



NEW YORK STATE RAISE THE AGE IMPLEMENTATION TASK FORCE

Raising the Age of Criminal Responsibility

First Annual Report
August 2019

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Acknowledgments

The New York State Raise the Age (RTA) Implementation Task Force would like to acknowledge the tireless efforts of numerous individuals, organizations, and agencies that collectively made it possible to successfully raise the age of criminal responsibility and positively change the lives of thousands of young New Yorkers. The Task Force is grateful to Governor Andrew M. Cuomo, Assembly Speaker Carl E. Heastie, and Senate Leaders, including Andrea Stewart-Cousins and John J. Flanagan, who were integral in enacting this landmark legislation and supporting funding in the amount of \$300 million in the Fiscal Year (FY) 2019 and 2020 Enacted Budgets.

The Task Force would also like to acknowledge the work of the supporting staff within the state agencies who were engaged in developing and implementing this historic youth justice reform, including the Department of Corrections and Community Supervision (DOCCS), Division of Criminal Justice Services (DCJS), Division of the Budget (DOB), Office of Children and Family Services (OCFS), Office of Court Administration (OCA), Office of General Services (OGS), Office of Indigent Legal Services (ILS), State Commission of Correction (SCOC), and State Education Department (SED).

Finally, the success of any youth justice reform, including this historic change, depends upon the commitment of individuals who work with youth who are involved in both the adult criminal justice and juvenile justice systems every day. The Task Force recognizes that it is the dedication of social service and criminal justice practitioners, as well as local government officials, community-based providers and families, who are instrumental in promoting positive change among at-risk and system-involved young people.

About the New York State Raise the Age Implementation Task Force

The Raise the Age (RTA) Implementation Task Force was created as a component of the historic RTA legislation championed by Governor Andrew M. Cuomo and enacted by the State Legislature in the FY 2018 Enacted Budget on April 10, 2017.¹ The landmark law raised the age of criminal responsibility from 16 to 18 years of age, ensuring that youth involved in the criminal justice system are provided with age-appropriate, rehabilitative programs and facilities to become productive and successful adults.² The provisions of the law are phased-in over a two-year period with the age of criminal responsibility becoming 17 on October 1, 2018 and 18 on October 1, 2019.

Announced on April 30, 2018, the Task Force members were selected by Governor Cuomo as experts in social service, juvenile justice, and criminal justice within state government and the not-for-profit sector.³ The Task Force is statutorily authorized to review the state and local progress on implementation of the RTA law over the two-year implementation phase.

¹ Office of New York Governor Andrew M. Cuomo. "Governor Cuomo Announces Passage of the FY 2018 State Budget." April 10, 2017. <https://www.governor.ny.gov/news/governor-cuomo-announces-passage-fy-2018-state-budget>.

² Office of New York Governor Andrew M. Cuomo. "Governor Cuomo Signs Legislation Raising the Age of Criminal Responsibility to 18-Years-Old in New York." April 10, 2017. <https://www.governor.ny.gov/news/governor-cuomo-signs-legislation-raising-age-criminal-responsibility-18-years-old-new-york>.

³ Office of New York Governor Andrew M. Cuomo. "Governor Cuomo Announces Raise the Age Implementation Task Force." April 30, 2018. <https://www.governor.ny.gov/news/governor-cuomo-announces-raise-age-implementation-task-force>.

About this Report

The RTA Implementation Task Force is responsible for monitoring the overall effectiveness of the law by reviewing the state's progress in implementing its major components, as well as evaluating the effectiveness of the local adoption and compliance to the law. Additionally, the Task Force is charged with reviewing the implementation of the law's record sealing provision by analyzing the number of individuals who have applied and been granted sealing, as well as the overall effectiveness of the law's sealing requirements.

The Task Force is required to report on their findings regarding the first phase of implementation and to provide an additional report one year later with respect to the second phase of implementation. This report shall be provided to the Governor, Speaker of the Assembly, and Temporary President of the Senate. This report will provide a preliminary analysis of the law's impact through data collected during the first six months of implementation and describe the state's major implementation and monitoring activities, as well as, coordination efforts with practitioners and providers who are working with young people within the juvenile justice system.

Members of the Task Force

- Michael Green, Executive Deputy Commissioner, Division of Criminal Justice Services (Co-Chair)
- Sheila Poole, Commissioner, Office of Children and Family Services (Co-Chair)
- Anthony Annucci, Acting Commissioner, Department of Corrections and Community Supervision
- Hon. Michael Coccoma, Deputy Chief Administrative Judge for Courts Outside New York City
- David Condliffe, Executive Director, Center for Community Alternatives
- RoAnn Destito, Commissioner, Office of General Services
- MaryEllen Elia, Commissioner, State Education Department
- Nancy Ginsburg, Director of Adolescent Intervention and Diversion Team at The Legal Aid Society
- Eric Gonzalez, District Attorney, Kings County
- Peter Kehoe, Executive Director, New York State Sheriffs' Association
- William Leahy, Director, Office of Indigent Legal Services
- Robert Maccarone, Deputy Commissioner and Director of Probation and Correctional Alternatives, Division of Criminal Justice Services
- Hon. Edwina Mendelson, Deputy Chief Administrative Judge for Justice Initiatives
- Jesse Olczak, Human Services, Housing & Intergovernmental Relations Unit Chief, Division of the Budget (Current)
- Naomi Post, Executive Director, Children's Defense Fund – New York
- Allen Riley, Chairman, State Commission of Correction
- Todd Scheuermann, Human Services, Housing & Intergovernmental Relations Unit Chief, Division of the Budget (Former)

Section I – Executive Summary: Initial Findings from First Phase of Raise the Age

Background:

On October 1, 2018, Governor Andrew M. Cuomo announced that the first major phase of the Raise the Age (RTA) law was in effect, culminating a multi-year effort by the Governor and Legislature to increase the age of criminal responsibility in New York.⁴ At the time of the law's passage in April 2017, New York was one of only two states in the country that automatically processed all 16- and 17-year-olds as adults in the criminal justice system, regardless of their crime. This over-involvement of youth in the adult criminal justice system left them largely without age-appropriate services and facilities, causing them to face greater risks of reoffending, as well as being exposed to assault, gender and sexual violence, and a high rate of suicide.⁵ Significantly, this over-involvement in the adult criminal justice system fell disproportionately on racial and ethnic minorities, particularly black and Hispanic young people, who constituted only 33 percent of the 16- and 17-year old population within New York in 2017, but accounted for 72 percent of all arrests.⁶ Notwithstanding these systemic deficiencies, a series of youth justice reforms and changes in policies and practices among criminal justice practitioners over the past decade helped create the conditions for dramatic reductions in the number of young people involved in the justice and court system before passage of the RTA law. Notably, the arrests of 16- and 17-year-olds fell by 67 percent between 2009 and 2018, which coincided with similarly significant decreases at every point in the system, including juvenile detention admissions, probation intakes, petitions, and placements.⁷

Since October 1, 2018, the first major phase of the RTA law has automatically removed 16-year-olds who are charged with misdemeanors, except vehicle and traffic law, from the adult courts and into the family court system. For 16-year-olds charged with felony offenses, the RTA law established a specialized Youth Part of Supreme or County Criminal Court where these young people, known as adolescent offenders (AOs), have their cases originally processed. However, most AO cases are removed from the Youth Part to Family Court through an automatic analysis of the court or consent of the prosecution, as established by the statute. For the AOs whose cases remain in the Youth Part, the RTA laws allows for the provision of age-appropriate services to help avoid recidivism and, if pretrial detention is ordered, specialized secure detention facilities instead of adult jails. The 16-year-olds who are prosecuted for misdemeanor and most felony offenses removed from criminal court are afforded the same opportunities for diversion and community-based services as youth who are age 15 and younger. As of October 1, 2018, 16-year-olds arrested for offenses are no longer housed in adult jails or correctional facilities. In New York City, this prohibition was also applied to 17-year-olds, who were required by the RTA statute

⁴ Office of New York Governor Andrew M. Cuomo. "Governor Cuomo Announces Raise the Age Law Now in Effect." October 1, 2018. www.governor.ny.gov/news/governor-cuomo-announces-raise-age-law-now-effect.

⁵ Governor's Commission on Youth, Public Safety and Justice. "Final Report of the Governor's Commission on Youth, Public Safety and Justice: Recommendations for Juvenile Justice Reform in New York State." 2015. www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/ReportofCommissiononYouthPublicSafetyandJustice_0.pdf.

⁶ See statistics in Office of New York Governor Andrew M. Cuomo. "Governor Cuomo Signs Legislation Raising the Age of Criminal Responsibility to 18-Years-Old in New York." April 10, 2017. www.governor.ny.gov/news/governor-cuomo-signs-legislation-raising-age-criminal-responsibility-18-years-old-new-york

⁷ See Section II, Part 1 data below.

to be removed from facilities on Rikers Island. For more detailed information on the RTA law, please visit the Raise the Age program website at <https://www.ny.gov/programs/raise-age>.

The implementation for this first phase of RTA, affecting 16-year-olds, was the result of significant work over 18 months, from April 2017 to October 2018, by various state, county, and local agencies, as well as not-for-profit organizations. At the state level, the Division of Criminal Justice Services (DCJS), Office of Children and Family Services (OCFS), Department of Corrections and Community Supervision (DOCCS), State Commission of Correction (SCOC), and the Division of the Budget (DOB) formed a multi-agency team to develop and execute implementation activities. Throughout implementation, this team partnered and coordinated activities with the Office of Court Administration (OCA), State Education Department (SED), and Office of Indigent Legal Services (ILS).

To review these implementation activities, as well as the effect of raising the age of criminal responsibility, the RTA law created the New York State Raise the Age Implementation Task Force. Since the Task Force was first assembled, the members have regularly convened to share information and discuss efforts to ensure that the state, county, and local governments were prepared to implement the provisions of the law. The Task Force has been integral to monitoring progress, promoting awareness, and addressing issues at the state, regional, and local level to prepare the juvenile justice system to accommodate the new population of 16-year-olds, as well as ensure that the Youth Part of Supreme or County Criminal Court is well positioned to provide age-appropriate approaches and resources.

Assessment of Phase 1 Implementation:

The Task Force reports that the first phase of the Raise the Age law has been successfully implemented for the 16-year-old population since the effective date of October 1, 2018. The Task Force also finds that New York is prepared for the second phase of the law, which will extend the Raise the Age law to 17-year-olds, on October 1, 2019.

This report by the Task Force finds that implementation of the new law has succeeded in four areas: (1) initially fulfilling the youth justice policy objectives of the law and assuring compliance, (2) providing technical assistance and guidance throughout state, county, and local governments, (3) securing appropriate funding to cover implementation-related costs, and (4) establishing robust monitoring of the impact of the statutory changes at the state and local level.

First, the preliminary, available data and information from the first six months of RTA implementation indicate that the law has fulfilled its youth justice policy objectives and that there has been extensive compliance with the requirements of the law. Based on preliminary data, which is discussed in detail in subsequent sections, the number of 16-year-olds involved in the justice system has continued to decline across New York. Specifically, the average monthly number of felony arrests for this population has decreased by 36 percent from 244 per month in 2017 to 155 per month after the law became effective in October 2018. In fact, ten of the state's sixty-two counties reported no felony arrests of 16-year-olds through the first six months of implementation. Among the remaining fifty-two counties, thirteen counties have reported only one or two such arrests during the first six months. Statewide, there have been 810 adolescent offenders arraigned in the Youth Part of Supreme or County Criminal Court with 82 percent of these cases (661) removed to Family Court or Probation as designed by the law.⁸

⁸ See Section II data below.

Based upon available data and information, the cases appear to be proceeding consistent with the intent and provisions of the RTA statute, as young people receive the evidence-based interventions and services to address their needs, ultimately, reducing the risk of recidivism. All 16-year-olds charged with misdemeanors, except vehicle and traffic law, have cases that proceed through family court instead of adult criminal court, providing opportunities for adjustment, diversion, and other interventions to support their rehabilitation. The majority of 16-year-olds charged with felonies have cases that are being removed to family court and will not be subject to a permanent criminal record, which would create future barriers to employment, education, and housing. The remaining adolescent offender cases remaining in the Youth Part are being processed pursuant to the law and these youth are being provided with specialized resources to address their needs. Notwithstanding these positive indications, the data collected within this first six-month period are preliminary and subsequent reporting will provide a more complete analysis.

