

DEEP END REFORM: The New York City Experience

Deep End Inter-Site Conference

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The Annie E. Casey Foundation

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In 2010, NYC embarked on the challenge of designing a system to serve all court-involved youth in the city, instead of in far away, upstate facilities.

GOALS

- Keep youth closer to home
- Reduced recidivism
- Safer communities
- Increase accountability
- Better long-term outcomes for system-involved youth and families



STRATEGIES

- Operating placements that are closer to New York City, safer and more humane, with better results
- Increase the array and number of available Alternative to Placement slots and options
- **Reduce the overall number of youth receiving dispositions for placement**

This presentation will focus on the efforts NYC made to reduce the number of youth disposed to residential facilities

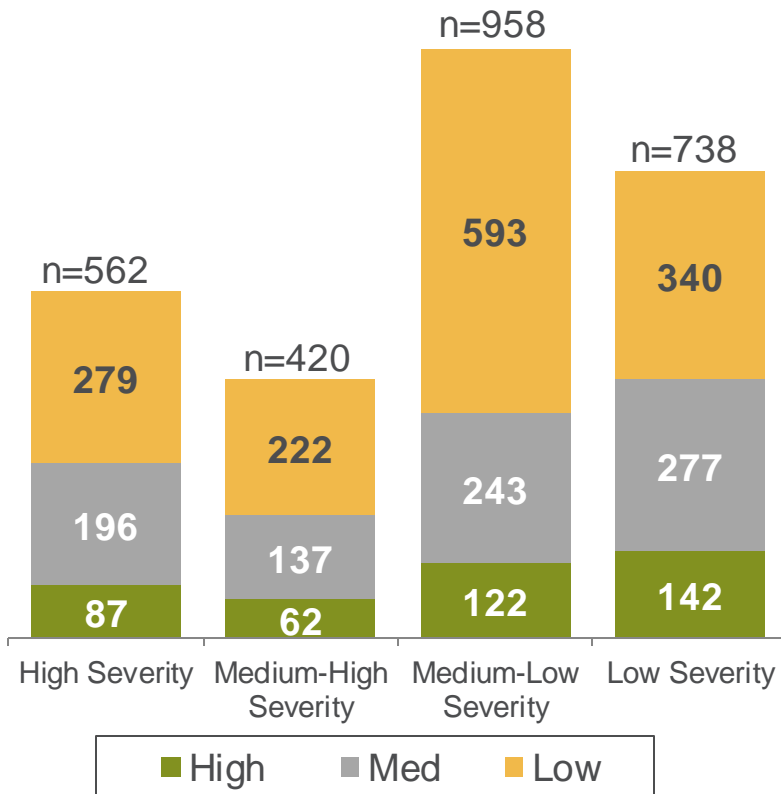
The first step was to conduct an assessment to identify the factors that resulted in the unnecessary use of confinement.

ASSESSMENT COMPONENTS:

- Participated in city-wide dispositional reform steering committee and subcommittees:
 - Data
 - Residential
 - Community-Based Interventions
- Interviewed juvenile probation officers and supervisors in three out of five boroughs
- Met with Department of Probation management including the Commissioner, Deputy and Associate Commissioners and Borough Directors.
- Court Observation
- Detailed analysis of data on arrest, probation intake, and dispositions

Data analysis showed that there were far too many low-level youth entering the system, and there was a need to handle more cases informally.

2010 Dispositions by Arresting Charge Severity and Risk Level (#)



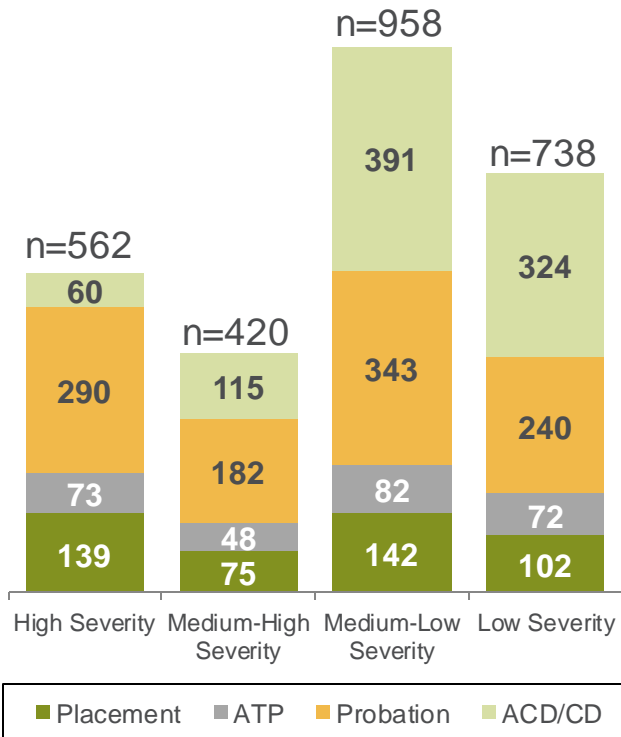
ASSESSMENT FINDINGS:

