

THE APPELLATE DIVISION, FOURTH DEPARTMENT
IN COLLABORATION WITH
THE OFFICE OF COURT ADMINISTRATION
ATTORNEY FOR THE CHILD CONTRACTS

presents:

Focus on Juvenile Justice

Tuesday, March 19, 2013
SUNY at Buffalo
Center for Tomorrow
Buffalo, New York

- 9:00 a.m. REGISTRATION AND MATERIALS DISTRIBUTION
- 9:30 a.m. WELCOME
Tracy Hamilton, Esq.
Director, Attorneys for Children Program
- 9:40 a.m. The Role and Responsibilities of The AFC in JD Proceedings: A Practical Perspective
Professor Randy A. Hertz
Vice Dean, NYU Law School
Director, Clinical & Advocacy Programs
- 11:15 a.m. Break
- 11:30 a.m. Panel Discussion: Ethical Issues in JD Proceedings
Hon. James Dillon
Erie County Supreme Court
Professor Randy A. Hertz
Vice Dean, NYU Law School
Director, Clinical & Advocacy Programs
Theresa Lorenzo, Esq.
Attorney for Children
Legal Aid of Buffalo
- 12:40 p.m. LUNCH (provided)
- 1:40 p.m. JD Case Law & Statutory Update
Professor Randy A. Hertz
Vice Dean, NYU Law School
Director, Clinical & Advocacy Programs
- 2:40 p.m. Break
- 2:55 p.m. Juvenile Justice Reforms: Improving Outcomes for Youth & Families
Tim Roche
Associate Commissioner
NYS Office of Children and Family Services
- 4:10 p.m. Conclusion

The Appellate Division, Fourth Department has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York from March 2, 2011 to March 1, 2014. This program has been approved for a total of six (6.0) credit hours, of which one and one-half (1.5) credit hours can be applied toward the professional practice (family law) requirement, two and one-half (2.5) credit hours can be applied toward the skills requirement, and two (2) credit hour can be applied toward the ethics and professionalism requirement. This program is suitable for experienced or newly admitted attorneys.

Tim Roche

Tim Roche has devoted the bulk of his 25 year career to the design and implementation of safe and effective community based alternatives to the correctional confinement of youth involved in delinquency systems across the country. Mr. Roche is a juvenile justice expert for the U.S. Department of Justice in the area of Protection from Harm in juvenile correctional facilities, and is currently working as a consultant to NYS OCFS where he has helped to guide compliance with a binding US DOJ agreement relating to excessive use of restraints in three OCFS facilities. Mr. Roche is also leading OCFS' statewide detention reform initiative.

Mr. Roche has been a consultant to the Annie E. Casey Foundation's Juvenile Detention Alternative Initiative (JDAI) where he served as the JDAI Technical Assistance Team Leader in Alabama and Mississippi, and as a lead consultant for the Annie E. Casey Foundation's Strategic Consulting Group in its efforts to help reform the Alabama Department of Youth Services. Mr. Roche, formerly Executive Director of the Justice Policy Institute in Washington, D.C., and past President of the New York State Youth Advocates Program, has served as a monitor for the Federal Court in Washington, D.C., monitoring conditions at the D.C. jail and prisons.

His varied practical experience also includes serving as Deputy Receiver for the Washington, D.C. Child Welfare system; as Deputy Special Master for the U.S. District Court in Baltimore, MD regarding the delivery of Special Education services in the Baltimore City Public Schools System and as the Federal Court's expert on intermediate sanctions in San Juan, Puerto Rico.

**JUVENILE JUSTICE REFORMS:
IMPROVING OUTCOMES FOR
YOUTH & FAMILIES**

Presented by:

Tim Roche
Associate Commissioner
NYS Office of Children and Family Services

The Appellate Division, Fourth Department, Attorneys for Children Program
in Collaboration with
The Office of Court Administration, Attorney for the Child Contracts

Focus on Juvenile Justice
Buffalo, NY
March 19, 2013

New York State Office of Children and Family Services



Gladys Carrión, Esq.,
Commissioner

Andrew M. Cuomo,
Governor



Confidential Policy OCFS

1

NYS Commitments to OCFS 2007 to 2011 Total Decline – 44%



38% in NYC



52% ROS

Confidential Policy OCFS

2

Juvenile Crime is Down

2001 to 2010: Arrests of youth under 16
for ROS

Index Crime Arrests

2001 ----- 2010
8,805 5,552



36.9%

Part II Arrests

2001 ----- 2010
17,426 8,529



51%

Confidential Policy OCFS

3

Youth of Color Bear the Brunt

In 2010
African American youth in NYC were 40.3 times more likely
to be admitted to OCFS facilities
than their white peers.