Second, state agencies, as well as local agencies and community-based organizations, have engaged, coordinated, and collaborated on a variety of technical assistance, guidance, and resources to ensure appropriate education and implementation of the law. The state agencies, as identified above, have partnered since passage of the legislation in April 2017, to plan for and support implementation, primarily through three types of activities: (1) outreach, education, and training, (2) data-sharing and program planning, and (3) development of new and revised regulations, as well as information technology updates. Collectively, state agencies have engaged thousands of stakeholders involved in the criminal justice, juvenile justice, education, social services, and local government sectors through comprehensive briefings, trainings, and webcasts. This engagement began in July and August 2017 with in-person RTA roundtables hosted in each of New York's ten regions, including representatives from OCFS, DCJS, DOCCS, SCOC, and DOB, and continued through direct interactions with counties and statewide associations. Specifically, the team provided guidance to local counties for their planning and reimbursement, undertook capital projects, increased staffing, and provided training. Additionally, OCFS worked with SED to develop an educational approach for youth in detention and placement. OCFS and SCOC also developed comprehensive regulations for local detention facilities and probation departments and additional regulations to address the minimum requirements needed to construct, staff, operate and certify specialized secure detention facilities. All of these regards were prepared with consideration of feedback from stakeholders across New York. During the 18 months prior to October 2018, the state agencies conducted extensive outreach throughout New York with information, support, and guidance. The multi-agency team developed planning and fiscal guides, visited counties, met with community-based organizations, shared data projections, and provided counties with technical assistance in developing both county and regional options for youth entering the system in need of detention or placement. The agencies also trained probation officers and presented to county executives, administrators, social services commissioners, attorneys, mental health administrators, law enforcement, district attorneys, judges, dispute resolution professionals, public welfare officials and workers, and associations representing counties. The Office of General Services provided significant support in addressing infrastructure needs.

DCJS and OCFS also prepared comprehensive, county-level data on arrests, case processing, and dispositions to allow local agencies to plan and consider workload projections. This state-local information-sharing extended to various program areas, providing local officials with detailed plans on new service models, assessments, case management plans, and other system changes, as well as providing training for police and probation officers. Local agencies were also provided with resource guides on youth programs, such as alternatives to detention; mental health and substance abuse services; family therapy; vocational, educational and employment programs; community service programs; juvenile community accountability boards; youth court; and

cognitive behavioral intervention programs. Each state agency also updated or developed new regulations to establish standards for the new age-appropriate secure facilities and updated probation assessment, case management, intake and adjustment, investigation, and supervision. These regulations incorporated the latest practices in the youth justice field and received extensive feedback from local officials, community-based leaders, and juvenile justice advocates.

Third, DOB, DCJS, and OCFS developed a comprehensive county financial planning process to implement the state's commitment to fund the incremental costs associated with RTA implementation. A financial planning tool and accompanying guidance was issued to each county with additional assistance from DCJS and OCFS upon plan submission, prior to DOB review and approval. As of July 2019, 48 county plans have been submitted and approved. To support these local plans and the state cost of implementation, Governor Cuomo proposed, and the Legislature accepted, a total of \$300 million in funding within the Fiscal Year 2019 and 2020 Enacted Budgets for RTA-related implementation expenses. This funding allows the state to reimburse counties for 100 percent of costs if overall spending remains under the two percent tax cap. Counties that exceed the cap can receive full reimbursement upon demonstrating financial hardship. The funding supports both the state and local cost for comprehensive diversion, probation, detention, and programming services for youth.

Finally, the state has invested significant resources and time to establish robust monitoring of the cases and individuals affected by the new RTA law, as well as the new policies and procedures. Specifically, DCJS, OCFS, SCOC, DOCCS, and OCA have developed or updated data collection systems to track cases that are processed as adolescent offenders in the new Youth Part of Supreme or County Criminal Court. These agencies have also amended their existing reporting structures to ensure the timely receipt of accurate and complete information from local authorities on 16-year-olds impacted by the new law. This monitoring, which contributed to the preliminary data analyzed in Section II of this report, is vital to evaluate the impact of the law, maintain the state's financial support for implementation-related expenses, and reduce unnecessary reliance on detention at the local level.

It is anticipated that the state's multi-agency team, as well as its partners at OCA, SED, and ILS, will continue to engage county and local officials in the same manner to provide guidance and support state and local governments through successful implementation of the second phase of the RTA legislation, which takes effect on October 1, 2019, removing automatic prosecution of 17-year-olds in the adult criminal justice system,

Section II – Raise the Age Impact by the Numbers

This data section is arranged in five parts to provide a comprehensive overview of the preliminary impact of the RTA law, following the first six months of implementation which impacted 16-year-olds.

The first section, youth justice trends, provides historical information on trends between 2010 and 2017 to set the context for the RTA implementation. The second section, Youth Part Data, provides information on 16-year-olds who have been arrested for felonies and processed as adolescent offenders under the new law, including arrests, arraignments, removals from the Youth Part of Criminal Court to Family Court, and dispositions. The third section, Family Court Data, provides information on 16-year-olds who have been arrested and processed as juveniles, including petitions and dispositions. The fourth section, Youth Part Confinement Data, provides admission and point-in-time population data on the pre-disposition detention and post-conviction confinement of adolescent offenders in local specialized secure detention facilities and state

adolescent offender facilities. The fifth and final section, Family Court Confinement Data, provides admission, point-in-time population, and placement data for pre-disposition and post-adjudication confinement of juvenile delinquents and juvenile offenders in local and state juvenile facilities, including non-secure and secure settings.

Part 1: Youth Justice Trends from 2010–2017

In the years prior to implementation of the Raise the Age law, there were dramatic declines in the number of youth between the ages of 7 and 17 involved in the justice systems, both juvenile and adult. These significant reductions have made it easier for the juvenile justice system, including probation and family court, to accommodate the additional workload associated with 16-year-olds entering the system under the RTA law.

Specifically, between 2010 and 2017, arrests of the 16- and 17-year-old population declined by 54 percent. Prior to RTA, these young people were automatically charged as adults, regardless of their alleged offense.

**Table 1.1
New York State
Arrests Among 16- and 17-Year-Old Population**

Arrest Year	Felony		Misdemeanor		Total
	16	17	16	17	16 & 17
2010	5,325	6,269	15,690	19,299	46,583
2011	4,847	5,764	14,619	17,642	42,872
2012	4,411	5,179	12,923	15,915	38,428
2013	3,952	4,579	11,073	13,492	33,096
2014	3,621	4,237	9,766	12,326	29,950
2015	3,434	3,992	8,828	10,625	26,879
2016	3,257	4,010	7,562	9,646	24,475
2017	2,935	3,797	6,390	8,234	21,356
% Change 2010 vs. 2017	-45%	-39%	-59%	-57%	-54%

Source: DCJS, Computerized Criminal History File as of (4/19/2019)

At the same time, the total number of arrests of youth under 16 years of age have also declined since 2010. In fact, Juvenile Delinquent (JD) arrests of youth age 7 to 15 dropped 62 percent between 2010 and 2017. Juvenile Offender (JO) arrests also declined 42 percent during the same period. For reference, JO arrests involve youth age 13 to 15 charged with certain violent offenses, who are tried in the criminal court system. Under RTA, their cases are now heard in the new Youth Part.

Table 1.2
New York State
Juvenile Delinquent and Juvenile Offender Arrests

Arrest Year	JD Arrests	JO Arrests
2010	27,637	817
2011	24,798	734
2012	20,979	536
2013	17,192	616
2014	15,420	573
2015	13,160	608
2016	11,408	509
2017	10,434	473
% Change 2010 vs. 2017	-62%	-42%

Source: New York Police Department and New York State Uniform Crime Reporting/Incident Based Reporting Database (as of 4/16/2018)
DCJS, Computerized Criminal History File (as of 4/19/2019)

Coinciding with the significant decline in arrests of young people, there have been dramatic reductions at other processing points in the juvenile justice system, including fewer children placed in detention during their family court proceedings, subjected to probation supervision, prosecuted as juvenile delinquents in family court, and adjudicated as delinquents, subject to placement. Since 2010:

- Juvenile detention admissions have declined from 8,317 to 3,654 (-56%);
- Juvenile probation intake cases opened have declined from 22,760 to 9,616 (-58%);
- Juvenile petitions filed in Family Court have declined from 11,317 to 4,697 (-58%); and
- Juvenile placement admissions have declined from 1,646 to 760 (-54%).

Table 1.3
New York State Juvenile Justice Indicators
JO & JD Detention Admissions, JD Probation Intake Cases Opened,
JD Family Court Petitions, and JD Placement Admissions

Year	JO/JD Detention Admissions	JD Probation Cases Opened	JD Family Court Petitions	JD Placement Admissions
2010	8,317	22,760	11,317	1,646
2011	7,647	20,943	9,608	1,439
2012	6,415	18,278	8,992	1,439
2013	5,621	15,044	7,695	1,314
2014	5,066	12,683	6,598	1,152
2015	4,846	11,791	6,012	860
2016	4,206	10,363	5,364	883
2017	3,654	9,616	4,697	760
% Change 2010 vs. 2017	-56%	-58%	-58%	-54%

Sources: DCJS, OCFS, OCA, and New York City Administration for Children's Services.

Part 2: Youth Part Data

Effective October 1, 2018, 16-year-olds arrested for felony offenses, known as Adolescent Offenders (AO), are arraigned in the newly created Youth Part of Supreme and County Criminal Court. The data in this section details AO arrests occurring between October 1, 2018 and March 31, 2019, and the outcomes of those arrests, including arraignments, dispositions, and sentences received by the courts, as of June 14, 2019.

During the first six months of RTA implementation, 930 AO arrests were reported by law enforcement agencies. Table 2.1 shows AO arrests between October 1, 2018 and March 31, 2019, for New York State, New York City, and the Rest of State. Of these 930 AO arrests, 810 have been arraigned and 120 were decline-to-prosecute decisions by the District Attorney, are still pending arraignment, or other action. Felony arrests of 16-year-olds during this six-month period averaged 155 per month, a significant decrease from the 244 per month in 2017, which was prior to the effective date of the RTA law (see above Youth Justice Trends)⁹.

⁹ Figures on arrests and arraignments by county and arrests by race/ethnicity, sex, and charge during the six-month period under review can be found in Tables 1 through 5 of Appendices Section II, Part 2 of this report.

Table 2.1
AO Arrests by Region
Oct 2018 – Mar 2019

	NYC	ROS	NYS
Total Arrests	603	327	930
Arrested	497	313	810
DA Declined to Prosecute/Other	106	14	120

Source: DCJS, Computerized Criminal History Database (as of 06/14/2019).

Table 2.2 shows that 55 percent of the 810 AO arraignments were arraigned by an Accessible Magistrate. Cases in New York City were more likely to be arraigned by an Accessible Magistrate (67%) than those in the Rest of State (37%). Accessible Magistrates are judges who are authorized to exercise criminal jurisdiction and designated by the Appellate Division within each Judicial Department to receive specialized training in adolescent development to act in the place of the Youth Part for certain first appearance proceedings involving youth, including arraignments, warrants, and pre-petition hearings.¹⁰ These proceedings typically occur when the designated Youth Part is unavailable (e.g., evenings, weekends, etc.).

Table 2.2
AO Arraignments in Youth Part or by an Accessible Magistrate

	NYC		ROS		NYS	
	#	%	#	%	#	%
Total Arraignments	497	100%	313	100%	810	100%
Arrested by Accessible Magistrate	321	67%	114	37%	445	55%
Arrested in Youth Part	166	33%	197	63%	363	45%
Missing Data	0	0%	2	<1%	2	<1%

Source: DCJS, Computerized Criminal History Database (as of 06/14/2019).
OCA Extract File (as of 07/09/2019).

Table 2.3 shows the release status at arraignment for Adolescent Offenders in New York State, New York City, and the Rest of State. Of the 810 arraignments, in 72 percent of cases youth were released at arraignment, with 63 percent released on their own recognizance, and nine percent released under supervision. Of the 25 percent of cases where youth were not released at arraignment, five percent were remanded without bail, and 20 percent had bail set that was not posted on the date of arraignment. Youth were more likely to be released at arraignment in New York City (78%) than in the Rest of State (63%).

¹⁰ See New York State Criminal Procedure Law § 722.10, 722.21, 140.20, 140.27, and 410.40.

Table 2.3
AO Arraignments by Release Status at Arraignment

	NYC		ROS		NYS	
	#	%	#	%	#	%
Total Arraignments	497	100%	313	100%	810	100%
Released at Arraignment	389	78%	200	64%	589	72%
ROR – Released on own Recognizance	374	75%	139	44%	513	63%
RUS – Released Under Supervision	13	3%	61	19%	74	9%
Bail Set and Posted at Arraignment	2	<1%	0	0%	2	<1%
Not Released at Arraignment	102	21%	98	31%	200	25%
Remanded Without Bail	20	4%	22	7%	42	5%
Bail Set and Not Posted at Arraignment	82	16%	76	24%	158	20%
Missing Data	6	1%	15	5%	21	3%

Source: DCJS, Computerized Criminal History Database (as of 06/14/2019)
OCA Extract File (as of 07/09/2019).

Table 2.4 provides the number of AO removals from the Youth Part. Under RTA, most youth charged with felonies will be transferred to the Family Court, unless the court finds they allegedly displayed a deadly weapon, caused significant physical injury or engaged in unlawful sexual conduct, or that there are other extraordinary circumstances. Specifically, of the 810 arraignments, 82 percent have been removed to the Family Court process, as of June 14, 2019, and treated as Juvenile Delinquents. Table 4 shows the number of cases removed to the Family Court process by non-violent and violent offense arraignment categories.

