



# **NYSAC Fall Seminar**

## **Raise the Age Workshop**

September 24, 2019

# 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:
  - [https://www.ny.gov/sites/ny.gov/files/atoms/files/NYS\\_RTATaskForceFirstReport.pdf](https://www.ny.gov/sites/ny.gov/files/atoms/files/NYS_RTATaskForceFirstReport.pdf)
- \$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



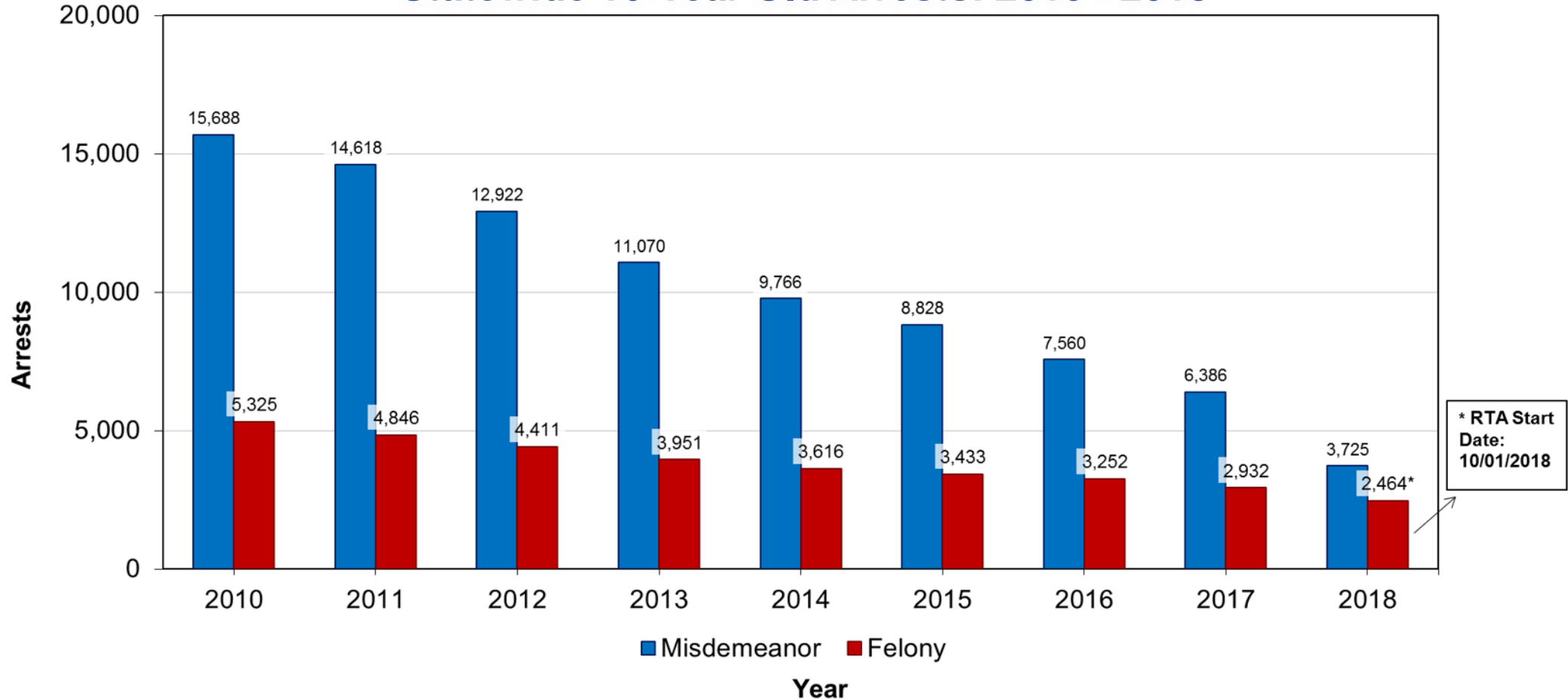
# Division of Criminal Justice Services (DCJS)



