NYSAC Fall Seminar
Raise the Age Workshop
RTA Background

• 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

• The Task Force issued its first annual report, which is available at:
• $200 million included in FY 2020 Budget for RTA-related expenditures
• 17-year-old youth will phase in on October 1, 2019
• Secure and Specialized Secure Detention beds are available with plans for additional beds in process
• Voluntary Agency beds available
• Fiscal Planning Instrument is available on the RTA website
• PINS reform passed, fiscal provisions in effect January 1, 2020
FY 2020 State Budget

• This year’s Budget included an additional $200 million investment in a continuum of prevention, diversion, treatment, re-entry, and supervision services to successfully implement RTA.

• These continued 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 reduce long-term system costs.
Raise the Age Task Force

Members:

- Anthony Annucci, Acting Commissioner, Department of Corrections and Community Supervision
- Hon. Vito Caruso, 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, Commissioner, Office of Children and Family Services
- Naomi Post, Executive Director, Children's Defense Fund-NY
- Allen Riley, Chairman, State Commission of Correction
- Jesse Olczak, Unit Chief, New York State Division of Budget
Division of Criminal Justice Services (DCJS)
What are we seeing across New York State?
Statewide 16-Year Old Arrests: 2010 - 2018

Source: DCJS, CCH Database (as of 07/23/2019).
Statewide 17-Year Old Arrests: 2010 - 2018

2010 v 2018: Felony down –49%, Misd down –69%

Source: DCJS, CCH (as of 07/23/2019).
New York City Felony and Misdemeanor Arrests Involving 16-17 Year Olds
January through June, 2017 - 2019

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>Felony</td>
<td>910</td>
<td>867</td>
<td>658</td>
<td>-28%</td>
</tr>
<tr>
<td></td>
<td>Misdemeanor*</td>
<td>1,876</td>
<td>1,391</td>
<td>18</td>
<td>-99%</td>
</tr>
<tr>
<td></td>
<td>VTL</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>2,786</td>
<td>2,258</td>
<td>676</td>
<td>-76%</td>
</tr>
<tr>
<td>17</td>
<td>Felony</td>
<td>1,094</td>
<td>953</td>
<td>1,008</td>
<td>-8%</td>
</tr>
<tr>
<td></td>
<td>Misdemeanor</td>
<td>2,407</td>
<td>1,580</td>
<td>1,192</td>
<td>-50%</td>
</tr>
<tr>
<td></td>
<td>VTL</td>
<td>2</td>
<td>5</td>
<td>5</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>3,503</td>
<td>2,538</td>
<td>2,205</td>
<td>-37%</td>
</tr>
</tbody>
</table>

*Excludes arrests for misdemeanors committed by 16 year-olds after October 1, 2018. Arrests where a 16 year-old committed a misdemeanor before the law took effect but was not arrested until after the effective date are included.

Note: Percentage change is not calculated when counts are fewer than 10.

Source: DCJS, Computerized Criminal History File (as of 7/23/2019).
Rest of State Felony and Misdemeanor Arrests Involving 16-17 Year Olds
January through June, 2017 - 2019

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>Felony</td>
<td>556</td>
<td>502</td>
<td>372</td>
<td>-33%</td>
</tr>
<tr>
<td></td>
<td>Misdemeanor*</td>
<td>1,391</td>
<td>1,158</td>
<td>23</td>
<td>-98%</td>
</tr>
<tr>
<td></td>
<td>VTL</td>
<td>12</td>
<td>12</td>
<td>5</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>1,959</td>
<td>1,672</td>
<td>400</td>
<td>-80%</td>
</tr>
<tr>
<td>17</td>
<td>Felony</td>
<td>802</td>
<td>681</td>
<td>605</td>
<td>-25%</td>
</tr>
<tr>
<td></td>
<td>Misdemeanor</td>
<td>1,974</td>
<td>1,564</td>
<td>1,434</td>
<td>-27%</td>
</tr>
<tr>
<td></td>
<td>VTL</td>
<td>34</td>
<td>34</td>
<td>36</td>
<td>6%</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>2,810</td>
<td>2,279</td>
<td>2,075</td>
<td>-26%</td>
</tr>
</tbody>
</table>

*Excludes arrests for misdemeanors committed by 16 year-olds after October 1, 2018. Arrests where a 16 year-old committed a misdemeanor before the law took effect but was not arrested until after the effective date are included.

