCOC), Department of Corrections and Community Supervision (DOCCS), and Division of Budget (DOB)
RTA Implementation Updates

- RTA Task Force Members Announced
- Fiscal Planning Instrument sent to the Counties
- OCFS and SCOC Specialized Secure Detention regulations issued
- RTA Local Planning Guide issued
- $100 million included in FY 2019 Budget for RTA-related expenditures
- Population Projections sent to all County Executives, Local Social Service Directors, Probation Directors, Sheriffs, and District Attorneys
- RTA Regional Roundtables
- Ongoing inter-agency meetings with Office of Court Administration and State Education Department
FY 2019 State Budget

- This year’s Budget included a $100 million investment in a continuum of prevention, diversion, treatment, re-entry, and supervision services to successfully implement RTA.
- These investments focus on early intervention and diversion to stem the flow of youth into the criminal justice system.
- Upon implementation, rehabilitative treatment will be expanded to over 10,000 young people.
- This will also improve youth outcomes in education and employment, reduce future crimes and victimization, and significantly reduce long-term system costs.
Raise the Age Task Force (announced April 30, 2018)

Members:

- Anthony Annucci, Acting Commissioner, Department of Corrections and Community Supervision
- Hon. Michael Coccoma, Deputy Chief Administrative Judge for Courts Outside New York City
- David Condliffe, Executive Director, Center for Community Alternatives
- RoAnn Destito, Commissioner, Office of General Services
- Nancy Ginsburg, Esq., 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, Division of Criminal Justice Services
- Peter Kehoe, Executive Director, NYS Sheriffs' Association
- William Leahy, Director, NYS Office of Indigent Legal Services
- Robert Maccarone, Deputy Commissioner and Director of the Office of Probation and Correctional Alternatives, Division of Criminal Justice Services
- Hon. Edwina G. Mendelson, Deputy Chief Administrative Judge for Justice Initiatives
- Sheila Poole, Acting Commissioner, Office of Children and Family Services
- Naomi Post, Executive Director, Children's Defense Fund-NY
- Allen Riley, Chairman, State Commission of Correction
- Todd Scheuermann, Unit Chief, New York State Division of Budget
Division of Criminal Justice Services, Office of Probation and Correctional Alternatives
Probation RTA Objectives

• Effective client engagement and community based services to improve youth outcomes
• Front-loading probation services – early client engagement
• Increase the rates of probation adjustment (Diversion)
• Reduce the need for Family Court adjudication
• Reduce reliance on detention and out-of-home placements
• Reduce the rate of probation violations that drive costly detention and placement
• Reduce long-term recidivism rates
Probation Specialized Juvenile Justice Training
Five Day Training Curriculum

- Effective client engagement and trauma informed guidance
- Procedural Justice – respect and fairness
- Enhanced evidence-based practices
- Improved assessment and case planning
- Motivational interviewing training (two-day)
- Stages of change
- Implicit bias and racial and ethic disparities training
- Cognitive behavioral interventions and services
- Graduated responses – incentives and sanctions
- Differential responses to non-compliant behavior
2018 Enhanced Five-Day Regional Probation Training – Dates and Locations

April 23 – 27: Albany, Albany County (Pilot)

June 18 – 22: Buffalo, Erie County

July 9 – 13: White Plains, Westchester County

July 30 – August 3: Syracuse, Onondaga County

September 10 – 14: Massapequa Park, Nassau County

December 3 – 7: Lake George, Warren County
Probation Judicial Training – Summer Seminars

**Purpose:** Training the Judiciary in probation evidence based practices to improve youth outcomes in New York State

**Dates:** July 20 and 27 and August 10, 2018

**Location:** Rye, New York
Program Changes to Enhance Youth Outcomes

• Screen youth and provide alternatives to detention
• Front-load services for improved probation intake and adjustment
• Provide voluntary assessment and case planning services in the Youth Part and advise the Courts of alternatives to detention
• Supervision of persons sentenced to or placed on probation
• Use graduated responses (incentives and sanctions) to address non-compliant behavior and reduce violations of probation
RTA funded Community Based Services