African American youth in
the Rest of State were
18.5 times more likely
to be admitted to OCFS facilities than their white peers.

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Legislative Mandates

Family court must use empirically validated risk assessment instruments to guide decision-making in JD cases

- Detention (DRAI)- 2011
- Disposition/level of residential care (PDRAI)- 2012

OCFS must

- approve and/or develop all RAIs
- examine disparate impact of RAI use on key subgroups
- periodically revalidate all RAIs
- Consult with external experts

Confidential Policy OCFS 5

OCFS DRAI

- Empirically derived and validated based on 2010 sample of JD youth from 6 counties (Albany, Dutchess, Erie, Monroe, Onondaga, Suffolk)
- Draft models shared with study counties/ experts: May- October 2012
- Field tested in study counties: Aug-Sept 2012
- Final model/ implementation guidelines shared statewide: December 2012

Confidential Policy OCFS 6

OCFS DRAI

- Counties currently working on implementation plans (due 4/30/13)
- OCFS, OCA, and DCJS collaborating to develop web-based DRAI system that will:
 - Provide 24/7 access to OCA data needed to complete DRAI
 - Support county level reporting/system processing
 - Provide data for revalidation/disparate impact work
- Anticipated implementation date- July 2013

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DRAI as a Tool for Guiding Detention Decisions and Informing ATD Usage

Low-Risk	Medium-Risk	High-Risk
		
		
Release to Home	Release to ATD	Detain

Confidential Policy OCFS

OCFS PDRAI

- OCFS partnering with OCA, OPCA/ DCJS to empirically validate tool
 - Sample= 2010-2011 JD dockets from all ROS counties
 - Test overall YASI scores and individual items
 - Risk= readjudication/conviction or felony rearrest within 12 months of disposition
- Anticipated completion December 2013

Confidential Policy OCFS 9

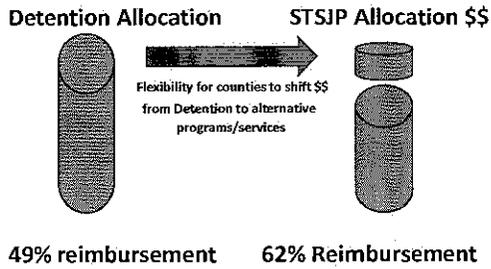
Supervision and Treatment Services for Juveniles Program (STSJP)

- Establishes a "Capped" allocation for detention reimbursements to Counties. Rate of reimbursement remains at current 49% up to capped allocation.
- Creates a program/service allocation (STSJP) for use in funding local alternatives to detention/placement. These funds are reimbursed by the State at 62%.
- Allows Counties to "shift" detention allocation funds to STSJP allocation for use in funding local alternatives to detention/placement. These funds then qualify for reimbursement at 62%.
- Mandates the use of a detention Risk Assessment Instrument to guide detention decisions.
- Requires Counties to collaboratively develop a local plan for spending STSJP funds.

Confidential Policy OCTS

10

Fiscal Incentives to Reduce Detention: Creating Local Solutions to Local Problems

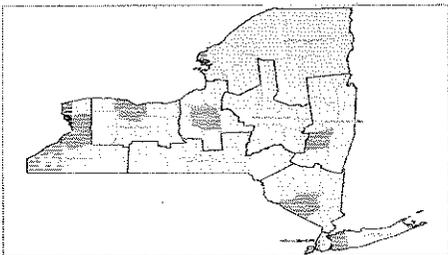


Confidential Policy OCTS

11

CTH/Regionalization

- NYC: Non-Secure/Limited Secure
- ROS: Non-Secure



12

New York State Office of Children and Family Services



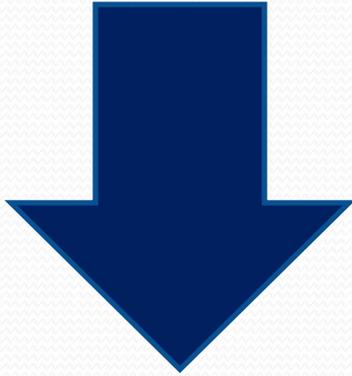
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Fiscal Incentives to Reduce Detention: Creating Local Solutions to Local Problems

Detention Allocation

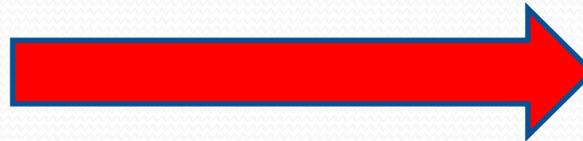


49% reimbursement

STSJP Allocation \$\$



62% Reimbursement



**Flexibility for counties to shift \$\$
from Detention to alternative
programs/services**

CTH/Regionalization

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- ROS: Non-Secure