Table 2.4
AO Removals from Youth Part to the Family Court Process¹¹

		Total Arraignments	Removed	
			#	%
NYS	Total	810	661	82%
	Non-Violent	324	304	94%
	Violent	486	357	73%
NYC	Total	497	411	83%
	Non-Violent	163	152	93%
	Violent	334	259	78%
ROS	Total	313	250	80%
	Non-Violent	161	152	94%
	Violent	152	98	64%

Source: DCJS, Computerized Criminal History Database (as of 06/14/2019).

Table 2.4 reflects that 82 percent (661 of 810) of AOs arraigned in Youth Part were removed. Table 2.5 shows 78 percent were removed to probation for intake and 22 percent were removed to Family Court for petition. Most New York City cases were removed to probation for intake. In

¹¹ Youth Part judges may remove a case directly to Family Court, also known as adjustment, where a juvenile delinquency petition can be filed or to local probation for intake to determine whether the matter can be addressed without filing a petition in court (see Criminal Procedure Law § 722.21 and 722.22).

the Rest of State, 52 percent of cases were removed to probation and 48 percent were removed directly to Family Court for petition.

Table 2.5
AO Removals to Family Court by Removal Type

	NYC		ROS		NYS	
	#	%	#	%	#	%
Total AO Removals	411	100%	250	100%	661	100%
Removed to Family Court	25	6%	119	48%	144	22%
Removed to Probation Intake	386	94%	131	52%	517	78%

Source: DCJS, Computerized Criminal History Database (as of 06/14/2019).

Under the new RTA statute, District Attorneys have 30 days from arraignment to submit a motion to prevent a case from being removed to the Family Court Process or probation intake (CPL § 722.23[1][a]). Current data indicates that most removals to the Family Court or probation intake process occur shortly after arraignment¹². Table 2.6 provides that 46 percent of cases throughout the state were removed the same day or the next day and 71 percent were removed within seven days of arraignment.

Table 2.6
AO Removals to Family Court – Time from Arraignment to Removal

	NYC		ROS		NYS	
	#	%	#	%	#	%
Total	411	100%	250	100%	661	100%
Same Day	134	33%	50	20%	184	28%
Next Day	107	26%	15	6%	122	18%
2–7 Days	111	27%	53	21%	164	25%
8–14 Days	13	3%	33	13%	46	7%
15–21 Days	11	3%	26	10%	37	6%
22–30 Days	7	2%	26	10%	33	5%
31 Days or More	28	7%	47	19%	75	11%

Source: DCJS, Computerized Criminal History Database (as of 06/14/2019).

Table 2.7 shows the status of Youth Part arraignments, as of June 14, 2019. Of the 810 arraignments, 661 were removed to the Family Court process or probation intake, 27 were dismissed, and seven resulted in some other favorable, non-conviction disposition. There were 19 cases that resulted in an adult conviction or Youthful Offender (YO) adjudication, including 17 felony dispositions. As of June 14, 2019, 96 of the 810 arraignments are pending final disposition in Youth Part, 45 of which have been indicted or for which a Superior Court Information (SCI) has been filed.

¹² Data on these motions by the prosecuting agencies is currently unavailable.

**Table 2.7
Status of AO Youth Part Arraignments**

	NYC	ROS	NYS
Total Arraignments	497	313	810
Pending	38	13	51
Indicted or SCI Filed in Youth Part	27	18	45
Not Convicted in Youth Part	429	266	695
Removed	411	250	661
Dismissed	14	13	27
Other – Non-Conviction*	4	3	7
Convicted/YO Adjudicated in Youth Part	3	16	19
Felony	2	15	17
Misdemeanor	1	0	1
Violation	0	1	1

Source: DCJS, Computerized Criminal History Database (as of 06/14/2019).
*Other Non-Conviction dispositions include Covered by Another Case, Sealed Upon Termination of Criminal Action in Favor of the Accused (CPL 160.50), and Abated by Death.

Of the 19 convictions and YO adjudications in Youth Part, six were sentenced to confinement within a DOCCS AO facility, three were sentenced to Specialized Secure Detention (SSD), four were sentenced to a split SSD-Probation sentence, five were sentenced to probation, and one was sentenced to a conditional discharge (see Table 2.8).

**Table 2.8
Sentences for AO Convictions and Youthful Offender Adjudications in Youth Part**

	NYC	ROS	NYS
Total Convictions/YO Adjudications	3	16	19
DOCCS Prison or AO Facility – 1+ Years	1	5	6
Specialized Secure Detention (SSD) – Up to 1 Year	2	1	3
Specialized Secure Detention (SSD) & Probation	0	4	4
Probation	0	5	5
Conditional Discharge	0	1	1

Source: DCJS, Computerized Criminal History Database (as of 06/14/2019).

Part 3: Family Court Data

Adolescent Offenders (AOs) whose felony cases are removed from the Youth Part, as well as all youth age 16 arrested for offenses after October 1, 2018 and are charged with misdemeanors, except vehicle and traffic law, proceed into the Family Court process as Juvenile Delinquents (JDs). The majority of these cases proceed through probation intake, where they are reviewed for possible adjustment and many participate in services as part of the adjustment process¹³. JDs whose cases are not successfully adjusted typically proceed to a petition filed in Family Court by the county presentment agency. The information in this section is limited to Family Court processing of JDs who proceed to petition.

During the first six months of RTA implementation, 584 Juvenile Delinquency (JD) petitions were filed in Family Court for youth who were age 16 at the time of their alleged offense. Table 3.1 and

¹³ Data on probation intake, adjustment, and service participation for youth age 16 at time of crime is currently unavailable.

Table 3.2 show the total number of JD petitions filed between October 1, 2018 and March 31, 2019 for New York State, New York City and the Rest of State.

**Table 3.1
Family Court Age 16 JD Petitions Filed by Region
Oct 2018 – Mar 2019**

	2018	2019	Total Petitions
	Quarter 1 Oct – Dec 2018	Quarter 2 Jan – Mar 2019	
NYS	150	434	584
NYC	48	144	192
ROS	102	290	392

Source: DCJS, OCA Family Court Database (as of 06/06/2019).

During this period, Rest of State accounted for 392 of the petitions, and 192 were filed in New York City. Statewide, there were 228 felony petitions and 356 misdemeanor petitions filed.

**Table 3.2
Family Court Age 16 JD Petitions Filed
by Offense Class and Region
Oct 2018 – Mar 2019**

	Oct 2018 – Mar 2019		
	Felony	Misdemeanor	Total Petitions
NYS	228	356	584
NYC	81	111	192
ROS	147	245	392

Source: DCJS, OCA Family Court Database (as of 06/06/2019).

Table 3.3 and Table 3.4 show the status of the 584 JD petitions filed in Family Court between October 2018 and March 2019, as of June 6, 2019. Table 3.3 shows the status of the 228 felony petitions filed and Table 3.4 shows the status of the 356 misdemeanor petitions filed.

Felony arrests removed to Family Court that are not successfully adjusted may result in a JD petition being filed. Of the 228 felony petitions filed through March 31, 2019, 139 (61%) were disposed in Family Court, as of June 6, 2019, and the remaining 89 (39%) were still pending. A total of 73 were disposed without a finding of delinquency against the youth. There were 66 delinquency findings for 16-year-old felony JD petitions during this period. As of June 6, 2019, 34 felony JD petitions resulted in placement dispositions (requiring youth to be placed outside of their home), 29 were disposed to probation supervision, and three received a conditional discharge.

**Table 3.3
Status of Family Court Age 16 JD Felony Petitions
Filed Oct 2018 – Mar 2019**

	NYC	ROS	NYS
Total Felony Petitions Filed	81	147	228
Not Yet Disposed	45	44	89
No JD Finding	14	59	73
JD Finding	22	44	66
Felony Finding	14	16	30
Misdemeanor Finding	8	28	36
Disposed to:			
Placement	9	25	34
Probation	12	17	29
Conditional Discharge	1	2	3

Source: DCJS, OCA Family Court Petitions (as of 06/06/2019).

Youth charged with misdemeanors, whose cases are not successfully adjusted also proceed to Family Court where a delinquency petition may be filed. Of the 356 misdemeanor petitions filed between October 2018 and March 2019, 150 (42%) had not yet been disposed as of June 6, 2019. A total of 142 were disposed without a delinquency finding. There have been 64 delinquency findings for 16-year-old with misdemeanor JDs petitions during this period. A total of 17 JD misdemeanor petitions have resulted in placement dispositions, 35 were disposed to probation supervision, and 12 received a conditional discharge.

**Table 3.4
Status of Family Court Age 16 JD Misdemeanor Petitions
Filed Oct 2018 – Mar 2019**

	NYC	ROS	NYS
Total Misdemeanor Petitions Filed	111	245	356
Not Yet Disposed	56	94	150
No JD Finding	40	102	142
JD Finding (all Misd. Findings)	15	49	64
Disposed to:			
Placement	1	16	17
Probation	10	25	35
Conditional Discharge	4	8	12

Source: DCJS, OCA Family Court Petitions (as of 06/06/2019).

Part 4: Youth Part Confinement Data

Adolescent Offenders (AO) whose cases are processed in the Youth Part of Supreme and County Criminal Court can be confined pre-disposition, while their cases are pending, and post-conviction/youthful offender (YO) adjudication, if the court imposes a sentence of incarceration. All AOs detained during the pendency of their cases are held in the newly-created Specialized Secure Detention (SSD) facilities, instead of adult jails. SSDs are juvenile detention settings under the RTA law and are subject to regulation and certification by OCFS, in conjunction with SCOC.¹⁴ Post-sentence confinement options vary by sentence length. Definite sentences of one year or less are served in SSD facilities or an OCFS Secure facility¹⁵, while indeterminate and determinate sentences of one year or more are served in the newly-created DOCCS AO facilities¹⁶. This section provides data on AOs confined between October 1, 2018 and March 31, 2019. Since no AOs were admitted to an OCFS Secure facility during that period, this section focuses exclusively on youth confined in SSD facilities and DOCCS AO facilities.

During the first six months of RTA implementation, 212 AOs were admitted to an SSD facility. Most of those admissions (99%) occurred pre-disposition, during the pendency of their case in the Youth Part. Only three SSD admissions occurred as the result of a sentence of incarceration—one in New York City (NYC) and two in the Rest of State (ROS). Table 4.1 shows SSD admissions by quarter for New York State (NYS), NYC and the ROS.¹⁷ ROS accounted for a larger proportion of the total SSD admissions (59%) than NYC (41%).

Table 4.1
AO Specialized Secure Detention (SSD) Admissions by Region
Oct 2018 – Mar 2019

	Quarter 1		Quarter 2		Total SSD Admissions	
	Oct – Dec 2018		Jan – Mar 2019		#	%
	#	%	#	%		
NYS	109	100%	103	100%	212	100%
NYC	43	39%	43	42%	86	41%
ROS	66	61%	60	58%	126	59%

Source: OCFS, Juvenile Detention Automated System (Q1 data as of 03/02/2019, Q2 data as of 05/18/2019).

Note: Figures include pre- and post-sentence youth.

Table 4.2 shows the number of AOs confined in SSD facilities on the last day of each quarter for NYS, NYC and ROS. Statewide, on December 31, 2018, 37 AOs were confined in SSD facilities. That number increased by 9 to 46 by March 31, 2019. Most of that increase occurred in the ROS, which experienced an increase of 8 youth from Quarter 1 (18) to Quarter 2 (26).

¹⁴ See New York State County Law § 218-A; Executive Law § 502 and 503.

¹⁵ The presiding judge decides between SSD and OCFS Secure confinement. Definite sentences of one year or less imposed on or after age 21 are served in adult jail.

¹⁶ Indeterminate and determinate sentences of one year or more imposed on or after age 18 are served in an adult DOCCS facility.

¹⁷ NYC admission numbers do not include youth being detained within the Horizon Juvenile Center, which is the SSD facility currently designated to serve youth under the age of 18 who can no longer be housed at Rikers, pursuant to a provision of the RTA law.

Table 4.2
AO Youth in Specialized Secure Detention (SSD)
on Last Day of Quarter by Region

	Quarter 1		Quarter 2	
	December 31, 2018		March 31, 2019	
	#	%	#	%
NYS	37	100%	46	100%
NYC	19	51%	20	43%
ROS	18	49%	26	57%

Source: OCFS, Juvenile Detention Automated System
(Q1 data as of 03/02/2019, Q2 data as of 05/18/2019).

Note: Figures include pre- and post-sentence youth.

Prior to RTA and the issuance of EO#150, 16-year-olds were confined in local adult jails for pre-trial detention and post-conviction sentences of one year or less. Under RTA, youth who are adolescent offenders can only be detained pre-trial within SSD facilities. While every county has at least one jail, there are currently six SSD facilities located across the state: (1) Capital District SSD (Albany County), (2) Crossroads SSD (New York City), (3) Erie County SSD, (4) Hillbrook SSD (Onondaga County), (5) Monroe County Children’s Center SSD, and (6) Woodfield SSD (Westchester).