# Updates

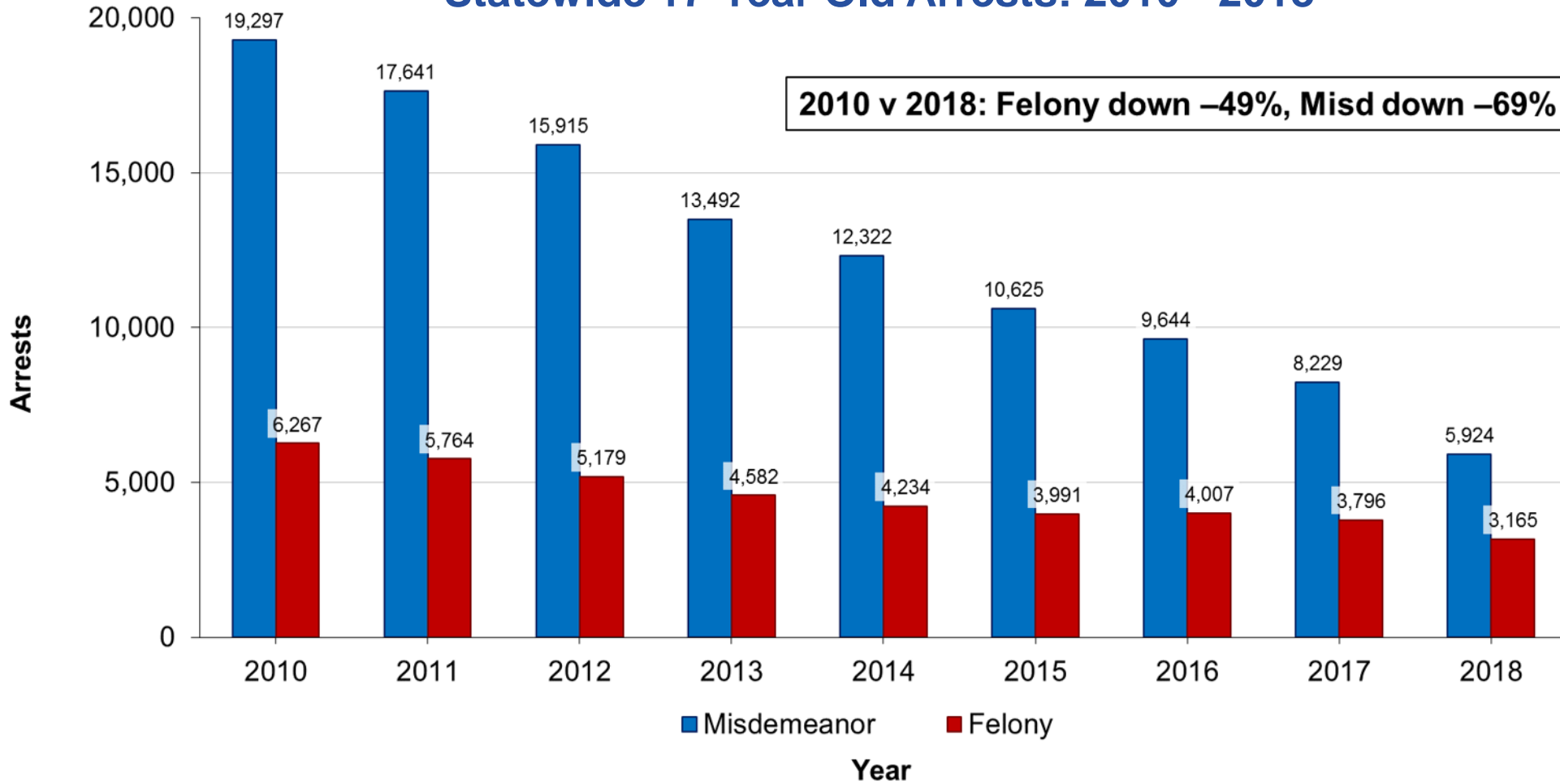
What are we seeing across New York State?