- 28% of all youth who received a disposition in 2010 were arrested for minor misdemeanors, and 45% of those scored low risk on the RAI.
- 53% of all dispositions were for low risk youth.
- Although diversion rates had increased, they were still quite low:
 - 14% of arrests were handled informally in 2003.
 - 26% of arrests were handled informally in 2007.
- Probation administration prioritized reforming diversion practices.

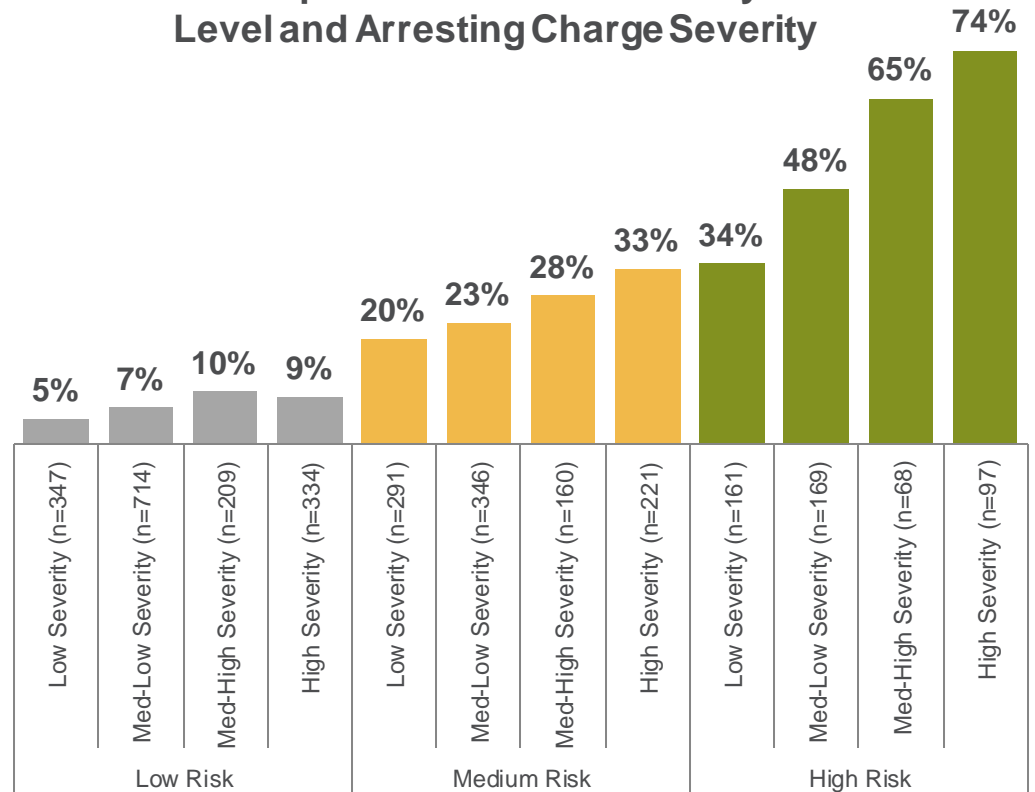
Dispositional data also revealed that far too many low risk youth and those with minor offenses were sent to out-of-home placement.

Among all dispositions to placement for a new arrest (i.e., not including VOPs), 53% were for arrest charges considered to be low or medium-low in severity. Moreover, high risk youth arrested for low level misdemeanors were almost four times as likely to be placed as low risk youth charged with the most serious offenses.