During the first six months of RTA, 126 AOs in the ROS were admitted to an SSD facility. Table 4.3 shows the number and proportion of those AOs who were initially admitted to an SSD facility more than one county beyond their county of residence. For example, an Allegany County AO admitted to Erie County SSD would be counted as “Out of Contiguous Area” for Table 4.3 since Allegany County does not border Erie County. Overall, 33 percent (41) of the 126 ROS AOs were initially admitted to an SSD facility more than one county outside their county of residence. Nassau (10) and Suffolk (9) accounted for nearly half (46%) of those admissions since Long Island does not currently maintain an SSD facility.

Table 4.3
AO Specialized Secure Detention (SSD)
Admissions Out of Contiguous Area from Oct 2018 – Mar 2019

	Total SSD Admissions	SSD Admissions Out of Contiguous Area	
		#	%
ROS	126	41	33%
Albany	1	1	100%
Allegany	0	0	0%
Broome	2	2	100%
Cattaraugus	1	0	0%
Cayuga	3	0	0%
Chautauqua	0	0	0%
Chemung	2	2	100%
Chenango	0	0	0%
Clinton	0	0	0%
Columbia	0	0	0%
Cortland	0	0	0%

	Total SSD Admissions	SSD Admissions Out of Contiguous Area	
		#	%
Delaware	0	0	0%
Dutchess	2	2	100%
Erie	31	0	0%
Essex	0	0	0%
Franklin	0	0	0%
Fulton	1	1	100%
Genesee	0	0	0%
Greene	0	0	0%
Hamilton	0	0	0%
Herkimer	0	0	0%
Jefferson	0	0	0%
Lewis	0	0	0%
Livingston	0	0	0%
Madison	1	0	0%
Monroe	21	2	10%
Montgomery	1	1	100%
Nassau	10	10	100%
Niagara	1	0	0%
Oneida	6	6	100%
Onondaga	18	1	6%
Ontario	1	0	0%
Orange	1	0	0%
Orleans	1	0	0%
Oswego	0	0	0%
Otsego	0	0	0%
Putnam	0	0	0%
Rensselaer	2	0	0%
Rockland	0	0	0%
St. Lawrence	0	0	0%
Saratoga	0	0	0%
Schenectady	0	0	0%
Schoharie	0	0	0%
Schuyler	0	0	0%
Seneca	0	0	0%
Steuben	1	1	100%
Suffolk	9	9	100%
Sullivan	0	0	0%
Tioga	0	0	0%

	Total SSD Admissions	SSD Admissions Out of Contiguous Area	
		#	%
Tompkins	1	1	100%
Ulster	0	0	0%
Warren	0	0	0%
Washington	1	1	100%
Wayne	1	0	0%
Westchester	7	1	14%
Wyoming	0	0	0%
Yates	0	0	0%

Source: OCFS, Juvenile Detention Automated System (Q1 data as of 03/02/2019, Q2 data as of 05/18/2019).

Note: Figures include pre- and post-sentence youth.

During the first six months of RTA implementation, two AO youth were sentenced to incarceration and committed to a DOCCS AO facility, both between January and March 2019. Both youth were sentenced in a court from a county outside NYC.

**Table 4.4
AO Admissions to DOCCS
Admissions by Region of Commitment
from October 2018 – March 2019**

	Quarter 1		Quarter 2	
	Oct to Dec 2018		Jan to Mar 2019	
	#	%	#	%
NYS	0	NA	2	100%
NYC	0	NA	0	0%
ROS	0	NA	2	100%

Source: DOCCS.

Table 4.5
AO Youth Under DOCCS' Custody
on Last Day of Quarter by Region of Commitment
October 2018 – March 2019

	Quarter 1		Quarter 2	
	December 31, 2018		March 31, 2019	
	#	%	#	%
NYS	0	NA	2	100%
NYC	0	NA	0	0%
ROS	0	NA	2	100%

Source: DOCCS.

Part 5: Family Court Confinement Data

Juvenile Delinquents (JDs) may be confined pre-disposition, while their cases are pending in Family Court, and post-adjudication, following a disposition to placement. JDs who pose a risk of reoffending or failing to appear in court during the pendency of their case may be temporarily detained in either non-secure detention (NSD) or secure juvenile detention (SD) facilities pre-disposition (see, Family Court Act § 320). JDs may also be held in NSD or SD while awaiting placement or the resolution of a warrant or Violation of Probation (VOP). Post-adjudication confinement options vary by custody type. Adjudicated JDs can be placed in OCFS or LDSS custody. Youth placed in OCFS custody may reside in OCFS facilities or community-based voluntary agencies, while youth placed in LDSS custody solely reside in community-based voluntary agencies.

This section provides data on JDs who were 16 years-old at time of offense and confined between October 1, 2018 and March 31, 2019. These figures include 16-year-old JD misdemeanants who went directly to Family Court and former AOs whose cases were transferred to Family Court from the Youth Part of Supreme and County Criminal Court.

In terms of JD detention during the first six months of RTA implementation, a total of 300 16-year-old JDs were admitted to detention across the state. Table 5.1 reflects that New York City (NYC) accounted for 48 percent of those admissions, while the Rest of State (ROS) accounted for 52 percent. Statewide, admissions of 16-year-olds increased from 146 in Quarter 1 to 154 in Quarter 2. This increase was exclusively attributable to ROS, which experienced a 40 percent increase in admissions from Quarter 1 (65) to Quarter 2 (91). Detention admissions involving 16-year-olds by county, demographics, and top charge can be found in Tables 11 and 12 of the appendices of this report.

Table 5.1
16-Year-Old JD Detention Admissions by Region
Oct 2018 – Mar 2019

	Quarter 1		Quarter 2		Total Admissions	
	Oct – Dec 2018		Jan – Mar 2019		#	%
	#	%	#	%		
NYS	146	100%	154	100%	300	100%
NYC	81	55%	63	41%	144	48%
ROS	65	45%	91	59%	156	52%

Source: OCFS, Juvenile Detention Automated System (Q1 data as of 03/02/2019, Q2 data as of 05/18/2019).

Note: Figures include secure and non-secure detention admissions.

Table 5.2 shows the number of 16-year-old JDs confined in juvenile detention facilities on the last day of each quarter for New York State (NYS), NYC and ROS. Statewide, on December 31, 2018, 11 16-year-old JDs were confined in a juvenile detention facility. That number increased to 21 by March 31, 2019. Most of that increase can be attributed to the ROS, which rose from 8 16-year-old JDs in detention on the last day of Quarter 1, to 16 in detention on the last day of Quarter 2, doubling their number in care and custody.

Table 5.2
16-Year-Old JD Youth in Detention
on Last Day of Quarter by Region
Oct 2018 – Mar 2019

	Quarter 1		Quarter 2	
	December 31, 2018		March 31, 2019	
	#	%	#	%
NYS	11	100%	21	100%
NYC	3	27%	5	24%
ROS	8	73%	16	76%

Source: OCFS, Juvenile Detention Automated System (Q1 data as of 03/02/2019, Q2 data as of 05/18/2019).

Note: Figures include secure and non-secure detention admissions.

As abovementioned, youth remanded on JD matters may be detained in either NSD or SD facilities. Table 5.3 shows the extent to which NYS, NYC and the ROS use NSD versus SD to care for 16-year-old JDs. Youth who spent time in both NSD and SD facilities during their detention stay are categorized as “Mixed” for the purposes of this table. Statewide, 79 percent of the 300 16-year-old JD detention admissions involved at least some time confined in a Secure facility (i.e., 225 Secure detention only, 11 Mixed). Only 21 percent involved time spent solely in NSD. This pattern was relatively consistent for NYC and the ROS, indicating that both regions relied heavily on SD facilities to care for 16-year-old JDs.

Table 5.3
16-Year-Old JD Detention Admissions by Setting
Oct 2018 – Mar 2019

	NYS		NYC		ROS	
	#	%	#	%	#	%
Total Admissions	300	100%	144	100%	156	100%
Non-Secure Detention (NSD)	64	21%	34	24%	30	19%
Secure Detention (SD)	225	75%	104	72%	121	78%
Mixed (NSD & SD)	11	4%	6	4%	5	3%

Source: OCFS, Juvenile Detention Automated System (Q1 data as of 03/02/2019, Q2 data as of 05/18/2019).

Currently, there are 24 NSD facilities across the state (eight in NYC and 16 in the ROS), and seven SD facilities: (1) Capital District SD (Albany County), (2) Crossroads SD (NYC), (3) Erie County SD, (4) Hillbrook SD (Onondaga County), (5) Monroe County Children’s Center SD, (6) Nassau County SD, and (7) Woodfield SD (Westchester). All but one of the SD facilities are collocated with a Specialized Secure Detention (SSD) facility. During the first six months of RTA, 121 16-year-old JDs were admitted to SD in ROS.¹⁸ Table 5.4 shows the number and proportion of those JDs who were initially admitted to a facility more than one county beyond their county of residence. For example, a Fulton County JD admitted to Capital District SD would be counted as “Out of Contiguous Area” for Table 5.4 since Fulton County does not border Albany County. Of these 121 16-year-old JDs from ROS who solely spent time in SD, 13 percent (16) were initially admitted to a facility more than one county beyond their home county.

Table 5.4
16-Year-Old JD Secure Detention (SD) Admissions
Out of Contiguous Area from Oct 2018 – Mar 2019

	Total SD Admissions	SD Admissions Out of Contiguous Area	
		#	%
ROS	121	16	13%
Albany	4	0	0%
Allegany	0	0	0%
Broome	1	1	100%
Cattaraugus	2	0	0%
Cayuga	0	0	0%
Chautauqua	1	0	0%
Chemung	0	0	0%
Chenango	0	0	0%
Clinton	0	0	0%
Columbia	1	0	0%
Cortland	2	2	100%
Delaware	0	0	0%

¹⁸ This figure excludes youth who were admitted to Secure and then moved to Non-Secure and vice versa.

Dutchess	0	0	0%
Erie	41	0	0%
Essex	0	0	0%
Franklin	0	0	0%
Fulton	2	2	100%
Genesee	0	0	0%
Greene	0	0	0%
Hamilton	0	0	0%
Herkimer	0	0	0%
Jefferson	0	0	0%
Lewis	0	0	0%
Livingston	0	0	0%
Madison	0	0	0%
Monroe	1	0	0%
Montgomery	2	2	100%
Nassau	18	1	6%
Niagara	3	0	0%
Oneida	3	3	100%
Onondaga	1	0	0%
Ontario	1	1	100%
Orange	1	0	0%
Orleans	0	0	0%
Oswego	0	0	0%
Otsego	0	0	0%
Putnam	0	0	0%
Rensselaer	7	1	14%
Rockland	0	0	0%
St. Lawrence	0	0	0%
Saratoga	0	0	0%
Schenectady	3	0	0%
Schoharie	0	0	0%
Schuyler	0	0	0%
Seneca	0	0	0%
Steuben	0	0	0%
Suffolk	16	0	0%
Sullivan	0	0	0%
Tioga	0	0	0%
Tompkins	0	0	0%
Ulster	1	1	100%
Warren	1	1	100%
Washington	0	0	0%

Wayne	0	0	0%
Westchester	9	1	11%
Wyoming	0	0	0%
Yates	0	0	0%

Source: OCFS, Juvenile Detention Automated System (Q1 data as of 03/02/2019, Q2 data as of 05/18/2019).

During the first six months of implementation, 32 16-year-old JDs entered residential care placement. As shown in Table 5.5, only 3 youth were admitted statewide during Quarter 1. This number of adjudicated youth is anticipated since it can take several months for a case to move from arrest to disposition to placement admission. Admissions increased in Quarter 2, with 29 16-year-old JD youth admitted statewide. Seven, or 22 percent, of statewide admissions involved youth from NYC, while youth from ROS counties accounted for 25, or 78 percent, of statewide admissions.

Table 5.5
16-Year-old JD Placement Admissions by Region
Oct 2018 – Mar 2019

	Quarter 1		Quarter 2		Total Admissions	
	Oct – Dec 2018		Jan – Mar 2019		#	%
	#	%	#	%		
NYS	3	100%	29	100%	32	100%
NYC	1	33%	6	21%	7	22%
ROS	2	67%	23	79%	25	78%

Source: OCFS, Juvenile Justice Information System and Connections.

JD placement admission setting varies by jurisdiction and custody type. In NYC, all JDs disposed to placement are placed into the care and custody of the Administration for Children’s Services and are served in voluntary agencies through the City’s Close to Home program. Outside of NYC, youth disposed to placement may be admitted to either an OCFS-run facility or a community-based residential program operated by a voluntary agency. As shown in Table 5.6, 14 16-year-old JDs, or 64 percent, from ROS counties were initially admitted to a community-based program. Additional information on residential care admissions by county and demographics can be found in Tables 13 and 14 of the appendices in this report.

Table 5.6
16-Year-Old JD Placement Admissions by Setting
Oct 2018 – Mar 2019

	NYS		NYC		ROS	
	#	%	#	%	#	%
Total Admissions	32	100%	7	100%	25	100%
OCFS Facility	11	34%	0	0%	11	44%
Community-Based Voluntary Agency	21	66%	7	100%	14	64%

Source: OCFS, Juvenile Justice Information System and Connections.