Note: Percentage change is not calculated when counts are fewer than 10.

Source: DCJS, Computerized Criminal History File (as of 7/23/2019).
### Adolescent Offender (AO) Arraignments Removed by Removal Type
October 2018 - June 2019

<table>
<thead>
<tr>
<th>Statewide AO Arraignments</th>
<th>Total Removed</th>
<th>Removed to Family Court</th>
<th>Removed to Probation Intake</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>#</td>
<td>%</td>
<td>#</td>
</tr>
<tr>
<td>1,276</td>
<td>1,044</td>
<td>82%</td>
<td>211</td>
</tr>
</tbody>
</table>

Source: DCJS, Computerized Criminal History Database (as of 07/23/2019).
Juvenile Delinquency Probation Intakes Opened by Quarter

New York City

Rest of State

Source: DCJS OPCA PWS
RTA Year 2: October 1, 2019

- 17-year-old youth will phase-in to RTA.
- State funding for County Fiscal Plan funds contemplated the impact of 17-year-old youth from the October 1, 2019 effective date through March 31, 2020
- Plans can be amended and resubmitted to the State to identify additional incremental costs due to RTA
County Probation Department
Approved Programs and Services
for Raise the Age

<table>
<thead>
<tr>
<th>Program Type</th>
<th>Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternative to Detention</td>
<td>1,431</td>
</tr>
<tr>
<td>Programs and Services</td>
<td>4,835</td>
</tr>
<tr>
<td>Low Intensity (includes Youth Court, Mentoring, and Mediation)</td>
<td>1,448</td>
</tr>
<tr>
<td>Cognitive Behavioral Intervention</td>
<td>1,908</td>
</tr>
<tr>
<td>Behavioral Health (includes Mental Health and Substance Abuse services)</td>
<td>688</td>
</tr>
<tr>
<td>Vocational/Educational/Employment</td>
<td>483</td>
</tr>
<tr>
<td>Intensive Family Therapy</td>
<td>254</td>
</tr>
<tr>
<td>Other Programs and Services</td>
<td>54</td>
</tr>
</tbody>
</table>

Includes programs and services from the approved RTA county plans covering State Fiscal Years 2018-19 and 2019-20 fiscal years.
Convictions Sealed – CPL 160.59

Since the sealing provision took effect on October 7, 2017:

• 1,346 individuals have had 1,672 convictions sealed
• 56 different counties have granted at least one CPL 160.59 seal.
• 41% of the individuals obtained their seal in either New York, Nassau, or Suffolk county (555 of 1,346).

Of the 1,672 convictions sealed via CPL 160.59:

• Half were misdemeanor convictions (846) and half were felony convictions (826).
• The most commonly sealed convictions were drug offenses (26%), larceny (25%), and driving while intoxicated (9%).

Source: DCJS Computerized Criminal History system (as of 8/23/2019).
Available RTA and Youth Justice Data

- Data posted on the Statistics Page of the DCJS public website includes:
  
  https://www.criminaljustice.ny.gov/crimnet/ojsa/stats.htm

- RTA: Age 16/17 Arrests by County and Region, 2014 - June 2019

- RTA: Quarterly Youth Part Court Activity, Oct 2018 - June 2019

- Juvenile Justice County Profiles: Key Case Processing Activities, 2014-2018

- Juvenile Justice Long Term Trends by Region, 2010-2018
Raise the Age Implementation Best Practices

- Provision of Voluntary Assessment and Case Planning Services in Youth Part
- Investment in Community and Evidence-Based Services for RTA Youth at Probation Intake and Supervision
- Investment in Alternatives to Detention
- DCJS Evidence-Based Training of Juvenile Probation Officers throughout NYS
Office of Children and Family Services (OCFS)
Trends

- Fewer youth detained than anticipated
- Fewer youth placed than planned for
- Youth are being removed to family court fairly quickly
- Continue to see some youth remanded and placed on relatively low-level offenses
OCFS Implementation

• Detention
  • Secure and Specialized Secure Detention beds are available in most sections of NYS
  • Additional bed needs are being identified and addressed in several areas (Southern Tier, Long Island, Westchester)
  • Continue to be extensive capacity for JDs in non-secure detention

• Placement
  • Voluntary Agency beds available
  • OCFS facilities have capacity

• Supervision and Treatment Services to Juveniles Program
Implementation (cont.)