2010 Dispositions by Arresting Charge Severity (#)



2010 Dispositions to Placement by Risk Level and Arresting Charge Severity



Through discussions and interviews with stakeholders, we identified a number of other opportunities to impact the deep end population

ADDITIONAL OBSERVATIONS

RISK ASSESSMENT

- Universal discontent with the dispositional risk assessment instrument used by the Department of Probation (DOP)
 - Lack of transparency
 - Gender bias
 - Very little buy-in within or outside DOP

ARRAY OF ALTERNATIVES

- Intensive services aimed at placement-bound youth only really addressed one type of need – families
 - Lack of services to address education, positive youth development, attitude/behavior change, etc.

PROBATION

- Probation not sufficiently individualized or stratified
- Focus on process than behavioral/well-being outcomes
- Inefficient & ineffective supervisory practices
- Low staff morale amid “chain of command” culture

Based on these findings, the city embarked on a multi-faceted plan to address these problems

DEEP END STRATEGIES:

Increase diversion at the front end

Systematize dispositional recommendations

Select and implement new dispositional risk assessment tool

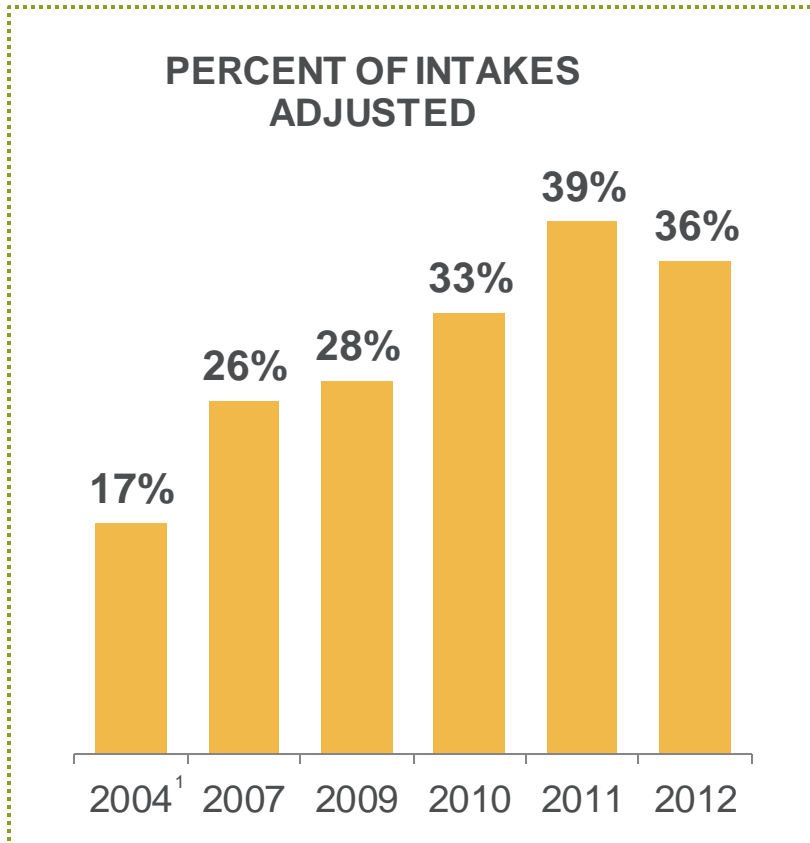
Develop a more robust array of alternatives

Allocate probation resources more effectively

Develop and implement a new case management system for POs

Address DOP management and supervisory concerns

By 2012, DOP had more than doubled the percentage of referrals to intake that were handled informally




¹ Data from 2004 and 2007 are based on the fiscal year, 2009-2012 is based on the calendar year

- DOP made it a priority to increase the number of youth handled informally, when appropriate by:
 - Revising intake protocols around decision making
 - Training intake officers on restorative practices
 - Giving POs the tools to help complainants and parents better understand what adjustment vs. formal processing means
 - Increasing the array of options available for youth on adjustment

To reduce the number of youth placed for low-severity offenses, system stakeholders decided to implement Structured Decision Making

