



RAISE THE AGE

Board of Correction Meeting

July 10, 2018

Presented jointly by the Mayor's Office of Criminal Justice, Department of Correction, and Administration for Children's Services

RAISE THE AGE PHILOSOPHY

Goal: ensure our criminal justice system is age-appropriate and responsive to the needs of the youth

- Juveniles should be treated as juveniles
- NYC operates a best-in-class juvenile justice system that ensures fair and just outcomes for children 17 years of age or younger without compromising public safety. The transition to new facilities can occur safely and with an appropriate level of trained staff.
- NYC continues to safely reduce the detention, jail, and prison populations, and does not detain or incarcerate more people after Raise the Age takes effect. Crime levels remain at historic lows.

AGENCY PRESENTERS

DOC:

Winette Saunders – Deputy Commissioner of Youthful Offender and Young Adult Programming

Heidi Grossman – General Counsel

Jeff Thamkittikasem – Chief of Staff

ACS:

Felipe Franco – Deputy Commissioner of the Division of Youth and Family Justice

Tim Roche – Associate Commissioner

Susan Campos – Executive Director, Horizon

MOCJ:

Dana Kaplan – Deputy Director, Mayor's Office of Criminal Justice

LEGISLATION OVERVIEW

Key dates

- 10/1/18 Raise the Age for **16-year-olds**
- 10/1/18 **All 16- and 17-year-olds** will be moved off of Rikers
- 10/1/18-
10/1/19 **All 17-year-olds** will be detained in the juvenile system, but their cases will move through the adult system
- 10/1/19 RTA for **all youth arrested under the age of 18**

LEGISLATION OVERVIEW

Key components of the law

- The vast majority of cases of 16- and 17-year-olds will be heard in Family Court, either originating there or being transferred there from the new Youth Part of the adult criminal court.
- Youth whose cases are heard in Family Court will be processed according to existing Juvenile Delinquency laws.
- 16-year-olds arrested after 10/1/18; 17-year-olds arrested after 10/1/19:
 - All felonies start in a newly created criminal court “Youth Part,” staffed by a Family Court judge.

LEGISLATION OVERVIEW

Key components of the law: new concepts

- Adolescent Offender (AO): 16- or 17-year-old charged with a felony offense whose case remains in criminal court.
- Youth Part: Cases for all 13 – 15-year-old Juvenile Offenders and all 16- or 17-year-old Adolescent Offenders will start in the Youth Part. Judges presiding in the Youth Part will be specially-trained Family Court judges.
- Specialized Secure Detention (SSD) Facility: A detention facility that houses youth who are alleged or convicted Adolescent Offenders (AOs). Subject to regulations from both OCFS and SCOC, and certification by both OCFS and SCOC; operated by ACS in conjunction with DOC
- Specialized Juvenile Detention (SJD) Facility: A detention facility that houses 16- and 17-year-olds who have been removed from Rikers Island. Subject to regulations from both OCFS and SCOC, and certification by both OCFS and SCOC; operated by ACS in conjunction with DOC

OVERSIGHT AND JURISDICTION

	Age	Facility Type	Agencies Involved	State Oversight	Name of Facility
Juvenile Delinquents	7 - 17	ACS juvenile facility	ACS	OCFS	Crossroads
Juvenile Offenders	13-15	ACS juvenile facility	ACS	OCFS	Crossroads
Adolescent Offenders	16-17	SSD	ACS/DOC	OCFS/SCOC	Horizon/Crossroads
Youth on Rikers	16-17	SJD	ACS/DOC	OCFS/SCOC	Horizon
“Gap Year Youth”	17 (between 10/1/18 and 10/1/19)	SJD	ACS/DOC	OCFS/SCOC	Horizon

RAISE THE AGE IMPLEMENTATION

Task force structure (MOCJ, Law, Operations, DOC, ACS, DDC, H+H, NYPD, DOE, DOP, OLR, OMB, OCA, District Attorneys, public defenders, non-profit providers)

Steering Committee			
<i>Court Processes Working Group</i>	<i>Programming and Diversion Working Group</i>	<i>Data Analytics and RAI Working Group</i>	<i>Facilities Working Group</i>
Focuses on system design and flow, including the development of citywide protocols to govern the way children, stakeholders, and cases move through Family Court and Youth Parts from arrest to disposition.	Catalogs and assesses existing community-based programs, and identifies gaps and needs to ensure a continuum of community-based programming is in place to minimize use of detention and incarceration for without compromising public safety.	Ensures New York City's deployment of finite juvenile justice resources is grounded in an understanding of data, national and international best practices, and structured analyses of risk and need.	Ensures children in custody in New York City are housed in safe, age-appropriate settings that foster positive development and well-being.

RAISE THE AGE IMPLEMENTATION

FACILITY PLANNING

- Over 70 sites reviewed for potential use by October 2018.
- Renovations to Horizon and Crossroads to: enhance programmatic, recreational, and educational space; maximize capacity; and make health and safety improvements.
- One set of standards and practices for ACS and DOC to ensure the law and spirit of RTA is implemented, including numerous policies which require submission to and approval of both OCFS and SCOC.
- BOC engagement in planning, including variance working group meetings and facility tours.

RAISE THE AGE IMPLEMENTATION

STAFFING

- RTA legislation requires co-operation of SSDs by DOC and ACS but the legislation does not clearly define the role of each agency within an SSD.
- The City has been working toward ACS as the long-term primary operator of Horizon.
 - ACS created the Youth Development Specialist title, a new civil service title.
 - The initial stage of implementation will require phased staffing support from DOC while ACS builds internal capacity.
 - The City has prioritized the hiring of Youth Development Specialists, and ACS will begin taking over the staffing and operation of Horizon as soon as possible.

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VARIANCE APPLICATIONS

- The juvenile justice model requires adaptation of practices and policies.
- Two general categories of conflicts:
 - BOC Minimum Standards that directly conflict with a State regulation regarding the same topic. For this category, the State regulation preempts the BOC Minimum Standard.
 - BOC Minimum Standards that have no corresponding State regulation. For this latter category, there are several Minimum Standards that cannot be complied with in the SSD and SJD facilities for a number of reasons, most prominently related to physical design and space, but also based on differing models between the adult and juvenile justice systems.

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VARIANCE APPLICATIONS

- (1) Continuing Variance Request from Minimum Standard §1-08(f) "Law libraries" for RTA SSD and SJD facilities
- (2) Six Month Limited Variance Request from Minimum Standard §1-10 "Telephone Calls" for RTA SSD and SJD facilities
- (3) Continuing Variance Request from Minimum Standard §1-11 "Correspondence" for RTA SSD and SJD facilities
- (4) Continuing Variance Request from Minimum Standard §3-06(e)(5) "Nursery program" for RTA SSD and SJD facilities
- (5) Continuing Variance Request from Minimum Standard §1-04(b)(2) "Single Occupancy" Wet Cells for RTA SSD and SJD facilities

RAISE THE AGE IMPLEMENTATION

ADDITIONAL CONSIDERATIONS

- Restrictions in draft regulations currently prohibit the co-mingling of the youth on Rikers with the AOs in housing or common areas
- Law does not have a sunset provision that limits or ends the involvement of DOC in these facilities
- Lawsuit brought by Unions
 - TRO lifted on June 29th to permit selection, training, and posting of DOC uniformed staff for the SSD/SJD facilities
 - City notified of denial of Union's petition July 5th
 - Selection and training preparation has begun



CRIMINAL JUSTICE