• Low Intensity
  • Youth Court
  • Mediation
  • Community Service

• Cognitive Behavioral Interventions
  • Thinking for a Change
  • Aggression Replacement Therapy

• Behavioral Health
  • Mental Health
  • Substance Abuse

• Vocational, Educational, Employment
  • Career University

• Intensive Family Therapy
  • Brief Strategic Family Therapy
  • Functional Family Therapy
  • Multisystemic Therapy
Technology Improvements – Probation Case Management Systems

- 56 County and the City of New York Probation Departments operate the standardized probation automated case management system (Caseload Explorer)

- DCJS is funding program changes in Caseload Explorer to equip local probation practitioners with the tools to successfully implement RTA in New York State and provide a source for statewide data to evaluate RTA

- Caseload Explorer will be fully operational by October 1, 2018
Office of Children and Family Services (OCFS)
OCFS Updates: At a Glance

- Detention
- Residential Capacity for RTA Foster Care Youth
- OCFS Juvenile Facilities
- Judicial Training
Detention

OCFS has been regularly engaged with provider counties in preparation for October 1, 2018 and has:

- Held two summits with secure detention providers to work through fiscal, regulatory, policy, and operational considerations for Specialized Secure Detention (SSD)
- Held one summit with non-secure detention providers to address RTA implications
- Conducted numerous site visits, providing technical assistance and policy guidance
Detention

- Promulgated regulations for specialized secure detention
- Provided counties/consortia with data projections
- Improved billing and claiming methodology for secure and specialized secure detention that benefits both provider and user counties
- Held a PINS Summit, in conjunction with DCJS, Unified Court System, and the Permanent Judicial Commission, to address issues pending with 2019 budget
- Construction in progress at 6 of 8 secure detention facilities; pending at 2
Child Welfare: Residential Beds for JDs

OCFS has:

• Released a Request for Applications (RFA) for specialized residential services for the RTA youth expected to proceed through Family Court

• Approved 13 Voluntary Agencies (VAs) to create specialized RTA programs statewide (171 beds for year 1)

• Created a special Maximum State Allowable Rate (MSAR) to provide for enhanced programming and staffing (including increases to staff salaries to address recruitment and retention)

• Convened monthly Learning Collaborative meetings with the 13 VAs
Child Welfare

- Established anchor counties to support VA start-up costs and “gap” expenses for the first three years
- Developed an MOU between OCFS and anchor counties
- Developing “model contract” language for the counties and voluntary agencies for RTA programs
- Collaborated with State Education Department to develop appropriate educational and vocational programming in RTA programs
OCFS Facilities

OCFS’s Division of Juvenile Justice and Opportunities for Youth (DJJOY) is expanding:

• DJJOY is recommissioning buildings on the Industry Residential Center’s campus (Rush, NY) to add 80 limited secure male beds

• DJJOY is re-opening the Harriett Tubman Residential Center (Sennett, NY) to provide 25 limited secure female beds

• DJJOY will monitor the placement trends during the initial months of RTA and determine if these are sufficient bed numbers to meet the JD population demands
Judicial Training Institute

- Training Family Court and Youth Part Judges

- Focus on:
  - Levels and types of detention
  - Levels and types of placement
  - Family Court Detention Risk Assessment for Juvenile Delinquents
  - Detention decision making
  - Placement lengths of stay
State Commission of Correction (SCOC)
Construction, Renovation, and Certification of SSD Facilities

- Regulations have been promulgated for the Construction, Renovation, and Certification of Specialized Secure Detention (SSD) Facilities
- Construction and Renovation Regulations can be found at 9 NYCRR Part 7303
- Certification Regulations can be found at 9 NYCRR Part 7304
- Please contact Terry Moran with any construction ideas or questions at
  infoscoc@scoc.ny.gov
Operation Regulations for SSD Facilities

• Regulations regarding operations have been proposed and can be located on the SCOC website: www.scoc.ny.gov

