

Taking the Next Steps in Juvenile Justice

by Mishi Faruqee

Monday, June 02, 2008 12:00 AM

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Over the past few years, New York City has undertaken an impressive transformation of its juvenile justice system. Breaking from the policies of the previous mayor, the Bloomberg administration has embraced the notion that providing children with community-based services and support instead of sending them to jail or prison is a cheaper, more effective approach to reducing youth crime and recidivism.

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In the last two years, the city has joined with a number of non-profit organizations to create a network of alternatives to incarceration for children under the age of 16 involved in the court system. These new community-based options have led to a marked decrease in the number of children incarcerated in city detention centers and state-run prisons.

However, these reforms are not enough.

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The city must change policies and practices to reduce the glaring disparities in arrest, prosecution and incarceration of youth of color. New York City must take the necessary next step in restructuring the system by developing a long-term plan to reduce detention capacity and redirect resources from juvenile jails to effective community-based programs. Closing pre-trial detention centers is the only way for the city to realize the savings from its increased use of community alternatives and to continue its progress in reducing youth incarceration.

Lock 'Em Up No More

In the 1990s, the city's juvenile justice system relied heavily on incarcerating young people before they went to trial. Faced with a lack of community options and a punitive political climate, Family Court judges routinely placed children in juvenile detention centers while they awaited trial for misdemeanors and other non-violent delinquency charges. Because the city was locking up children charged with minor offenses, the detention population increased by 60 percent from 1993 to 2000, even as youth crime and arrests markedly decreased.

One of the most troubling aspects of the spike in youth incarceration was the disproportionate impact it had on African American and Latino youth. During the 1990s, over 95 percent of young people in city detention centers were African American or Latino. This continues to be the case today.

In response to the rising detention population, the city Department of Juvenile Justice in 1998 opened two new youth jails, the Crossroads center in Brownsville and the Horizons in the South Bronx, and jettisoned a plan to shut down the notorious Spofford detention center in the Hunts Point neighborhood in the Bronx. By 2000, however, the department was running out of space in these three secure juvenile detention centers. Despite the fact that the majority of detained children had been arrested for non-violent offenses, city officials did not even consider developing community-based programs.

Five years later and following the change in administrations, the mayor's office implemented a range of community-based alternatives to detention for children charged in Family Court for delinquency offenses, such as graffiti, theft or fighting in school. The city partnered with a non-profit organization in each borough to operate community monitoring and after-school reporting centers. Notably, between 2005 and 2007, the number of court admissions to Department of Juvenile Justice facilities decreased by 16 percent.

In addition to new community programs that have reduced the use of pre-trial detention in the

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city, the Bloomberg administration has created other alternative-to-incarceration programs that have significantly decreased the number of children sent to upstate facilities operated by the State Office of Children and Family Services. These alternative programs have recidivism rates of between 18 and 35 percent, considerably lower than the nearly 80 percent recidivism rate for youth released from state facilities.

As a result of the new alternative-to-incarceration programs, the number of children incarcerated in state and private facilities dropped by 68 percent between 2000 and 2008. Recognizing that this dramatic population decline presented a significant opportunity to realign agency resources, children and family services commissioner Gladys Carrion proposed closing six facilities, a move that would generate \$16 million a year in savings. After much negotiation, the state legislature ultimately approved shutting four facilities in its fiscal year 2009 budget.

New York City should look to the state's example of how political will and leadership can close costly and ineffective facilities.

'Rightsizing' the City's System

A December 2007 report from the city's Independent Budget Office revealed the staggering costs of pretrial youth detention in New York City: an estimated \$84 million a year -- a 42 percent increase in just five years. It costs an average of \$594 to provide secure detention for one juvenile for one day. On an annualized basis, the city spends over \$216,000 to incarcerate a child in a secure detention facility. The report found that the average secure detention stay of 50 days costs the city about \$30,000 per child. In contrast, the city spends around \$1,300 on average to supervise one child in an alternative-to-detention program for up to two months.

As the city diverts more young people from jails, policymakers should seek to downsize the city's inefficient and wasteful detention system. The city will not save money by diverting youth from detention unless it cuts detention capacity -- either by reducing beds or shutting down entire facilities. Otherwise, every year, the city will spend more - not less - on detention.

The cost to operate detention centers is fixed. That means that, even though there may be fewer residents of each facility, it costs no less to run it. Instead the expense of running these extraordinarily expensive facilities is spread over a smaller population. As a result, the number of children in detention has decreased while the per diem cost to incarcerate youth has increased. The most sensible way for the city to reduce capacity is to honor its long-standing commitment to close the Spofford detention center.

Building a Community-Focused Agenda

Most importantly, reducing detention capacity will prevent the juvenile justice system from finding new ways to keep locking up young people of color. As the number of court admissions to detention decreased last year, there was a marked increase in the number of police admissions — children who the police brought directly to detention because the court was closed and the police could not contact a parent or guardian.

This year, just as the city has taken steps to reduce police admissions, the number of readmissions to detention has started to increase. Notably, the one constant trend has been that virtually all of those detained are African American and Latino children from under-resourced and over-policed schools and neighborhoods.

The state has a role here as well. It should enact legislation called Re-Direct New York, which would provide state reimbursement for alternatives to incarceration. It would be modeled after the successful state reimbursement plan for community programs that work to keep young people out of the foster care system. State reimbursements could also support alternatives to juvenile court, such as neighborhood youth courts and mediation programs as well as aftercare services for young people returning home from jail or prison.

The city should also develop a comprehensive plan to dismantle the “cradle to prison pipeline” for New York City’s African American and Latino children living in poverty. The vast majority of children of color in the juvenile justice system have been failed by other public systems — particularly the education, child welfare and mental health systems.

A collaborative effort between public officials and community groups can help to dismantle this pipeline by redistributing detention dollars to create quality schools, community-based mental health services, family support programs and other neighborhood-based efforts that offer long-term help for vulnerable children and their families.

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