- Structured Decision Making (SDM) is a process of dispositional decision making that ensures that the majority of the system's resources are focused on the youth that need them the most
- An SDM grid reflects local values. This one was developed in collaboration with the key agencies invested in the juvenile justice system in NYC
- It achieves fairness: youth with similar behaviors and risk levels will receive similar dispositional recommendations from probation officers
- The grid reduces the use of overly intensive dispositions for low-risk youth, which has been shown to increase risk of recidivism
- Recommendations for the level of security in the disposition will not be based on the youth's treatment needs or attitude while in court or with PO¹



Placements can remain low and resources are maximized, without sacrificing appropriate levels of supervision

¹ Treatment needs are addressing through case management as part of the young person's disposition

The SDM matrix combines offense level with risk of re-arrest to guide the Probation Officer in selecting a dispositional option to recommend in court

MOST SERIOUS CURRENT ARREST CHARGE ²	LIKELIHOOD OF RE-ARREST		
	HIGH OR VERY HIGH	MODERATE	LOW
CLASS I: A, B felonies (violent & non-violent), violent C felonies	Out of Home Placement (range of security options)	Out of Home Placement or Alternative to Placement	Alternative to Placement or Probation
CLASS II: Non-violent C felonies, violent D felonies	Out of Home Placement or Alternative to Placement	Alternative to Placement or ESP (Level 3 Probation)	Level 1 or 2 Probation
CLASS III: Non violent D, All E felonies, misd assault and misd weapons possession	Alternative to Placement or ESP (Level 3 Probation)	Level 1 or 2 Probation	Level 1 Probation or CD
CLASS IV: A misdemeanors except assault and weapons and all B misdemeanors³	Level 1 or 2 Probation	CD or ACD	ACD or short term one time consequence or Dismissal

MANDATORY OVERRIDES:

1. Must consider CD or ACD for youth with no unsealed priors. Decision is based on the circumstances of the case.
2. If case goes to trial, use finding offense

DISCRETIONARY OVERRIDES:

POs have discretion to recommend either a more or less restrictive option than the grid provides. However, all overrides - up or down - must be submitted with justification for approval by the PO's supervisor and Borough Director

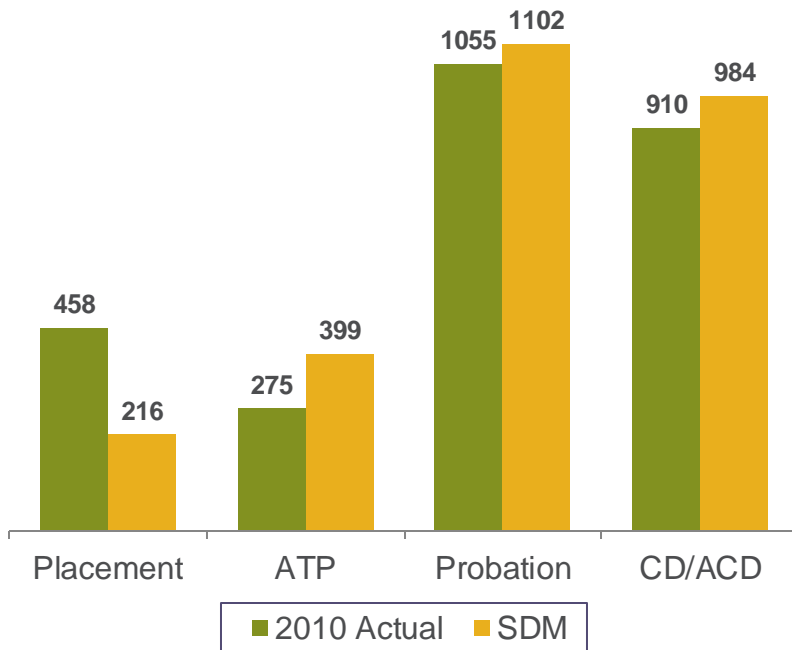
² Arrest charge was selected instead of adjudicated charge due to the idiosyncrasies of New York City's plea bargaining practices. It was determined that using adjudicated charge would drastically impact the number of cases contested in court and would, therefore, reduce the value of the grid as a tool that reflects the consensus of system stakeholders. This was not without much debate, however, and is an issue that may continue to be contested