- Voluntary Agency model:
  - Maximum 8 months length of stay
  - Minimum 4 months aftercare
  - Exit planning at entry- day one
  - Intensive family engagement
  - Higher MSAR for enhanced staffing
  - Year-long learning collaborative with RTA providers, incorporating counties
  - Providers are working collaboratively to support success
Implementation Phase 2

• No new placement bed expansion
• Detention expansion anticipated
• Ongoing TA for counties on plans and STSJP
• Preparing for PINS reform
  • Webinars
  • Judicial Training
  • System changes
  • STSJP changes
# AO SSD Admissions


<table>
<thead>
<tr>
<th></th>
<th>Quarter 1</th>
<th></th>
<th>Quarter 2</th>
<th></th>
<th>Total SSD Admissions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Oct - Dec 2018</td>
<td></td>
<td>Jan - Mar 2019</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>#</td>
<td>%</td>
<td>#</td>
<td>%</td>
<td>#</td>
</tr>
<tr>
<td>New York State</td>
<td>109</td>
<td>100%</td>
<td>103</td>
<td>100%</td>
<td>212</td>
</tr>
<tr>
<td>NYC</td>
<td>43</td>
<td>39%</td>
<td>43</td>
<td>42%</td>
<td>86</td>
</tr>
<tr>
<td>ROS</td>
<td>66</td>
<td>61%</td>
<td>60</td>
<td>58%</td>
<td>126</td>
</tr>
</tbody>
</table>

Source: OCFS, Juvenile Detention Automated System (Q1 data as of 03/02/2019, Q2 data as of 05/18/2019).

Note: Figures include pre- and post-sentence youth.

- 26 counties had one or more SSD admissions during this period
- 32 counties had no SSD admissions
- Quarterly updates available on OCFS webpage [https://ocfs.ny.gov/reports/detention/](https://ocfs.ny.gov/reports/detention/)
AO SSD Utilization


<table>
<thead>
<tr>
<th>Region</th>
<th>Average Daily Population</th>
<th>Average Length of Stay (in days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York State</td>
<td>33</td>
<td>20</td>
</tr>
<tr>
<td>New York City</td>
<td>14</td>
<td>24</td>
</tr>
<tr>
<td>Rest of State</td>
<td>18</td>
<td>18</td>
</tr>
</tbody>
</table>
# RTA JD Detention Admissions

## 16-Year-Old JD Detention Admissions by Region: Oct 2018 - Mar 2019

<table>
<thead>
<tr>
<th>Region</th>
<th>Quarter 1</th>
<th>Quarter 2</th>
<th>Total Admissions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Oct - Dec 2018</td>
<td>Jan - Mar 2019</td>
<td></td>
</tr>
<tr>
<td></td>
<td>#</td>
<td>%</td>
<td>#</td>
</tr>
<tr>
<td>New York State</td>
<td>146</td>
<td>100%</td>
<td>154</td>
</tr>
<tr>
<td>NYC</td>
<td>81</td>
<td>55%</td>
<td>63</td>
</tr>
<tr>
<td>ROS</td>
<td>65</td>
<td>45%</td>
<td>91</td>
</tr>
</tbody>
</table>

Source: OCFS, Juvenile Detention Automated System (Q1 data as of 03/02/2019, Q2 data as of 05/18/2019). Note: Counts include secure and non-secure detention admissions.

- 23 counties had one or more RTA JD admissions to **secure detention**
- 35 Counties had no RTA JD admissions to **secure detention**
- Quarterly updates available on OCFS webpage [https://ocfs.ny.gov/reports/detention/](https://ocfs.ny.gov/reports/detention/)
## Current Detention Census – All Youth

<table>
<thead>
<tr>
<th>Region</th>
<th>SSD</th>
<th>SD</th>
<th>Total SSD/SD Population</th>
<th>Non Secure Detention</th>
<th>Total Detention</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York State</td>
<td>71</td>
<td>100</td>
<td>171</td>
<td>88</td>
<td>259</td>
</tr>
<tr>
<td>New York City*</td>
<td>38</td>
<td>28</td>
<td>66</td>
<td>35</td>
<td>101</td>
</tr>
<tr>
<td>Rest of State</td>
<td>33</td>
<td>72</td>
<td>105</td>
<td>53</td>
<td>158</td>
</tr>
</tbody>
</table>