• Proposed regulations cover:
  • Admissions; Security and Supervision; Visitation; Food Service; Health and Mental Health Services; Classification; Personal Hygiene; Classification; Maximum Facility Capacity; Reportable Incidents; Printed Material and Publications; Exercise, Recreation and Leisure Activities; Access to Legal Services; Grievance Program; Correspondence and Telephone; Religion; Deathbed and Funeral Visits; Nondiscriminatory Treatment; Sanitation; Fire Prevention and Safety; Environmental Health and Safety; Good Behavior Allowances and Sentencing Calculation; and Variances
Department of Corrections and Community Supervision (DOCCS)
AO Facilities: Site Locations

- Hudson CF currently houses 16- and 17-year-olds pursuant to Executive Order 150 and will transition into an AO facility
- Adirondack CF and the former Groveland Annex will also become AO facilities

**Hudson CF:**
- Columbia County
- Currently houses incarcerated 16- and 17-year-olds
- Will remain the reception center for all AOs
- Will be the only facility to house female AOs

**Adirondack AO Facility (formerly Adirondack CF):**
- Essex County
- Current Status: Medium Security, Male Facility
- Operational Date: October 1, 2018

**Sonyea AO Facility (formerly Groveland Annex):**
- Livingston County
- Current Status: Decommissioned Medium Security, Male Facility
- Operational Date: October 1, 2019
AO Facilities: County Housing

- As an interim measure before the law takes effect, DOCCS will continue to review requests from counties to house 16- and 17-year-olds who receive a definite sentence of imprisonment in excess of 90 days at Hudson CF.

- If approved, due to limited capacity, there will be a per capita cost associated with housing these youth from the counties.

- After Phase 1 of RTA implementation, DOCCS will continue this practice as it relates to 17-year-olds.
AO Facilities: Discharge Planning Services

- Discharge Planning Services are a coordinated effort between DOCCS correction and community supervision staff, re-entry services, County Re-Entry Task Forces (CRTFs), and OCFS

- Where appropriate, this includes:
  - Family reintegration
  - Housing assistance
  - Mental health and medical continuity of care
  - Employment support
  - Educational needs

- Counties can sign up for a monthly automated email notification that will provide information on AOs released to their counties
Post Release Supervision

- DOCCS Community Supervision staff will provide post release supervision to both AOs released from DOCCS and JOs released from OCFS and DOCCS:
  - They will be supervised by a Parole Officer in bureaus based on county/area of residence
  - Until the age of 18, they will be supervised at a Youthful Offender risk level, which is a supervision ratio of 40:1
  - At age 18, a risk assessment instrument will determine the appropriate level of supervision
Division of Budget (DOB)
Reimbursement Certification

- Consistent with the Raise the Age statute, the State remains committed to providing 100% reimbursement for incremental costs incurred from RTA implementation.
- Counties that have adopted a budget that does not exceed the property tax cap must submit a certification of compliance to the NYS Division of Budget.
- As of Monday 7/23/18, the NYS Division of Budget has received this certification from nineteen (19) counties.
Tax Cap Compliance and Financial Hardship

• If a county’s most recently adopted budget exceeds the property tax cap, the State may waive the local share of Raise the Age 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 (3) tests to determine financial hardship:
  1. Financial Restructuring Board (FRB) Criteria; or
  2. A Fiscal Stress Designation from the Office of the State Comptroller (OSC); or
  3. Additional Financial Hardship Justification (for counties that do not meet Tests 1 or 2)
Comprehensive Fiscal Plans

- Counties may now submit their Comprehensive Plans to request State reimbursement for anticipated, eligible incremental Raise the Age-related expenses.

- A fiscal planning instrument was made available to counties last month:
  - The instrument is designed to help counties identify eligible costs and gauge reasonableness of requests based upon county specific projections of arrest and case processing activity.
  - Completion and submission of this instrument is required to be approved by the NYS Division of Budget for county reimbursement – there is no submission deadline.

- Only costs identified in the Comprehensive Plans will be considered for reimbursement, which can be amended by counties, as appropriate.
Comprehensive Fiscal Plans

• The fiscal planning instrument can be found at:
  

• Plans should be submitted to: LocalRTAGuide@ocfs.ny.gov
Questions?

Website: https://www.ny.gov/programs/raise-age-0
Question Submissions: https://www.ny.gov/content/raise-age-ask-question