Placement disposition orders typically place JD youth into care and custody for a period of 12 months. None of the 16-year-old JD youth admitted to residential programs in the first two quarters of RTA implementation were released from care prior to March 31, 2019.

Section III – Raise the Age Implementation Activity by State Agencies

The following parts of this section briefly summarize the key implementation activities by the multi-agency team and each respective state agency to prepare for, and implement, the provisions of the Raise the Age law.

Part 1: Multi-Agency Efforts

Outreach, Education, and Training

- Executives from OCFS, SCOC, DCJS, DOCCS, and DOB worked together to host 10 RTA regional roundtables in every area of the state between July and August 2017.
- State agencies also presented to numerous organizations throughout 2017 and 2018, including the Criminal Justice Educators Association of New York State, New York State Association of Chiefs of Police, New York State Council of Probation Administrators, the New York State Probation Officers Association, New York State Association of Counties, and New York State Undersheriffs, New York State Dispute Resolution Association, and the State’s Juvenile Justice Advisory Group (JJAG). Information about the RTA law was also included in presentations made to the District Attorneys Association of the State of New York and the New York State Sheriffs’ Association. Furthermore, OCA presented at conferences for the Family Court Chief Clerks Association, the City & District and Supreme & County Chief Clerks Association, and an Association of Law Secretaries Continuing Legal Education Program.
- DCJS and OCFS conducted training for judges on new program models and services that will be available through the RTA law. The agencies hosted three sessions in July and August of 2018 as part of OCA’s Summer Seminar Series.
- OCFS, in collaboration with OCA, trained magistrates and family court judges on detention and placement options and opportunities to reduce unnecessary use of confinement.

Technical Assistance, Planning, and Resources

- State agencies prepared and provided comprehensive, county-level data on arrests and dispositions of arrests involving 16- and 17-year-olds prior to RTA implementation. Data covering the first six months of 2018 was also provided to assist counties with understanding the most recent trends. In addition, workload projections expected after full implementation of the law were prepared and provided for planning purposes.
- OCFS worked with SCOC to provide technical assistance to the New York State Sheriffs’ Association and local law enforcement agencies regarding rules on detention admissions and location and availability of beds. DCJS and SCOC also collaborated to include updates within the Inmate Classification Course that reflect the new law.

Capacity Building and Investments

- DCJS, OCFS, and DOB worked closely to develop a comprehensive county financial planning process to support the state’s commitment to fund additional local costs associated with Raise the Age. Planning guidance was released to counties in June

2018,¹⁹ and county plans were submitted for review beginning in July. As DOB approves each comprehensive county plan, DCJS develops contracts with counties to reimburse them for probation-related staff and services and OCFS approves RTA-related claims.

Monitoring and Assessment

- DCJS, OCFS, OCA, and DOCCS are working together to ensure that RTA implementation is closely monitored. Data collection systems have been developed, and existing reports have been modified and expanded to include the tracking of cases involving Adolescent Offenders in the Youth Part of Criminal Court.

Part 2: Division of Criminal Justice Services (DCJS)

After enactment of the RTA statute, DCJS implementation efforts focused on local probation departments, police departments and ensuring that the agency data systems were modified. DCJS also provided extensive data and analysis to prepare for implementation.

Outreach, Education, and Training

Thousands of practitioners, law enforcement officials and other stakeholders participated in comprehensive briefings, training, and webcasts offered between July 2017 and December 2018. The most intensive training was provided to local probation departments.

- DCJS developed a one-week Probation Specialized Juvenile Justice Training to help current juvenile probation officers effectively implement provisions of the law. During 2018, 246 officers attended 10 in-person training sessions hosted by DCJS and local probation training sites. The training has been added as a fourth week to the Fundamentals of Probation Practice training that all new probation officers must take.
- DCJS conducted multiple trainings for Interactive Journaling and Implicit Bias, and Offender Workforce Development Specialist facilitator training to deliver Career University – Advancing to the Next Level, an employment readiness curriculum for youth and young adults. This ensures that trained facilitators are in the field and available to provide cognitive behavioral interventions to county youth.
- DCJS developed and conducted seven webinars for county probation executives and officers to support effective implementation. Topics included the role of probation in the newly established Youth Part of Criminal Court, conducting assessment and case planning, and technical training for case management system changes.
- DCJS hosted a series of best practice webinars conducted in collaboration with four probation departments highlighting the innovative work being done in probation practice across New York State. Nearly 1,700 participants attended the webinars. The webinars were recorded and are now available to all local probation staff.

¹⁹ New York State. “Raise the Age: Local Planning Guide.” 2018. Accessed June 2019 from https://www.ny.gov/sites/ny.gov/files/atoms/files/RTA_Local_Planning_Guide.pdf.

Technical Assistance, Planning, and Resources

- DCJS distributed an RTA memorandum for criminal justice agency executives summarizing how the new law will impact law enforcement officers, specifically the processing of 16- and 17-year-olds from arrest to arraignment.
- A Raise the Age Service Guide was developed by DCJS to provide information on the most effective youth programs and services. The guide describes alternatives to detention; mental health and substance abuse services; family therapy; vocational, educational and employment programs; community service programs; juvenile community accountability boards; youth court; and cognitive behavioral intervention programs.

Guidance and Regulations

- The legislative changes led to the need for significant changes in police training. The state's Municipal Police Training Council, to which DCJS provides staff, approved updates to the Basic Course for Police Officers to reflect the new law. The course is required for all municipal (village, town, city and county) police recruits. The Council also approved updates to the following in December 2018:
 - DCJS staff updated the juvenile rights section of the Police Supervision Course, within the legal affairs component, in accordance with RTA changes.
 - DCJS staff updated the Basic Criminal Investigations Course with information that can be released to the news media about 16- and 17-year-olds.
- DCJS amended and developed new regulations to ensure that local Probation Departments operate consistently with the provisions and spirit of the RTA law. DCJS drafted amendments to existing state regulations that govern probation practice, including intake and adjustment, investigation, and supervision. It also promulgated new regulations to address probation's function in providing voluntary assessment and case planning services in the newly developed Youth Part of Superior Court. DCJS developed a statewide probation workgroup and received input from local probation departments as well as public comment. DCJS promulgated the new regulations in March 2019.

Capacity Building and Investments

DCJS implemented information technology (IT) system changes to ensure that all aspects of the new law could be fulfilled efficiently and accurately.

- DCJS worked with a vendor to upgrade the probation case management system used by nearly all probation departments, including New York City, to ensure that new functions and data collection associated with RTA would be in place when the law took effect. Critical upgrades were completed by October 1, 2018 and are fully functioning. Additional case management system changes are underway.
- DCJS made changes to the arrest fingerprint processing systems to ensure that fingerprints for Adolescent Offenders could be processed. All changes were in place by October 1, 2018.
- DCJS notified police agencies and local records management vendors of IT code revisions made related to the submission of arrest fingerprints to DCJS. These code changes

ensure criminal history information associated with the arrests of 16- and 17-year-olds is collected and stored in a manner consistent with the law.

Part 3: Office of Children and Family Services (OCFS)

Raise the Age impacted nearly all key areas of OCFS operations: child welfare prevention and placements, detention capacity, regulations and operation, Supervision and Treatment Services for Juvenile Program, Youth Development/Youth Bureaus, state operated facilities for youth, and county claiming mechanisms. OCFS initiated a comprehensive implementation plan in April 2017, to be prepared with detention and placement beds before October 1, 2018, and to support localities' ability to claim for incremental costs related to RTA.

Guidance and Regulations for Detention

OCFS certifies and monitors local youth detention facilities throughout the State. The RTA legislation created Adolescent Offenders (AOs) as a new category of youth whose cases are heard in a newly created Youth Part of Supreme or County Criminal Court.²⁰ The RTA law requires AOs who are remanded to detention to be detained in new specialized secure detention facilities for older adolescents (SSDs) prior to disposition/sentencing instead of adult jails. In addition, if sentenced to a definite term of imprisonment of one year or less, AOs may serve their sentence in an SSD.²¹

OCFS is responsible for certification, oversight and monitoring of juvenile detention programs within New York State. These juvenile detention programs are administered at the county level and operate pursuant to regulations established by OCFS. The RTA law mandated OCFS, in consultation with SCOC, jointly regulate, certify, inspect and supervise the new SSDs.²² The RTA law also included a special provision prohibiting New York City from continuing to lodge youth under the age of 18 at any facility on Rikers Island on or after October 1, 2018 and instead lodge them in a specialized juvenile detention facility (SJD) certified by OCFS in conjunction with SCOC.²³ Accordingly, OCFS RTA implementation activities impacting detention programs included:

- OCFS promulgated a new set of regulations, in consultation with SCOC, for the certification and operation of newly created SSD and SJD facilities. The regulations provided facilities with the necessary parameters to operate a secure, developmentally appropriate, youth-focused SSD facility. The regulations addressed the minimum requirements needed to construct, staff, and certify SSDs, as well as operational and programmatic requirements that included but were not limited to specific requirements for sentenced youth, increased staffing ratios and approaches, behavior management, rapid response staffing and training.
- OCFS staff, in partnership with SCOC, conducted multiple site visits to all potential sites for a specialized secure detention facility to assess physical plant needs, changes to staffing patterns, and programmatic enhancements. This outreach was critical to ensure adequate SSD beds certified across the state by October 1, 2018 to be ready for the

²⁰ See New York State Criminal Procedure Law § 722.10.

²¹ See New York State Penal Law § 70.20.

²² See New York State County Law § 218-A; Executive Law § 502 and 503.

²³ See New York State Correction Law § 500-P.

potential of AO detention. OCFS worked closely with SCOC and the SSD providers to have beds in six SSDs ready on October 1, 2018.

- OCFS reviewed and provided guidance on operational and programmatic policies being developed by SSD facilities that included such subjects as searches of youth, restraint of youth, supervision of youth, behavior management, development of Rapid Response Teams, and abuse/neglect reporting.
- OCFS worked with the New York City Department of Correction (NYC DOC), Administration for Children's Services (ACS), and SCOC to certify and have the Horizon Specialized Juvenile Detention facility (Horizon) be ready to accept the transfer of youth from Rikers, as of September 27, 2018. This certification allowed NYC to comply with the RTA law requirement that all youth under the age of 18 be removed from NYC DOC facilities located on Rikers Island by October 1, 2018 and lodged in an appropriate facility.
- OCFS modernized its approach to claiming and reimbursement to reduce risk and improve timeliness of reimbursement. OCFS expanded the Juvenile Detention Automated System (JDAS) to track and claim for youth, inclusion of SSD facilities, and improved incident reporting and provided extensive training to the field.

Capacity Building and Investments for Voluntary Agencies

OCFS licenses and monitors the foster care voluntary authorized agencies where adjudicated JD youth can be placed. Further, OCFS directly runs 13 placement facilities through the Division of Juvenile Justice and Opportunities for Youth. OCFS further oversees the Supervision and Treatment Services for Juveniles Program (STSJP) and the Youth Development Program (YDP), run through the municipal Youth Bureaus, as local assistance programs, to support localities in their efforts to target the right intervention, to the right youth, for the right amount of time, and reduce the use of detention and out-of-home placements.

- OCFS had 13 voluntary non-profit child-welfare agencies ("voluntary agencies") successfully respond to our Request for Applications (RFA) to create specialized programs for juvenile delinquents (JDs) aged 16. Collectively, these programs currently maintain 143 beds and will have 171 beds online by end of 2019 to provide these services for 16- and 17-year-olds placed in local social services district custody under the RTA statute.
- OCFS worked to assure that new RTA residential program models are trauma-informed, with services and programs specifically targeting the needs of older adolescents. A critical component to these programs is the inclusion of a mandatory aftercare model. The RTA residential program models all have an assumption for a maximum length of stay for youth on the residential campus of eight months; this eight-month length of stay is followed by a mandatory four-month aftercare program provided in the youth's home community. The four months of aftercare builds on the strengths and program the youth was engaged in while on campus, and the services are coordinated from the youth's first day of being in care, with a focus on his/her ultimate transition back to his/her home community.
- Given the scale of the systemic changes, OCFS created a Learning Collaborative with the voluntary agencies to enable OCFS and the agencies to learn with one another and provide an avenue for trouble-shooting, develop an atmosphere of trust, and solidify the commitment to collective success.

- OCFS identified several key regulatory change requirements which included expanding the definition of a child for eligibility to be placed in foster care, updated regulations related to youth privacy, searches, contraband, and, most critically, conditional release regulations for youth leaving residential care before the court order expires. This is a critical component to a successful aftercare model as it allows for youth to be in their home community while being on a trial discharge (still in the legal custody of the local department of social services) with all the services and resources afforded to a youth in care.

Capacity Building and Investments for State Facilities and Re-Entry

OCFS determined that additional capacity would be required within state-operated residential centers for post-adjudicated youth placed with OCFS by the courts, based upon intake projections. OCFS reconstructed and renovated eighty beds on the upper campus of the Industry Residential Center (Industry) in Monroe County to house male youth, which was completed on November 1, 2018. OCFS also renovated the Harriet Tubman Residential Center (Tubman) for twenty-five additional beds to house female youth, which was completed on October 1, 2018.