³ Many of these cases should be adjusted at intake

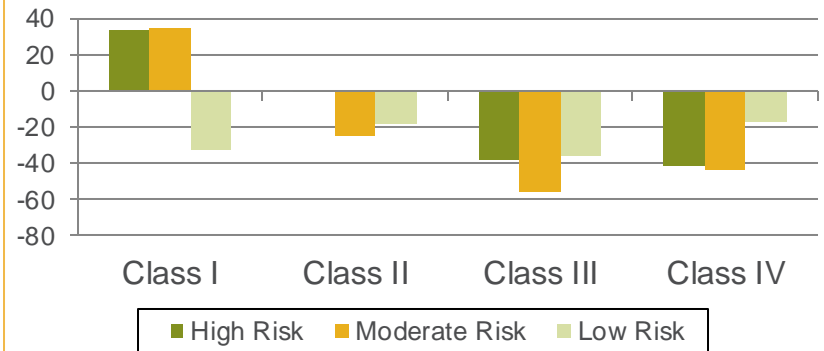
The grid intended to shift dispositional outcomes for the better, by limiting placement to youth who posed the biggest risk to public safety

NYC stakeholders do not anticipate perfect adherence to the grid⁴, either due to PO overrides and/or judicial decisions in court. However, if the grid were applied to 2010 original dispositions, 53% fewer youth would have gone to placement.

2010 Dispositions vs. Perfect Adherence to the SDM Grid

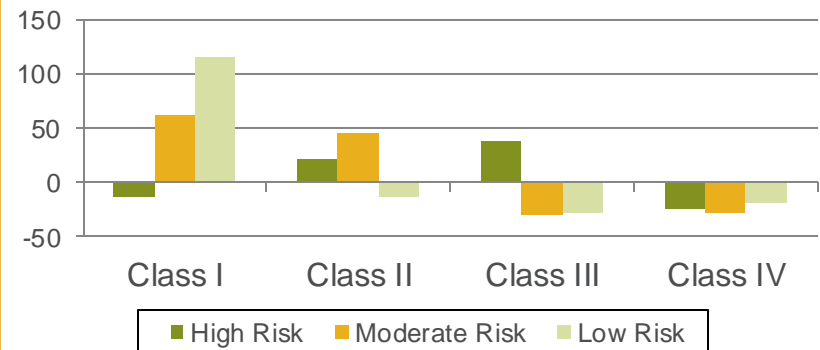


Changes in Placement (#)



The vast majority of the decrease in placement is among youth charged with Class III or IV offenses

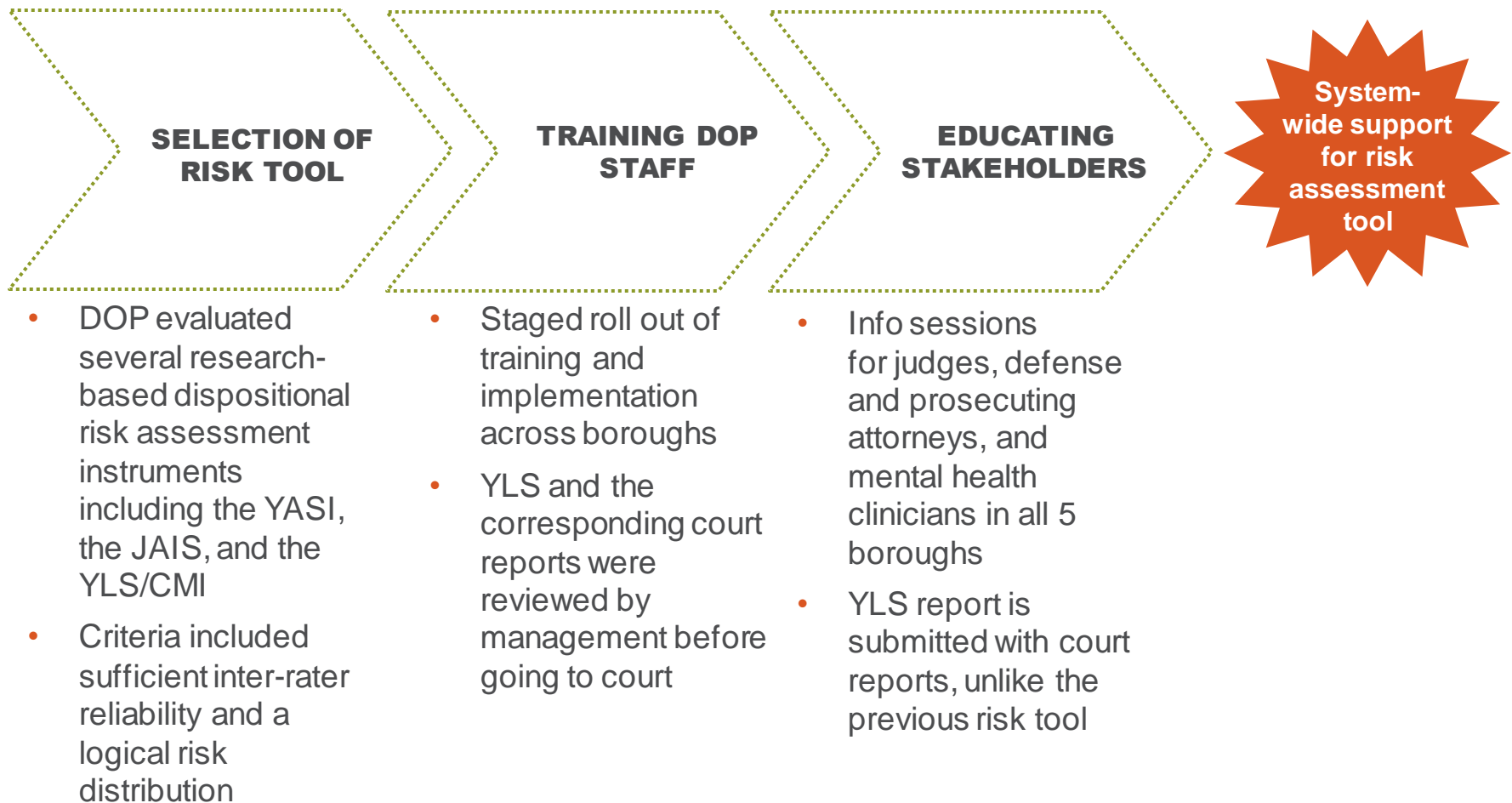
Changes in ATPs (#)



