

Alternative to Jail Programs for Juveniles Reduce City Costs

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EACH YEAR THE CITY SENDS ROUGHLY 1,200 juvenile lawbreakers to jail-like facilities in upstate New York. At an average annual cost to the city totaling well over \$100 million, some of the youth are placed in institutions run by the state's Office of Children and Family Services (OCFS) and others go to privately operated facilities under contract with OCFS. But two new programs with an alternative approach are now saving the city considerable expense and may prove to be more effective at rehabilitation than the institutional approach.

Over the past two years the city has started two probation supervision programs that provide in-home community-based alternatives to the placements of juvenile delinquents in state and privately operated facilities. City payments to OCFS have fallen from \$54.2 million in 2003 to \$36.1 million in 2005, in part because of the diversion from incarceration to the new programs. The city's Administration for Children's Services (ACS) spends another \$80 million annually on youth placed in private facilities under contract with OCFS, and is developing its own alternative to placement that will provide an intensive, family-based therapeutic approach. The Mayor's Office of Management and Budget has projected \$43.0 million in savings over the next four years as a result of declining numbers of youth placed in OCFS-run facilities, with additional savings likely to be realized from the ACS initiative in the future.

The two community-based alternative to placement programs currently in operation are the Enhanced Supervision Program (ESP) created by the Department of Probation, and Esperanza, a demonstration project of the nonprofit Vera Institute of Justice. Both of these programs were developed to provide a more intensive level of supervision than is available under the probation department's General Supervision program for juveniles. Although neither program has been in operation long enough for a definitive evaluation of their effectiveness, their initial results appear promising when contrasted with placement in upstate facilities. For youth in Administration for Children's Services programs when breaking the law, an alternative placement program will begin later this year.

The Juvenile Justice Process. Juvenile delinquents are youth between the ages of 7 and 16 who have committed an act that would be considered a crime if done by an adult.¹ Cases involving accused juvenile delinquents are handled in Family Court. The Department of Probation plays a dual role in the juvenile justice process—first at arrest, and later, during the sentencing phase.

After a youth is arrested, a probation department intake officer interviews the arresting officer, the juvenile, the complainant, family members and others, in order to determine whether the case is to be referred for formal court proceedings. If the case is diverted from court, youth are referred to non-judicial sanctions such as community service or restitution, and monitored by the probation department for two months. Currently about 18 percent of juvenile cases are

diverted before reaching court.

If the case goes to Family Court the case is decided in a trial (called a fact-finding hearing). The prosecution is handled by the city's Corporation Counsel, rather than by a District Attorney. The final determination of criminal responsibility lies with the presiding judge, who also determines the sentence. The judge's decision regarding disposition is informed by a report prepared by a probation officer, which takes into account all the circumstances of the juvenile's environment—including school attendance, family situation, and previous legal record. As part of their evaluation, probation officers use an assessment tool that helps identify the "asset" and "need" levels of each youth. For those with the highest asset level (many positives and strengths), less punitive options are available, including adjournment in contemplation of dismissal and conditional discharge. For those with medium asset levels, probationary supervision is the usual determination. The most serious cases are sent to an upstate facility or an intensive community-based alternative.

Approximately 1,200 to 1,300 youth are sent to upstate facilities annually—half to OCFS-run facilities and half to privately run, contracted facilities. The cost of placing a youth in an OCFS-run facility is approximately \$150,000 for a typical 12-month sentence and is split evenly between the city and state. The remainder, usually youth already in Administration for Children's Services programs, are placed in private, contract facilities, and the cost is borne almost entirely by the city. All the facilities are located outside New York City, frequently as far away as a several-hour drive. The resulting lack of contact with family and community—into which they must ultimately be reintegrated after serving terms lasting from 12 months to 2 years—may inhibit successful rehabilitation. Re-arrest rates are commonly 75 percent within three years of release. The two new programs provide intensive levels of probationary supervision for youth with high risk factors and service needs that exceed what would be remedied by general probationary supervision, while avoiding placement in out-of-community facilities.

Program Descriptions. Both ESP and Esperanza are community-based approaches to rehabilitation that are guided by a philosophy of helping the family serve as a source of positive development for the youth. This approach is markedly different from upstate placements. Family Court judges decides whether to send a youth to one of the alternative programs and which of the two is appropriate.

Enhanced Supervision Program. The Department of Probation's

Enhanced Supervision Program was specifically designed to divert serious cases from OCFS when the youth do not pose a threat to community safety, but where general probation supervision appears likely to be insufficient.

The program currently has 17 probation officers, each with a maximum caseload of 25 youth probationers. The program features frequent contact with the probation officer, which includes unannounced visits to the probationer's home, a community service requirement of 60 hours, a series of workshops, the development of a "blueprint for change," drug testing, and a system of graduated sanctions meant to foster behavioral change. The program also provides so-called "wrap-around" funding to provide support for contingencies as assessed by the probation officer.