- OCFS developed an enhanced Model of Re-Entry which includes components of the New York Model, a risks and responsibility instrument, as well as a community re-entry plan (CRP). The Risks and Responsibility (RNR) instrument allows the case worker to effectively assign levels of supervision, resource allocation, and case planning. All community multi-service office staff were trained on the new model.
- OCFS also began a Community Credible Messenger Initiative (CCMI), an innovative approach designed to build and strengthen community-based partners to support the provision of after-care services to youth returning home. CCMI is a Governor's priority initiative as a five-year, state-funded grant program that connects identified youth and families with the structured support of a Credible Messenger and/or Parent Partner who have experience with juvenile or criminal systems. New York is the first statewide juvenile justice system to employ this approach. Youth will be served in selected zip codes within Buffalo, Rochester, the mid-Hudson region, and Long Island.

Monitoring and Assessment

- Understanding that youth would need to be tracked in an IT system that provided nuanced information around this population, OCFS expanded the Juvenile Justice Information System – JJIS (previously used only for youth in OCFS custody) to be used for all JD youth being provided foster care services by local districts.
- OCFS also developed an enhanced oversight and monitoring structure for these RTA service providers. OCFS Division of Child Welfare and Community Services (CWCS) regional offices have begun using comprehensive quality assurance tools that provide quantitative feedback on performance to both our system, and the agency. OCFS is also deploying an incident tracking system (Voluntary Agency Incident Reporting System – VAIRS) similar to the system used in the OCFS Division of Juvenile Justice and Opportunities for Youth to monitor in real time key incidents that occur in programs across the state.

Part 4: Office of Court Administration (OCA)

Shortly after enactment of the RTA, Chief Administrative Judge Lawrence K. Marks created the Unified Court System's Statewide Raise the Age Implementation Committee. The Planning

Committee recognized that the RTA legislation ushered in a new paradigm that required fundamental restructuring of New York State's juvenile and criminal justice systems. The Committee worked and continues to work to create legal, operational and training directives to meet the challenges of the new law. It has engaged in ongoing collaborative planning with state and local executive branch partners and other key stakeholders. Court leaders have also participated in interagency work groups in order to successfully implement the RTA law in our state courts.

Outreach, Education, and Training

The court's implementation efforts have focused on providing introductory and ongoing comprehensive training throughout the State, aimed at assuring excellence in managing the profound changes required under the new law. Introductory and ongoing training has been provided to both judicial and non-judicial staff:

- Judicial Staff (Youth Part Judges, Family Court Judges, Accessible Magistrates (outside New York City) and Accessible Magistrates (inside New York City)).
- Non-Judicial Staff (Court Attorneys, Court Clerks, Court Officers, and Other Non-Judicial Personnel assigned to the Youth Parts or Family Court Parts).

OCA provided an opportunity for all judges to be educated on the RTA legislation. In addition, judges assigned to a Youth Part or a back-up Youth Part received additional and more specific training in order to be certified to preside in a Youth Part or as an accessible magistrate. Training opportunities included:

- The Unified Court System's Judicial Institute in cooperation with the Office for Justice Initiatives developed a comprehensive RTA training track for the 2018 Summer Judicial Seminars.
- Over three separate weeks, all New York State judges attended plenary RTA sessions which included an introduction to the legislation, statewide implementation efforts, and specialized juvenile and adolescent related education.
- All Youth Part and Back Up Youth Part judges were required to complete fourteen (14) RTA related training sessions. At present, there are a total of 167 certified Youth Part judges, and Back Up Youth Part judges.
- All accessible magistrates, statutorily designated judges who are authorized to act in place of the Youth Part when the Youth Part is not in session, were required to complete six (6) RTA related training sessions. Approximately 910 magistrates have been trained, certified and are serving in multiple jurisdictions throughout the state.
- Outside New York City, special abridged trainings have been developed for all Town and Village judges who are designated to serve as Accessible Magistrates, and that training is now available.
- Within New York City, additional in-person and videotaped training sessions have been developed for newly elected and newly appointed judges assigned to the local criminal court, who will serve as Accessible Magistrates.

A statewide certification process has been developed to monitor compliance with mandated training. In addition to the mandatory training, OCA also partnered with criminal justice organizations and trained non-judicial staff to prepare for implementation.

- For instance, in September 2018, OCA, in collaboration with the Center for Court Innovation, sponsored an all-day RTA Summit for Youth Part and Back Up Youth Part judges in New York City which included their Court Attorneys, Resource Coordinators and Chief Clerks from all counties in New York City. This one-day workshop provided judges with an opportunity to collaborate and brainstorm regarding anticipated legal and operational issues.
- OCA also provided RTA training to Court Attorneys who serve Youth Parts, Back Up Youth Parts or in Family Courts. Training sessions were held in Albany, Syracuse and in New York City.
- OCA also trained hundreds of clerical staff statewide in the use of the Universal Case Management System (UCMS), the Supreme and County case management system. Specifically, in-person UCMS District training sessions were conducted throughout the state and video-recorded programs have been posted online for ongoing training. This system was specifically designed to accommodate and process RTA cases through multiple venues.

Additionally, OCA participated in RTA-related community education forums throughout New York, including at community board meetings, city council hearings, court system sponsored faith leader events, local police precincts and through community-based organizations.

Capacity Building and Investments

As required by the RTA statute, a Youth Part has been created and is active in the superior court of each county in New York State. Two Youth Parts are operational in Kings County, for a total of sixty-three (63) Youth Parts. In each county, the Youth Part is presided over by a Family Court judge. Every judge authorized to preside in a Youth Part has received the required specialized training. Each part has exclusive jurisdiction over Adolescent Offenders and Juvenile Offenders.

OCA coordinated with state and local agencies to ensure appropriate legal representation and services are provided in the Youth Part, including:

- Indigent defender organizations developed an intake rotation to ensure representation of adolescent and juvenile offenders at arraignment and all subsequent appearances. When such cases are removed to Family Court, defender organizations or 18-B appointed counsel either continue representation as attorneys for children or coordinate a “hand-off” with Family Court counsel.
- Statewide, 60% of the counties have a designated assistant district attorney in the Youth Part. When cases are removed to Family Court, the assistant district attorney coordinates a “hand-off” with County Attorneys or, in New York City, Corporation Counsel.
- Service providers responsible for administering the Court’s Supervised Release Program are available to conduct assessments and report compliance for adolescent offenders eligible for non-monetary securing orders.

- New York City Department of Probation has assigned a Court Liaison Officer to the Youth Part in each county to coordinate Intensive Community Monitoring for adolescent offenders in cases where the judge determines that a youth needs more intensive monitoring before being released on a non-monetary securing order. The Court Liaison Officer is available for a same-day Probation intake in the event of a Removal Order.
- Outside New York City, it was anticipated that county probation departments would be present for Youth Part cases in six (6) counties: Erie, Monroe, Onondaga, Westchester, Nassau and Suffolk. However, OCA has experienced the appearance of county probation departments at the vast majority of Youth Part cases in the remaining counties outside of New York City.

Additionally, Accessible Magistrates have been designated by the Presiding Justice of the Appellate Division in each department to handle certain first appearances of Adolescent Offenders, Juvenile Offenders and of Juvenile Delinquents when the Youth Part or Family Court is not in session. Comprehensive training for all Accessible Magistrates was provided to ensure compliance with the statutory requirements of the RTA law.

The RTA law required OCA to undertake significant operational changes, including staffing and facility modifications, as well as support for continued defense counsel. Specifically, the statute required significant changes to the operations of superior, family and local criminal courts throughout New York State. The following represent the most significant resource and structural aspects of court operations that required significant creation or modification:

- Youth Part of Supreme or County Criminal Court, including assigning courtrooms, judges and staff;
- Holding Facilities for youth and providing agency access;
- After-hours arraignments of Adolescent Offenders and pre-petition detention hearings on juvenile delinquency matters;
- Accessible Magistrate assignments and staffing;
- Family Court operations; and
- Hybrid Part with judges sitting part-time in Youth Part and part-time in Family Court.

For holding facilities, OCA ensures that local detention agencies housed children in the appropriate facilities by implementing a color-coded securing order in New York City for adolescent offenders. Notably, detention areas at the New York County Criminal Court courthouse, specifically designed for juveniles, were transferred from NYC DOC to ACS for holding citywide pre-petition hearing respondents.

Court managers coordinated with law enforcement and local detention agencies to ensure that the current regulatory scheme for “sight and sound” separation is maintained for pre- and post-arraignment adolescent and juvenile offenders in custody. This separation was primarily accomplished using existing courthouse detention facilities and infrastructure. By designating specific routes from entry into the courthouse to arrival in the courtroom, court and law enforcement personnel can maintain appropriate “sight and sound” segregation.

Although OCA has successfully accomplished “sight and sound” segregation, there is a need in some locations to develop more appropriate adolescent and juvenile holding and interview areas for defense attorneys to privately confer with their clients. Indeed, continued efforts are needed to change the detention environment and to accommodate the growing volume of children moving throughout Youth Parts located in County, District and Family Courts. This need also applies to facilities where Accessible Magistrates preside, whether in their home courts or in designated off-hours arraignment parts.

While the current holding facility operations suffice in most locations, there are some facilities that will require modifications to better suit youth. This need is likely to increase as the newly authorized federal Juvenile Justice and Delinquency Prevention Act extends federal separation requirements that are already in our State law to Juvenile Offenders and Adolescent Offenders. This will subject our state standards to federal audit and may require improved court holding areas.

OCA provided assistance to ensure adequate defense counsel under the RTA law. Under state law, the locality is responsible for funding indigent defense services in the adult criminal justice system, including in the Youth Part of superior court. However, the state assumes sole responsibility for funding legal representation of youth in the juvenile justice system. This legal representation is made through the Attorney for the Child (AFC) program, funded through the judiciary budget.

The AFC program is comprised of panels of, and in some cases, contracts with, qualified attorneys managed by the four Appellate Divisions of the Supreme Court and contracts with institutional providers managed by OCA. The Appellate Division’s AFC offices and OCA worked collaboratively to provide support services to the AFC program, including extensive continuing legal education.

During the second half of the 2018-19 State Fiscal Year, implementation of RTA necessitated additional funding to support legal representation in matters involving 16-year-olds as cases were removed from the Youth Part, where indigent defense is handled by locally funded attorneys, to the Family Court juvenile justice system, where counsel services are provided through the state’s AFC program. Funds were allocated to support workload increases for both misdemeanor juvenile delinquency matters originating in the Family Court and felony matters removed to the Family Court after initial proceedings in the superior court Youth Parts.

To provide this additional funding to institutional providers, OCA conducted a procurement process which resulted in contract awards to provide juvenile defense services to the RTA-impacted population. To facilitate continuity of representation for cases removed from the Youth Part to the Family Court, AFC funding allows the attorney assigned in the Youth Part, or an AFC assigned at the point of removal, to continue representation post removal, through the probation adjustment phase if the case is eligible and to continue the representation in the Family Court in those instances when a delinquency petition is filed. The increases in workload required institutional providers to hire additional staff attorneys and Appellate Division AFC programs to recruit additional panel members. RTA implementation also required both additional introductory training for new AFCs and focused in-service training to prepare existing AFCs to represent older youth entering the system. In response to this need, multiple legal education programs were conducted during the year, throughout the state.

Monitoring and Assessment

OCA created or amended forms to ensure that Adolescent Offenders were accurately processed and tracked through the new procedures created by the RTA law. Eight new forms were developed and deployed for use in the Youth Parts of the superior criminal court related to the detention and removal of Adolescent and Juvenile Offenders to family court. The existing Uniform Sentence & Commitment form was amended to add an Adolescent Offender designation and to include the commitment of Adolescent and Juvenile Offenders to appropriate detention facilities pursuant to the provisions of Raise the Age. Four new forms were developed and deployed for use by Accessible Magistrates related to ordering detention or release and directing the Adolescent or Juvenile Offender's appearance in the Youth Part following an off-hours arraignment or return on a warrant. Ten existing Family Court forms were amended, incorporating various provisions of Raise the Age related to the release, detention and disposition of juvenile delinquents.

RTA required system changes to both family court and superior court case management systems. OCA adapted the statewide criminal court case management system, UCMS-Criminal, to provide all data tracking functionality required in the Youth Parts of the Supreme or County Criminal Courts statewide. OCA also adapted the UCMS-Family system to allow tracking of Youth Part cases removed to Family Court. The system changes were implemented in all relevant courts prior to the October 1, 2018, effective date.

Prior to RTA implementation in October 2018, OCA developed an internal, web-based RTA platform to provide guidance, training, access to written decisions, and answers to frequently asked questions for judicial and non-judicial staff to use as any issues arise throughout New York. As a guide, OCA also created bench cards in relation to Youth Part Operations, Juvenile Offender Law and Removals, and RTA Law and Removals of Adolescent Offender Cases.

Additionally, to ensure judges and court personnel are provided with on-going guidance, the Court System formed an "RTA Questions" Work Group that provides legal instruction and recommendations on complex legal, operational and procedural issues to judges, court attorneys and court staff. Finally, an RTA hotline number has been created and is available to all judges for RTA-related issues that arise after business hours, on holidays, or on weekends.