The increase in ATPs is mostly among youth charged with serious offenses, especially for Class I Low Risk youth, many of whom were previously placed

⁴ Assuming a 50-50 split in boxes with two options

NYC implemented the Youth Level of Service/Case Management Inventory (YLS/CMI) through a highly transparent process



With the addition of three new alternatives to placement, a fuller continuum provides a robust array of interventions for youth

							Placement
							<i>Description:</i> Continuum of non-secure and secure options
							<i>Target Group:</i> Class I – H/M Class II - H
							<i>Average Duration:</i> TBD
							<i>Capacity:</i> TBD
							<i>Description:</i> Day and/or evening program for youth disconnected from school, followed by level of probation to be determined via assessment during transitional planning phase prior to completion of Day Treatment
							<i>Target Group:</i> Class I – L/M Class II – H/M Class III – H Youth not in school
							<i>Average Duration:</i> 4-6 mo. + probation
							<i>Capacity:</i> 45
							<i>Description:</i> An “advocate” from within the youth’s own community who works w/ the youth several times per week. Followed by level of probation to be determined via assessment during transitional planning phase prior to completing AIM
							<i>Target Group:</i> Class I – L/M Class II – H/M Class III – H
							<i>Average Duration:</i> 4-6 months in AIM, 6-18 on probation
							<i>Capacity:</i> 50
							<i>Description:</i> Highly intensive level of probation (5 weekly contacts including Saturday work group; life coaching model) focused on promoting behavioral change so youth can forge a successful transition into adulthood
							<i>Target Group:</i> Class I – L/M Class II – H/M Class III – H Youth who are resistant to change
							<i>Average Duration:</i> 1 year
							<i>Capacity:</i> 70
							<i>Description:</i> In home family services followed by level of probation to be determined via assessment during transitional planning phase prior to completion of JJI
							<i>Target Group:</i> Class I – L/M Class II – H/M Class III – High Youth with challenging family issues
							<i>Average Duration:</i> 6 months in JJI, 6-18 months probation
							<i>Capacity:</i> 200
ACD/CD	Prob. 1	Prob. 2	Prob. 3	Day Program	AIM	ECHOES	JJI
<i>Target Group:</i> Class I, II, III, or IV – L Class IV – MH	<i>Target Group:</i> Class I – L Class II – L Class III – L Class IV – H	<i>Target Group:</i> Class I – L Class II – L Class III – M	<i>Target Group:</i> Class I – L Class II – M Class III – H				
<i>Average Duration:</i> 6 mos/1 yr	<i>Average Duration:</i> 1 year or less	<i>Average Duration:</i> 1 year	<i>Average Duration:</i> 1 year				
<i>Capacity:</i> N/A	<i>Capacity:</i> TBD	<i>Capacity:</i> TBD	<i>Capacity:</i> TBD				

