



Fact Sheet: New York

Key Facts:

- Arrests for youth crime have decreased by 28% in the last 10 years.¹
- In 2006, youth accounted for less than 4% of arrests for major felonies in New York City.²
- It costs between \$9,000 and \$12,000 a year to send a child to a community-based alternative program.³
- In 2006, the Department of Juvenile Justice (DJJ) admitted 5,973 youth to juvenile detention centers. This was a 14% increase from the previous year.⁴
- Fifty-five percent of the youth admitted to secure detention come from New York City's poorest neighborhoods.⁵
- The average annual cost to place one youth in juvenile detention in New York City is over \$171,000.⁶
- In 2005, over 86% of the youth in juvenile facilities are African America, Latino, or American Indian.⁷
- In 2006, 43% of the youth released from youth jails were readmitted later that year.⁸

Major Developments:

- The Vera Institute of Justice operates a program called Esperanza/Hope in New York. This 4 to 6 month program is geared towards addressing all the issues (family, school, community, etc.) that contribute to a youth's behavior without making the family dependent on the system.⁹
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- A 2006 study found that the Esperanza program and the Enhanced Supervision Program, two alternative-to-placement programs, saved New York City almost \$5 million in reduced incarceration costs that year.¹⁰

What New York Law Says:

- The minimum age at which a juvenile can be adjudicated in the juvenile court is 7.¹¹
- Juveniles can be held in detention facilities pre- and post-adjudication (awaiting disposition).¹²
- The extended age of delinquency jurisdiction is 20.
- While it is not mandated, youths of any age may be held in pre-trial detention in adult jails if the state division of youth approves the adult jail. Youths in such situations cannot be held in the same room as prisoners 21 years of age or older.¹³
- A youth confined in a juvenile detention facility may be transferred to an adult prison at age 16 at the discretion of a judge.¹⁴
- The minimum age for prosecution as an adult is 13.¹⁵
- A child who meets statutory age/offense criteria can be transferred from the family court to the local criminal court.¹⁶

- All 16 and 17 year olds are tried and sentenced in the adult system, no matter how minor the crime.¹⁷
- New York does not sentence anyone under the age of 18 to life without parole.¹⁸

“Despite the clear intersections between poverty, racism, and youth incarceration in New York, city and state leaders continue to spend huge sums of public money to lock up youth of color from low-income families rather than address the underlying societal factors driving youth incarceration policies.”

-- The Correctional Association of New York

Key Research:

Fagan, J. (1996). The comparative advantage of juvenile vs. criminal court sanctions on recidivism among adolescent felony offenders. *Law and Policy*, 18, (1-2). Online requests for the article can be made at: <http://www.blackwellpublishing.com/cservices/signle.asp?site=1> (available as of February 23, 2007).

State Resources:

New York State Executive Department Office of Children and Family Services

Gladys Carrion, Commissioner
52 Washington St.
Rensselaer, NY 12144-2735
Tel: (518)474-6666; Fax: (518)473-9131
Email: gladys.carrion@ocfs.state.ny.us

Support Staff:

Donna Quirk
Administrative Assistant to the Commissioner:
donna.quirk@ocfs.state.ny.us

Department of Juvenile Justice

Neil Hernandez, Commissioner
365 Broadway, 4th Floor
New York, NY 10013
Tel: (212)925-7779; Fax: (212)431-4874
Email: nhernandez@djj.nyc.gov

Second-in-Command:

Andrew Miller, Chief of Staff

Jeht Foundation

120 Wooster Street
Second floor
New York, NY 10012

Open Society Institute

400 West 59th Street
New York, NY 10019
Telephone: 212-548-0600

Prison Moratorium Project

Kyung Ji Rhee
c/o Center for NU Leadership
Medgar Evers College
1650 Bedford Ave
Brooklyn, NY 11024
krhee@nomoreprisons.org

Juvenile Justice Coalition

Mishi Faruquee
135 East 15th Street
New York NY, 10003
Phone: 212-254-5700 ext. 315
Fax: 212-473-2807
<http://www.correctionalassociation.org/>
Email: mfaruquee@correctionalassociation.org

New York Department of Correctional Services

Building 2, 1220 Washington Ave
Albany, New York 12226-2050
(518) 457-8126

State Juvenile Justice Specialist

Ms. Anne H. Cadwallader
Division of Criminal Justice Services
Phone: 518-457-6892
Email: Anne.cadwallader@dcjs.state.ny.us
<http://criminaljustice.state.ny.us/>

State Advisory Group Chair

Mr. Michael J. Daly
Director of Investigations and Security,
Queens Borough Public Library
Phone: (718) 990-0799
Email: Michael.Daly@QueensLibrary.org

¹ Kay, J. (2006). *Mayor's Management Report: Fiscal 2006*. Available at http://www.nyc.gov/html/ops/downloads/pdf/2006_mmr/0906_mmr.pdf

² Ibid.

³ New York Juvenile Justice Coalition. (2006). *Proposals for reform 2006*. Retrieved July 2007 from http://www.correctionalassociation.org/JJP/publications/proposals_for_reform_2006.pdf

⁴ See New York Juvenile Justice Coalition, 4.

⁵ See New York Juvenile Justice Coalition, 4

⁶ See New York Juvenile Justice Coalition, 4.

⁷ New York State Office of Children and Family Services Division of Rehabilitative Services. (2005). *Youth in care: 2005 Annual report*. Available at <http://www.ocfs.state.ny.us/main/reports/asr05.pdf>

⁸ See Grisby, 5.

⁹ Vera Institute of Justice. (2006, August 18). *Projects: Esperanza/Hope*. Vera Institute of Justice. Retrieved August 9, 2007, from http://www.vera.org/project/project1_1.asp?section_id=5&project_id=49

¹⁰ Grisby, D. (2006, July 11). Alternative to jail programs for juveniles reduce city costs. *New York City Independent Budget Office: Inside the budget, 148*. Available at <http://www.ibo.nyc.ny.us/>

¹¹ New York Family Court Act § 301.2

¹² National Center for Juvenile Justice. (2006, April 18). *NCJJ State Profiles: New York*. Retrieved July 2007 from <http://www.ncjj.org/stateprofiles/profiles/NY06.asp?state=%2Fstateprofiles%2Fprofiles%2FNY06.asp&topic=>

¹³ Goemann, M. (2007). *Children Being Tried as Adults: Pre-trial Detention Laws in the U.S.* Washington, DC: Campaign for Youth Justice.

¹⁴ See New York State Office of Children and Family Services Division of Rehabilitative Services, 9.

¹⁵ Amnesty International USA. (2005). *The rest of their lives: Life without parole for child offenders in the United States*. Available from <http://www.amnestyusa.org/document.php?lang=e&id=ENGUSA2005101205002>

¹⁶ National Center for Juvenile Justice. (2006, April 18). *New York Transfer Provisions*. Retrieved July 2007 from <http://www.ncjj.org/stateprofiles/asp/transfer.asp?topic=Transfer&state=%2Fstateprofiles%2Fprofiles%2FNY06.asp>

¹⁷ New York Family Court Act §§ 301.2, 302.1

¹⁸ See Amnesty International USA, 15.