Following RTA implementation, OCA's IT and operational staff held recurring conference calls with court staff responsible for tracking data and courtroom operations for cases within the Youth Part to identify and resolve any issues. These calls informed a post-implementation document with procedures for assistance through the Help Desk and the Security Administration Unit, which was provided to the courts. The calls, as well as ongoing coordination with other state agencies, has helped determine areas for improvement, such as the need for consistent fingerprinting of defendants by police agencies before arraignment in the Youth Part or removal to Family Court to ensure that records are updated by the court and available to DCJS.

Part 5: State Education Department (SED)

Over the past year and a half, SED has focused on efforts to improve the educational outcomes of youth impacted by the RTA law. These efforts include a comprehensive review of laws and regulations pertaining to education programs for RTA youth; an analysis of educational funding streams and recommendations for streamlining these funding streams to support RTA youth; providing professional learning opportunities for restorative practices; requiring that all public

school districts appoint a transition liaison; and convening a multidisciplinary transition liaison advisory group to advise SED on how best to assist youth transitioning to other education settings.

Guidance and Regulations

SED undertook a comprehensive statutory and regulatory review of provisions pertaining to educational programs provided by the five residential confinement settings in which a young person may be detained or placed under the reformed juvenile and criminal justice system pursuant to the RTA law changes.

Understanding that students in these residential facilities do not have consistent access to services for a well-rounded education, the Department developed an outline of the components of a Model Educational Program for Incarcerated and Detained Youth. To ensure students in such facilities are provided an educational program comparable to students in traditional public schools, the program model requires that all students be provided with a 5.5-hour instructional day, with an emphasis on project-based, integrated learning, and access to certified teachers.

SED staff presented at two Learning Collaboratives sponsored by OCFS for the 13 RTA voluntary agencies, nine of which have associated “853” or Special Act schools for students with disabilities on their campus. SED’s Offices of Special Education and Student Support Services also participated in a series of individual calls with each of the 13 voluntary agencies. Through the calls and the first Learning Collaborative, NYSED fielded questions raised through these forums.

SED’s Offices of Student Support Services, Counsel, Special Education, Curriculum and Instruction, Fiscal Analysis and Research, and others collaborated to provide comprehensive responses to the questions and provide guidance. SED staff with expertise in the program areas covered attended the second Learning Collaborative for the 13 voluntary agencies to present the responses to the questions and be available for follow-up questions.

SED continues to review current law and regulations to determine changes needed to support the flexibility required by these educational programs to provide the robust, student-need-driven education designed to re-engage youth in learning and enable them to return to their communities better prepared to re-enroll in school or be contributing members of society.

Technical Assistance, Planning, and Resources

SED conducted a comprehensive analysis of the funding streams which currently exist for educational programs provided in the five residential confinement settings in which a young person may be detained or placed under the reformed juvenile and criminal justice system pursuant to the RTA law changes. Those funding streams include State Incarcerated Youth (IY) funding used for core instruction only in adult county jails and federal Title I, Part D funding used for supplemental services, which is available to county jails, secure detention facilities, OCFS and DOCCS.

Following that analysis, SED developed a plan that permits the IY funding that currently supports students between the ages of 16 and 21 in county correctional facilities to support students in both adult correctional facilities and juvenile detention programs. SED also proposed to enhance the IY funding to provide both detention programs and county correctional facilities with sufficient funding to maintain certified educational staff and provide developmentally and academically appropriate programming.

The educational programs of the 13 voluntary agencies contracted by OCFS to provide placement in a non-secure setting for youth adjudicated as juvenile delinquents under RTA are governed by the provisions of Education Law Article 81. Of the 13, six have 853 schools, three have Special Act Schools and four have education provided by the public schools or Boards of Cooperative Educational Services (BOCES) where the voluntary agency is located.

A fiscal analysis was also conducted to determine enhancements to the educational programs provided by the RTA voluntary agencies which incorporated specific items requested by the voluntary agencies, including “Hold Harmless” funding for the SED tuition rates and school seats based on approved capacity for the first three years and increased tuition rates to expand program offerings, staff training and professional development, equipment, and capital improvements. This “Hold Harmless” funding for the SED tuition rates and school seats based on approved capacity has been approved.

SED continues to advocate for the critical funding necessary to provide educational programs for students involved with the justice system with the resources and flexibility to design appropriate individualized education for these youth.

Outreach, Education, and Training

SED received state funding from the Enacted Fiscal Year 2018-19 budget to be used to provide school faculty and administrators training in restorative practices. SED has agreed to dedicate one of the four statewide “*Using Restorative Justice Principles and Practices to Support A Culture of Care,*” four-day trainings for up to 50 people to school and facility staff teams from the RTA voluntary agencies.

The SED-approved Every Student Succeeds Act (ESSA) State Plan identified the need for all public school districts to appoint a transition liaison to facilitate a justice-involved student’s effective educational transition into, out of, and between academic settings as an integral step to improving justice-involved student’s educational outcomes. SED convened an advisory group of experts from school districts, BOCES, OCFS, DCJS, DOCCS, voluntary agencies, advocates and other expert stakeholders to assist SED in addressing the roles, responsibilities, and necessary training of the transition liaisons required to be appointed by SED’s ESSA Plan.

Part 6: Department of Corrections and Community Supervision (DOCCS)

Prior to the enactment of the RTA law, Governor Cuomo issued Executive Order #150 directing DOCCS to separately confine incarcerated 16- and 17-year-old youth from incarcerated adults, who are age 18 or older. As a result, DOCCS identified the Hudson Correctional Facility, a medium security facility in Columbia County, to be used for this purpose. In advance of transferring youth to Hudson Correctional Facility, DOCCS worked with the Office of General Services (OGS) to make the necessary infrastructure upgrades to accommodate this population, including transitioning the facility to a reception center that handles intake of all offenders under 18 years of age. Working with OCFS, DOCCS developed specialized training for staff and a program model suitable for youth.

Capacity Building and Investments

Following passage of the RTA legislation, DOCCS, in consultation with DCJS and OCFS, developed an Adolescent Offender population projection based on a variety of factors and assumptions. Given its prior renovation, Hudson became an Adolescent Offender Facility and the only one to house females. However, using the projections, DOCCS re-engaged OGS to review

and identify additional current DOCCS operated, or previously closed facilities, for consideration as potential future Adolescent Offender facilities. DOCCS and OGS reviewed four possible locations. The major factors considered were the timeline to make the facilities operational, additional costs associated with the facility, including capital, personal services and non-personal services, as well as ongoing operational costs, and facility capacity.

Based on this review, DOCCS converted the Adirondack Correctional Facility, a medium security facility located in Essex County, which became operational October 1, 2018, as the second Adolescent Offender facility. DOCCS also identified the previously closed Groveland Annex, to become the standalone Sonyea Adolescent Offender Facility, which will be ready for operations in October 2019.

DOCCS worked with OGS to initiate a number of capital projects to ready the two new Adolescent Offender Facilities for operation as follows:

- The Adirondack Correctional Facility underwent significant alterations to ready the physical plant for the Adolescent Offender population. Housing dormitories were repartitioned creating single rooms complete with a desk for academic and personal use. Toilet and shower areas were renovated replacing dated finishes and mechanical parts. The existing secure housing unit was modified with new increased visibility security doors, secure outdoor recreation facilities, and new program areas. A site wide CCTV system was installed as well as a civilian personal alarm system. Additional secure offender network data drops were added to increase educational and vocational programming. The remainder of the support areas of the facility were in good condition and did not require improvement due to the facility's active use status. The project was physically complete and ready for occupancy in October 2018.
- The former Groveland Correctional Facility Annex is currently undergoing expansive renovation to ready the facility for the Adolescent Offender population. Housing dormitories will be partitioned from open floor plans to single room occupancy complete with a desk for academic and personal use. Toilet and shower areas will be renovated, replacing deteriorated finishes and mechanical parts. Much of the heating infrastructure is being replaced due to age, with an eye toward reliable longevity. The food service, medical, and program areas are being improved eliminating deteriorated finishes, features, and equipment. An existing structure is being retrofitted to create a secure housing unit which will include new increased visibility security doors, secure outdoor recreation facilities, and new program areas. A site-wide CCTV system, replacement fire alarm system, and civilian personal alarm system will be installed. A new entry building to process staff and visitors into the facility is currently under construction. Administrative office space is being established in an existing building outside the secure perimeter. New secure offender network data drops are being added to increase educational and vocational programming. The project is slated for completion in October 2019.

Technical Assistance, Planning, and Resources

DOCCS coordinated with OCFS in implementing the Adolescent Offender facilities by providing specialized trainings, reviewing DOCCS policies and procedures for the AO population, and conducting case conferencing. OCFS assigned an Assistant Commissioner who conducts visits to the Adolescent Offender facilities and provides consultation, along with other OCFS staff, on case specific issues.

Based on the provisions of the RTA law, which established Adolescent Offender facilities, DOCCS falls under the federal Juvenile Prison Rape Elimination Act (PREA) and American Correctional Association (ACA) performance-based standards for Juvenile Correctional Facilities. Pursuant to that standard, DOCCS conducted a gap analysis to determine the differences between the Adult and Juvenile standards, and either modified existing policies or promulgated new directives to ensure compliance with these new standards.

Based on the youth program module and the staffing requirements outlined under the PREA Juvenile Facility standard, DOCCS enhanced the security staffing in housing and program areas. Additional staff enhancements were made in the areas of administration, programs and security to ensure the appropriate oversight and delivery of services to the adolescent offender population.

In accordance with Correction Law Section 77, DOCCS coordinated with OCFS to develop a program module to be utilized at all Adolescent Offender Facilities that is known as the DOCCS Youth Program Model. The program model consists of both academic and vocational education, with emphasis in the following areas:

- Adolescent Development;
- Trauma Informed Care;
- Team Development (Missouri Model Concept);
- Shaping and Reinforcing Behavior;
- Working with Special Needs Learners;
- Finding and Building Youth Assets; and
- Staff Trauma Outreach Program (STOP).

The implementation of the DOCCS Youth Program Model was also informed through an interim settlement with the New York Civil Liberties Union (NYCLU) in the *Peoples v. Fischer* case and a court ordered settlement with Prisoners' Legal Services of New York (PLS-NY) in the *Cookhorne v. Fischer* litigation.

The Youth Program Model utilizes evidence-based services through the provision of cognitive behavioral interventions specifically designed for the adolescent offender to increase awareness of the connection between thoughts and actions. It is based on an incarcerated-individual-centered, youth-oriented model, which identifies individual needs, and provides a guideline for the provision of activities. The model focuses on assisting residents in their development of pro-social skill development, substance abuse prevention skills, and meaningful transition plans consistent with the philosophy and practices of youth programming.

DOCCS' administration, security and program staff function as a team to accomplish the Youth Program objectives. With a rich staffing configuration, it provides multiple staff contacts with each adolescent offender on a daily basis through therapeutic programming, organized physical education, vocational and academic education and individual sessions.

DOCCS, SCOC, and OCFS reviewed the security classification criteria utilized in DOCCS, resulting in amendments and the establishment of a placement classification protocol to be used to determine the appropriate level of care for each adolescent offender in such facility. The protocol includes, but is not necessarily limited to, consideration of the nature of the youth's offense and the youth's history and service needs.

Outreach, Education, and Training

DOCCS, in coordination with OCFS, developed a training plan for all staff assigned to an Adolescent Offender facility. OCFS held Train-the-Trainer sessions with designated DOCCS staff so that DOCCS could offer training on an ongoing basis. Staff working with this population are responsible for providing education and counseling services that are consistent with the standards of quality treatment. Staff must also maintain and update professional skills associated with the delivery of effective services to adolescents. Quality training enhances the skills of staff which in turn increases the possibility of successful rehabilitation for the residents. The training is designed to foster a team approach among staff and to establish an appropriate environment for addressing the needs of incarcerated individuals under the age of 18. All program, administrative and security staff are required to attend a specialized initial training, and thereafter be trained on an annual basis, to enhance the quality of services provided. All staff are required to participate in a continuing educational experience addressing the issues relevant to this population, as well as issues which address evolving needs.

Under RTA, Correction Law Section 78 was created that requires DOCCS, in consultation with OCFS, to provide discharge plans for juvenile offenders and adolescent offenders who are released to parole or post-release supervision, which are tailored to address their individual needs. Such plans shall include services designed to promote public safety and the successful and productive reentry of such adolescents into society. DOCCS Community Supervision staff work closely with staff assigned to the Adolescent Offender Facilities and at OCFS, to coordinate appropriate discharge planning.

Part 7: State Commission of Correction (SCOC)

When the RTA legislation was passed, SCOC staff immediately began to prepare for the effective date. The Commission's efforts were concentrated on the identification, establishment, and construction/renovation of Specialized Secured Juvenile Detention Facilities for the older youths (SSD), where adolescent offenders who are remanded by a Youth Court judge can be safely detained.

Guidance and Regulations

SCOC drafted and promulgated comprehensive regulations regarding the construction/renovation, management and operations of SSDs to ensure that secure, safe and humane facilities were established for adolescent offenders. SCOC worked closely with OCFS during regulation promulgation to ensure that both sets of regulations were consistent and comprehensive.