### Statewide 16-Year Old Arrests: 2010 - 2018





### Statewide 17-Year Old Arrests: 2010 - 2018



## New York City Felony and Misdemeanor Arrests Involving 16-17 Year Olds January through June, 2017 - 2019

Age at Crime	Top Arrest Category	Arrest Year			% Change 2017-2019
		Jan-Jun 2017	Jan-Jun 2018	Jan-Jun 2019*	
<b>16</b>	Felony	910	867	658	-28%
	Misdemeanor*	1,876	1,391	18	-99%
	VTL	0	0	0	N/A
	Total	2,786	2,258	676	-76%
<b>17</b>	Felony	1,094	953	1,008	-8%
	Misdemeanor	2,407	1,580	1,192	-50%
	VTL	2	5	5	N/A
	Total	3,503	2,538	2,205	-37%

\*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

Age at Crime	Top Arrest Category	Arrest Year			% Change 2017-2019
		Jan-Jun 2017	Jan-Jun 2018	Jan-Jun 2019*	
16	Felony	556	502	372	-33%
	Misdemeanor*	1,391	1,158	23	-98%
	VTL	12	12	5	N/A
	Total	1,959	1,672	400	-80%
17	Felony	802	681	605	-25%
	Misdemeanor	1,974	1,564	1,434	-27%
	VTL	34	34	36	6%
	Total	2,810	2,279	2,075	-26%

\*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).