*NYC census includes only youth served in Crossroads
SSD facilities serve Adolescent Offenders
SD facilities can serve JO, RTA JD and non RTA JD youth
NSD facilities can currently serve RTA JD, non RTA JD youth, and PINS
## RTA JD Family Court Placements

### 16-Year-old JD Placement Admissions by Region: Oct 2018 - Mar 2019

<table>
<thead>
<tr>
<th>Region</th>
<th>Quarter 1</th>
<th></th>
<th>Quarter 2</th>
<th></th>
<th>Total Admissions</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Oct - Dec 2018</td>
<td>Jan - Mar 2019</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>#</td>
<td>%</td>
<td>#</td>
<td>%</td>
<td>#</td>
<td>%</td>
</tr>
<tr>
<td>New York State</td>
<td>3</td>
<td>100%</td>
<td>29</td>
<td>100%</td>
<td>32</td>
<td>100%</td>
</tr>
<tr>
<td>NYC</td>
<td>1</td>
<td>33%</td>
<td>6</td>
<td>21%</td>
<td>7</td>
<td>22%</td>
</tr>
<tr>
<td>ROS</td>
<td>2</td>
<td>67%</td>
<td>23</td>
<td>79%</td>
<td>25</td>
<td>78%</td>
</tr>
</tbody>
</table>

Source: OCFS, Juvenile Justice Information System and Connections.

- 14 counties had one or more RTA JD placement admissions
- 44 Counties had no RTA JD placement admissions
Current RTA JD Placement Census

As of September 2, 2019:

- 35 youth in RTA VA programs
- 22 RTA youth in OCFS custody
State Commission of Correction (SCOC)
SCOC Updates

• Continue to offer technical assistance to all SSD facilities
• Work in conjunction with OCFS in reviewing and approving new construction and renovation plans
• Conduct inspections of new construction and renovations
• Work closely with the Sheriff’s Office regarding any security concerns
• SCOC regulations can be found on our website: www.scoc.ny.gov/regulations
• Please contact Robert Cuttita with any construction ideas or questions at infoscoc@scoc.ny.gov
Department of Corrections and Community Supervision (DOCCS)
Adolescent Offender Facilities

• The law requires that DOCCS create one or more facilities to house AOs impacted by this legislation that are under 18 years of age at sentencing and sentenced to one year or more.

• These facilities will operate a two-year treatment model developed in collaboration between DOCCS and OCFS.

• A council made up of representatives from DOCCS, OCFS, SCOC, and DCJS will jointly oversee the facilities.
AO Facilities: Site Locations

- Hudson and Adirondack CF’s were transitioned into AO facilities effective October 1, 2018.
- In addition, they currently house 16- and 17-year-olds pursuant to Executive Order 150.
- The former Groveland Annex will also become AO facilities as necessary.

<table>
<thead>
<tr>
<th>Hudson AOF:</th>
<th>Former Groveland Annex:</th>
<th>Adirondack AOF:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Columbia County</td>
<td>Livingston County</td>
<td>Essex County</td>
</tr>
<tr>
<td>Current Status: AO Facility also</td>
<td>Current Status: Decommissioned Medium Security, Male Facility</td>
<td>Current Status: AO Facility also</td>
</tr>
<tr>
<td>housing incarcerated 16- and 17-</td>
<td>Infrastructure Completion: November 2019</td>
<td>housing incarcerated 16- and 17-</td>
</tr>
<tr>
<td>year-olds</td>
<td>Operational Date: TBD</td>
<td>year-old Males</td>
</tr>
<tr>
<td>Will remain the reception center for all AOs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Will be the only facility to house female AOs</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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)
Tax Cap Compliance and Financial Hardship

- Counties that adopted a budget that does not exceed the property tax cap are eligible for reimbursement of the local share of Raise the Age costs

- 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 rely on three 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 (if Tests 1 or 2 are not met)
Tax Cap Compliance and Financial Hardship

• Tax cap compliance/financial hardship determination is an annual test

• The State sends a letter to the county informing them that it is eligible for reimbursement in a given year once the State has received:

  1. the tax cap compliance certification or financial hardship application that meets one of the three tests; and

  2. an approvable Comprehensive Fiscal Plan
Comprehensive Fiscal Plans

- Counties are required to 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 in June 2018:
  - 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.

- Comprehensive Plans are required for reimbursement and can be amended as needed.
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