With differential levels of probation, PO caseloads are balanced according to amount of supervision necessary per youth

PROBATION LEVEL	CONTACT STANDARDS	APPROXIMATE CASELOAD
One	LOW INTENSITY	75-80 youth
Two	MEDIUM INTENSITY	30-35 youth
Three	HIGH INTENSITY (does not include participation in one of the targeted ATP programs)	15-20 youth
ATP	Depends on the nature of the ATP, but most include a high level of supervision along with intensive community-based interventions	10-15 youth



- When cases are distributed based on supervision level, the workload of each PO is comparable despite varied caseload sizes
- Supervision may be lessened over time as behavior improves

In addition to restructuring probation caseloads, DOP engaged staff in the development of new tools to enhance probation practice

INNOVATIONS TEAM

- Convened a group of staff from each borough of varying roles and levels of seniority
- Intended to address low staff morale stemming from:
 - Years of the “initiative du jour”
 - Top down implementation
 - Lack of ownership due to chain of command culture
- Not a gripe session – identify solutions and see through to implementation



FOCUS AREAS

- Case planning
 - Development of the Individual Action Plan (IAP) and protocols
 - Designed and participated in training
 - Champions for reform
 - Sustainability
- Terms & Conditions of probation
- Transition to Advisory Board for DOP administration

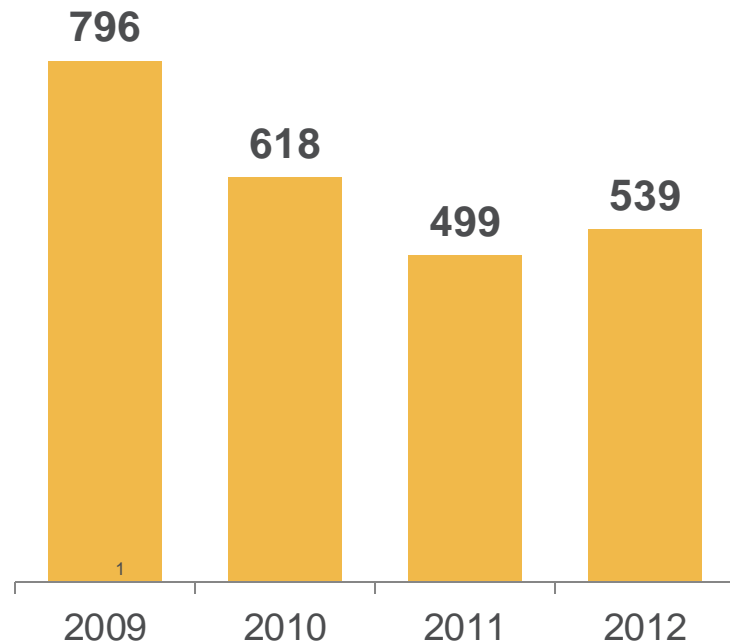
Finally, it was essential to address problematic supervisory practice to ensure effective management of new initiatives

SUPERVISORY STRATEGIES

- Training on effective supervisory practice for all Supervising Probation Officers (SPOs)
- Supervisor workgroups
- First ever SPO retreat
- Individualized coaching for Borough Directors
- Development of supervisory standards
- Continued focus on building capacity and support for effective staff supervision

Despite these efforts, it appears that initial concerns about the appeal of “Close to Home” placements may have been justified

DISPOSITIONS TO OUT-OF-HOME PLACEMENT, 2007 – 2012



- Dissatisfaction with state facilities had a major impact on the dramatic reductions in placement that occurred in the early 2000s
- Close to Home may have renewed confidence in the use of residential facilities
- It is possible that without reforms like SDM, the increase in placements in 2012 could have been even greater
- Initial data on SDM overrides shows that probation and the judiciary are overriding the grid primarily for youth remaining in detention during the pendency of their cases