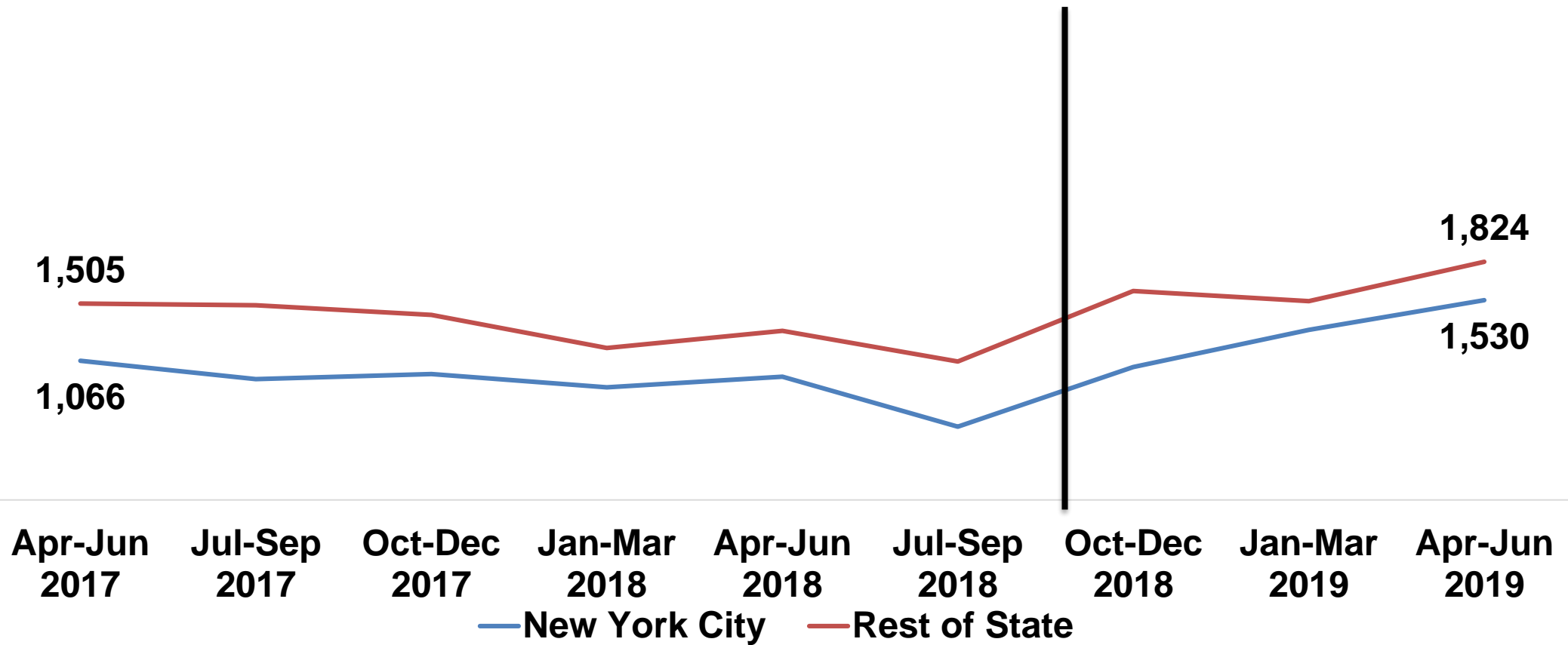


## Adolescent Offender (AO) Arraignments Removed by Removal Type October 2018 - June 2019

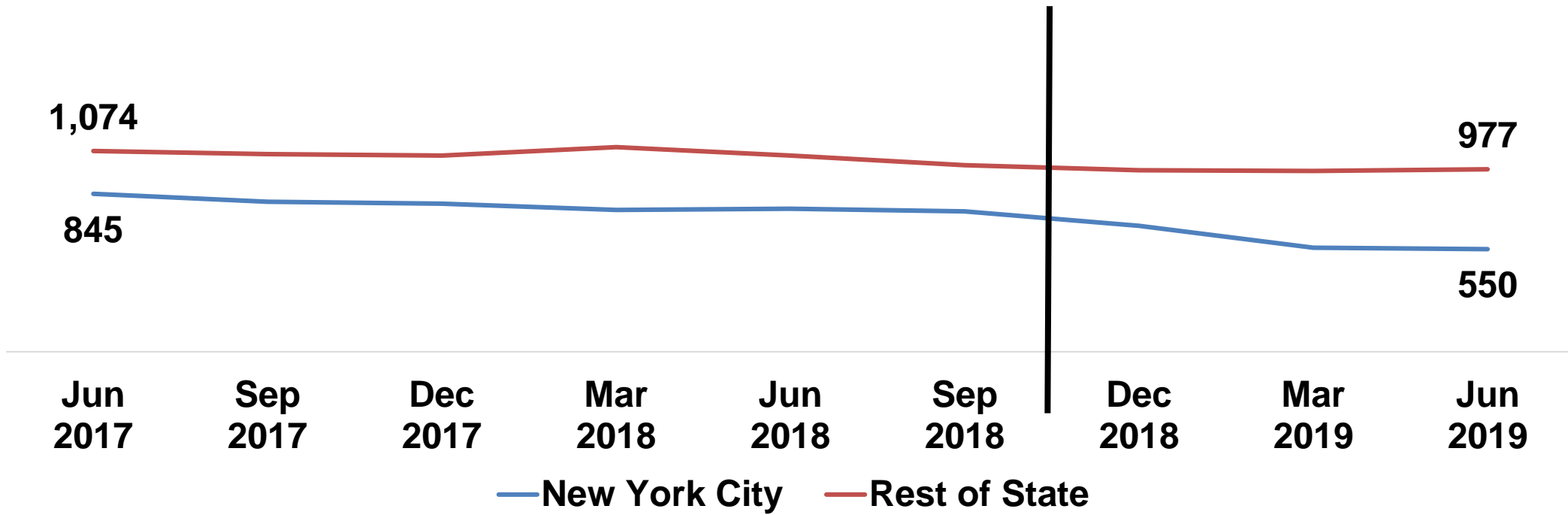
Statewide AO Arraignments	Total Removed		Removed to Family Court		Removed to Probation Intake	
	#	%	#	% of Removals	#	% of Removals
<b>1,276</b>	<b>1,044</b>	<b>82%</b>	<b>211</b>	<b>20%</b>	<b>833</b>	<b>80%</b>



## Juvenile Delinquency Probation Intakes Opened by Quarter



## Juvenile Delinquency Probation Cases under Supervision End of Month by Quarter



# 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

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

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%).