Youth are supervised for a minimum of nine months. At the end of each three-month period, the probation officer must complete a quarterly report to determine if the youth has progressed. This report also assesses whether the youth will have their level of supervision increased or decreased during the upcoming reporting period. During the first three-month period of supervision, the officer makes six personal and eight collateral (office and group sessions) contacts with each probationer. Each type of visit is reduced by two visits during each of the remaining periods if the youth is making progress.

The probation officer also works with the probationer's school in order to receive on-going progress reports. If troubles arise in school the officer develops solutions, including facilitating better school placement, offering remediation services, or assisting in placement in an alternative school program.

Esperanza. Youth enter Esperanza as a result of their Family Court hearing, either as part of a conditional discharge or in conjunction with probation. Esperanza provides family-based therapeutic services and crisis management. Each of Esperanza's field counselors has a caseload of up to six clients. The youth and involved family and caretakers develop goals that build on personal and family strengths. The intervention period lasts from four to six months and during this period counselors are available for emergencies 24 hours a day. Monthly progress updates are provided to probation officers, or in the case of a conditional discharge, directly to the court.

There are three program phases. In phase one, clients have almost daily contact with counselors who conduct two to three weekly home visits along with regular phone contact. Imminent crises are assessed, goals are set, a treatment plan is developed, and house rules and a rewards-and-consequences

plan are created. This phase usually lasts two to four weeks.

During the 12 to 16 weeks of phase two, field counselors focus on creating change in clients' and family members' lives and social systems, specifically alerting family members and caretakers of the possibility of relapses and how to have a measured and appropriate response to them. There are twice a week meetings with the youth and family and additional phone contact as needed. This phase includes strategies such as journaling and behavior plans.

The final phase lasts three to four weeks and focuses on creating "ownership" of what was accomplished during the first two phases of the program. It is during this phase that the new lifestyle and house rules are cemented into daily living.

Throughout the process, reintegration into an appropriate educational setting is emphasized. Esperanza works with field counselors, youth, and families to ensure that an accurate educational assessment is done and the proper educational environment is found. The program also assesses the youth's progress and intervenes when necessary.

New ACS Initiative. Roughly 700 youth under the care of the Administration for Children's Services are currently sent upstate each year, mostly to privately run facilities. The cost is approximately \$80 million annually.

Out-of-home placement often seems like the only solution to Family Court judges for youth who, while presenting a low risk to community safety, have inadequate supervision at home. To address the gap between placement and general probation, ACS is in the process of developing its own juvenile justice initiative. The new initiative, which is initially funded at \$11 million, would help 500 youth annually. The new ACS effort would build on the Esperanza and ESP alternatives and provide a greater range of options for intensive, family-based treatment for delinquent youth.

Costs and Program Impact. The short-term savings from alternative programs are substantial compared to the roughly \$75,000 per child cost to the city of placements in OCFS-run facilities. The Enhanced Supervision Program costs the city roughly \$4,900 per child, and the Esperanza program costs under \$15,000, according to the probation department. There were 407 youth in ESP as of March 2006, many of whom would have been incarcerated. In the Esperanza program, 121 youth were enrolled through March, virtually all of whom would have been placed in upstate facilities. The city has already recognized a savings in payments to OCFS of

City Spending and Placements—Incarceration and Alternatives

Dollars in millions

	2003	2004	2005	2006
OCFS Facilities				
Placements	782	599	510	n.a.
Spending	\$54.2	\$37.5	\$36.1	\$39.2
Privately Run Facilities				
Placements	537	658	681	n.a.
Spending	<i>Approx. \$80 million annually*</i>			
ESP				
Placements	-	-	357	407**
Spending	\$0	\$0.00	\$2.10	\$2.0
Esperanza				
Placements	-	130	118	121**
Spending	\$0	\$2.7	\$2.7	\$3.2

SOURCES: IBO; Department of Probation; Administration for Children's Services.

NOTES: *Annual cost is approximately \$200 per day per youth, plus tuition cost of \$25,000 to \$30,000. Since the average length of stay often exceeds one year, the number of youth in the system at any one time is greater than annual placements. **As of March 2006.

\$6.0 million for 2005. With combined spending of \$4.8 million for ESP and Esperanza, net city savings for these alternative placements were \$1.2 million in 2005. Similarly, the programs are expected to yield net savings of \$4.9 million in 2006.

If successful, the savings potential from the ACS initiative may be even greater. Lengths of stay in private facilities are typically twice as long as in facilities run by OCFS—12 to 14 months, as compared to 6 to 8 months.

The long-term effectiveness of these programs in improving outcomes for youth will take time to ascertain. Recidivism, which is the act of committing crimes that would once again lead to arrest, is commonly measured over a three-year period. The upstate facilities have very high recidivism rates—75 percent of those released are rearrested within three years. Given the newness of the ESP and Esperanza programs, comparable data are not yet available. Preliminary indications appear to point to lower recidivism rates. If this is borne out over time, the city will have savings from lower operating costs and also from lower recidivism, which means lower jail costs, less police time, and better outcomes for city youth.

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END NOTE

¹ In contrast, "juvenile offenders" are youth between the ages of 13 and 15 who are charged with one or more of 18 criminal acts that qualify them to be tried as an adult in criminal court. Juvenile offenders are not eligible for ESP or Esperanza.