# 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

AO Specialized Secure Detention (SSD) Admissions by Region: Oct 2018 - Mar 2019						
	Quarter 1		Quarter 2		Total SSD Admissions	
	Oct - Dec 2018		Jan - Mar 2019			
	#	%	#	%	#	%
<b>New York State</b>	<b>109</b>	<b>100%</b>	<b>103</b>	<b>100%</b>	<b>212</b>	<b>100%</b>
NYC	43	39%	43	42%	86	41%
ROS	66	61%	60	58%	126	59%

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 SSDs admissions
- Quarterly updates available on OCFS webpage <https://ocfs.ny.gov/reports/detention/>



# AO SSD Utilization

Time period: Oct 2018 - Mar 2019		
Region	Average Daily Population	Average Length of Stay (in days)
<b>New York State</b>	<b>33</b>	<b>20</b>
New York City	14	24
Rest of State	18	18

# RTA JD Detention Admissions

16-Year-Old JD Detention Admissions by Region: Oct 2018 - Mar 2019						
	Quarter 1		Quarter 2		Total Admissions	
	Oct - Dec 2018		Jan - Mar 2019			
	#	%	#	%	#	%
<b>New York State</b>	<b>146</b>	<b>100%</b>	<b>154</b>	<b>100%</b>	<b>300</b>	<b>100%</b>
NYC	81	55%	63	41%	144	48%
ROS	65	45%	91	59%	156	52%

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/>



# Current Detention Census – All Youth

NYS Youth in Detention as of 9/2/19 by Region					
Region	SSD	SD	Total SSD/SD Population	Non Secure Detention	Total Detention
<b>New York State</b>	<b>71</b>	<b>100</b>	<b>171</b>	<b>88</b>	<b>259</b>
New York City*	38	28	66	35	101
Rest of State	33	72	105	53	158

\*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						
	Quarter 1		Quarter 2		Total Admissions	
	Oct - Dec 2018		Jan - Mar 2019			
	#	%	#	%	#	%
<b>New York State</b>	<b>3</b>	<b>100%</b>	<b>29</b>	<b>100%</b>	<b>32</b>	<b>100%</b>
NYC	1	33%	6	21%	7	22%
ROS	2	67%	23	79%	25	78%

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](http://www.scoc.ny.gov/regulations)
- Please contact Robert Cuttita with any construction ideas or questions at [infoscoc@scoc.ny.gov](mailto: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.

<b>Hudson AOF:</b>	<b>Former Groveland Annex:</b>	<b>Adirondack AOF:</b>
<ul style="list-style-type: none"> <li>• Columbia County</li> <li>• Current Status: AO Facility also housing incarcerated 16- and 17-year-olds</li> <li>• Will remain the reception center for all AOs</li> <li>• Will be the only facility to house female AOs</li> </ul>	<ul style="list-style-type: none"> <li>• Livingston County</li> <li>• Current Status: Decommissioned Medium Security, Male Facility</li> <li>• Infrastructure Completion: November 2019</li> <li>• Operational Date: TBD</li> </ul>	<ul style="list-style-type: none"> <li>• Essex County</li> <li>• Current Status: AO Facility also housing incarcerated 16- and 17-year-old Males</li> </ul>

# 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:

<https://www.ny.gov/sites/ny.gov/files/atoms/files/fiscal-planning-instrument.xlsx>

- Plans should be submitted to: [LocalRTAGuide@ocfs.ny.gov](mailto: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>

September 24, 2019