Technical Assistance, Planning, and Resources

RTA legislation requires the sheriff to jointly administer any SSD within the county, to include the performance of facility security inspections. To inform this administration, SCOC staff met with sheriffs of the counties of the proposed sites to address security concerns of the SSDs. Security inspections of SSDs were conducted pre-occupancy and at scheduled intervals following occupancy.

SCOC worked closely with local SSD operating agencies, as well as their contractors touring construction sites and offering technical assistance on construction and renovation issues. Construction/renovation plans underwent numerous reviews by the SCOC construction unit, and were eventually submitted to the Commission for approval.

During the construction phase, sites were frequently visited and inspected by SCOC staff. Upon completion of SSD construction/renovations, SCOC and OCFS staff conducted a tour and inspection of each facility prior to issuing a certification from both agencies to open. SCOC continues to review construction and renovation projects in progress for the second phase of RTA.

Monitoring and Assessment

SCOC has developed a plan to respond to any serious reportable incident at a Specialized Secured Detention facility.

From September 29-30, 2018, SCOC and OCFS staff were on site at New York City's Horizon SSD facility during the relocation of youths from Rikers Island. Staff monitored security, transportation and offered technical assistance. SCOC staff were similarly made available to assist other SSD facilities across the state during the first phase of implementation.

Part 8: Office of Indigent Legal Services (ILS)

Since the 2017 passage of legislation raising the age of criminal responsibility for 16- and 17-year-old persons, ILS has taken steps, in cooperation with public defense providers, to ensure that every 16-year-old (and, starting October 1, 2019, 17-year-old) is represented by qualified counsel in the Youth Part and any other criminal court appearances until removal to Family Court. Specifically, during this first year of implementation, ILS has:

- Established a "Raise the Age" listserv as a forum for the public defense community statewide to share information on implementation of the new laws, brainstorm ideas for advocacy, and discuss concerns, issues, best practices, and strategies to ensure that all RTA clients receive high-quality representation. Notably, attorneys use the listserv to share recent court decisions addressing new legal issues which has assisted public defense attorneys across the State.
- Distributed periodic updates on judicial decisions interpreting RTA laws to public defense attorneys statewide via ILS's weekly "Decisions of Interest" email.
- In cooperation with public defenders, The Legal Aid Society, and the New York State Defenders Association (NYSDA), conducted several defense attorney trainings around the State and will continue to do so during the second phase of implementation.
- Provided advice and support to individual attorneys representing clients in the Youth Part.

Section IV – Raise the Age Insights from the Field

Children's Defense Fund – New York (CDF-NY)

CDF-NY co-leads the Raise the Age New York coalition, which includes diverse individuals and organizations from across New York, including formerly incarcerated youth and their families, advocates, service providers, faith leaders, legal services groups, and others who worked to pass and implement the RTA legislation. Over the last year, the Raise the Age coalition focused on public education related to the law, and efforts to monitor implementation. This collaboration promoted awareness of the statutory provisions before the October 1, 2018, effective date through educational videos and social media. Following the implementation, these partners have participated in public education events in Westchester and New York City, supported similar

efforts in other parts of the state, presented to researchers working in criminal justice, and fielded questions about the law from stakeholders on the ground.

CDF-NY also continued to host semi-monthly and monthly calls with stakeholders statewide, including community-based organizations, legal service providers, and advocates, to share information about local RTA implementation. As part of our outreach, CDF-NY contacted officials and community-based organizations in some of the major jurisdictions outside of New York City to learn more about local implementation planning during the summer and fall of 2018.

Through structured interviews, several general themes emerged across many communities, including plans to expand or increase:

- Educational and vocational services for older youth;
- Mental health and substance use assessment and services;
- Respite, short-term housing and alternative-to-detention programs;
- Use of electronic monitoring;
- Functional family therapy and other evidence-based services;
- Probation staffing, and new training for probation; and
- Partnerships with existing community-based providers to increase capacity for RTA youth.

CDF-NY, Youth Represent, John Jay College of Criminal Justice at City University of New York, Center for Community Alternatives, We Are Unchained, The Children’s Agenda, and the Citizen’s Committee for Children are working with researchers and volunteers to examine the experiences of young people in both Family Court and the new Youth Part of Criminal Court under Raise the Age in New York City, Syracuse, and Rochester. The purpose of this project is to answer questions raised, elevate the successes of the RTA law, and identify areas for future reform.

Section V – Raise the Age Criminal Record Sealing Provision

The Raise the Age law included a provision allowing individuals who have remained conviction-free for 10 years to request that certain New York State convictions be sealed. This change was a result of Governor Cuomo and the Legislature’s efforts to eliminate unnecessary barriers to opportunity and employment that formerly justice-involved individuals face, as well as improve the fairness and effectiveness of the state’s criminal justice system.²⁴

Specifically, New York State Criminal Procedure Law § 160.59 permits individuals who have remained conviction-free for 10 years since their sentencing or release from incarceration to request that certain New York State convictions be sealed. However, not all criminal convictions are subject to sealing. For instance, violent felony offenses, class A felonies, sex offenses or other offenses requiring registration as a sex offender are excluded, as are attempts or conspiracies to commit an ineligible offense.

²⁴ Office of New York Governor Andrew M. Cuomo. “Governor Cuomo Announces Raise the Age Law that Seals Non-Violent Criminal Convictions Takes Effect October 7.” October 6, 2017. www.governor.ny.gov/news/governor-cuomo-announces-raise-age-law-seals-non-violent-criminal-convictions-takes-effect.

Effective October 7, 2017, this provision of law allows eligible individuals to petition the court to seal up to two misdemeanor convictions; one misdemeanor and one felony conviction; or one felony conviction.

Sealing is not automatic and can only be done by application to the sentencing court with notice to the prosecutor, who must be given an opportunity to contest the application. Where a defendant seeks to seal more than one conviction arising in different counties, each prosecutor must be provided notice, but the application is only made in the sentencing court of the highest level of offense. If both offenses are the same level, the application must be brought in the court that last sentenced the defendant.²⁵

The application to seal must include a certificate of disposition for each conviction the defendant asks to be sealed and a “sworn” statement of the reasons why the court should grant sealing. *Id.* Before deciding the motion, the court must be provided an updated fingerprint-based criminal history report from DCJS to, in part, ensure that there are no pending criminal charges. *Id.*

The seal applies to all public court records and those maintained by DCJS, except for law enforcement purposes, such as an investigation or firearm license. Precisely, convictions sealed by the court must still be made available to defendants and their agents, district attorneys, probation departments, gun licensing officers and “qualified agencies” as defined in Executive Law §835(9).

The sealing statute required the Chief Administrator of the Courts to prescribe an application form which may be used by an individual to apply for sealing. The form was developed and is prominently displayed on OCA’s website: <http://www.courts.state.ny.us>. In addition, the website is designed with hyperlinks to guide individuals and attorneys to relevant information and forms needed to file a successful application to seal. It includes instructions on how to file, and the process can be completed without hiring an attorney for legal assistance.

Once granted, sealing orders are sent to DCJS and the record is sealed. Data on the sealing provision are posted monthly to the DCJS public website at: <http://criminaljustice.ny.gov/crimnet/ojsa/Raise-the-Age-Provision-Sealing-Report.pdf>.

For the purposes of this report, Table 6.1 details the number of individuals who successfully petitioned a court to have a case or cases sealed. Table 6.2 shows charges sealed under CPL § 160.59 by offense class since the law took effect on October 7, 2017. In sum, since CPL § 160.59 was implemented, 1,013 individuals have had a total of 1,244 convictions sealed. Of the 1,244 convictions sealed, 50 percent were for felony convictions and 50 percent were for misdemeanor convictions. Tables 15 and 16 of the appendices in this report provide additional data by county and type of charges sealed.

²⁵ See New York State Criminal Procedure Law Criminal Procedure § 160.59.

**Table 6.1
Number of Individuals Granted 1 or More CPL § 160.59 Seals**

	Oct 2017 – Mar 2019
NYS	1,013
NYC	400
ROS	613

Source: DCJS, Computerized Criminal History system (as of 06/14/2019).

Note: If an individual has had cases sealed in multiple regions, this table lists the individual in the region where the first seal was granted.

**Table 6.2
CPL § 160.59 Sealed Convictions by Offense Class**

	Oct 2017 – Mar 2019	
Total Sealed Convictions	1,244	100%
Total Felony	623	50%
Total Misdemeanor	621	50%

Source: DCJS, Computerized Criminal History system (as of 6/14/2019).

Section VI – Conclusion

The Task Force is encouraged by the initial implementation of the RTA law, which builds upon years of youth justice reform in New York. Through outreach, technical assistance, funding, and monitoring, the state has reoriented the youth justice system to increase the use of diversion programs and community-based alternatives that are proven to better rehabilitate youth. This reorientation will help ensure that there is adequate system capacity for the 17-year-olds when they are impacted by the RTA statute, starting October 1, 2019.

As authorized by the RTA law, the Task Force will continue to assess the remaining implementation of the statute and issue a subsequent report that will include additional relevant data and information.

Appendices

Section II, Part 2: Youth Part Data (Tables 1–5)

Table 1. AO Arrests by County

	Oct – Dec 2018	Jan – Mar 2019	Total		Oct – Dec 2018	Jan – Mar 2019	Total
NYS	422	508	930				
NYC Total	254	349	603	<i>ROS Continued</i>			
Bronx	37	66	103	Monroe	9	13	22
Kings	94	141	235	Montgomery	3	1	4
New York	66	80	146	Nassau	8	20	28
Queens	51	48	99	Niagara	4	2	6
Richmond	6	14	20	Oneida	7	4	11
ROS Total	168	159	327	Onondaga	23	16	39
Albany	11	4	15	Ontario	0	1	1
Allegany	0	2	2	Orange	8	1	9
Broome	0	5	5	Orleans	1	0	1
Cattaraugus	3	0	3	Oswego	0	1	1
Cayuga	1	1	2	Otsego	0	0	0
Chautauqua	2	4	6	Putnam	1	0	1
Chemung	1	2	3	Rensselaer	4	1	5
Chenango	0	0	0	Rockland	1	3	4
Clinton	0	1	1	St. Lawrence	0	0	0
Columbia	2	0	2	Saratoga	1	1	2
Cortland	5	4	9	Schenectady	3	1	4
Delaware	2	1	3	Schoharie	0	0	0
Dutchess	1	2	3	Schuyler	0	0	0
Erie	26	30	56	Seneca	0	0	0
Essex	1	0	1	Steuben	0	1	1
Franklin	1	0	1	Suffolk	15	9	24
Fulton	1	1	2	Sullivan	3	2	5
Genesee	0	3	3	Tioga	0	0	0
Greene	1	1	2	Tompkins	1	0	1
Hamilton	0	0	0	Ulster	2	0	2
Herkimer	1	2	3	Warren	0	1	1
Jefferson	1	1	2	Washington	3	1	4
Lewis	0	0	0	Wayne	0	3	3
Livingston	0	0	0	Westchester	10	12	22
Madison	1	1	2	Wyoming	0	0	0
				Yates	0	0	0

Source: DCJS, Computerized Criminal History Database (as of 06/14/2019).

Table 2. AO Youth Part Arraignments by County

	Oct – Dec 2018	Jan – Mar 2019	Apr – Jun 2019	Total
NYS	369	438	3	810
NYC Total	215	282	0	497
Bronx	25	51	0	76
Kings	83	124	0	207
New York	59	61	0	120
Queens	44	34	0	78
Richmond	4	12	0	16
ROS Total	154	156	3	313
Albany	11	2	0	13
Allegany	0	2	0	2
Broome	0	5	0	5
Cattaraugus	3	1	0	4
Cayuga	1	1	0	2
Chautauqua	1	4	0	5
Chemung	1	2	0	3
Chenango	0	0	0	0
Clinton	0	1	0	1
Columbia	1	0	0	1
Cortland	5	4	0	9
Delaware	1	1	0	2
Dutchess	1	2	0	3
Erie	26	29	1	56
Essex	1	0	0	1
Franklin	1	0	0	1
Fulton	1	1	0	2
Genesee	0	2	0	2
Greene	2	1	0	3
Hamilton	0	0	0	0
Herkimer	2	2	0	4
Jefferson	1	1	0	2
Lewis	0	0	0	0
Livingston	0	0	0	0
Madison	1	1	0	2

	Oct – Dec 2018	Jan – Mar 2019	Apr – Jun 2019	Total
<i>ROS Continued</i>				
Monroe	9	11	2	22
Montgomery	3	0	0	3
Nassau	7	19	0	26
Niagara	2	4	0	6
Oneida	6	4	0	10
Onondaga	18	18	0	36
Ontario	0	1	0	1
Orange	8	1	0	9
Orleans	1	0	0	1
Oswego	0	1	0	1
Otsego	0	0	0	0
Putnam	1	0	0	1
Rensselaer	4	1	0	5
Rockland	1	3	0	4
St. Lawrence	0	0	0	0
Saratoga	1	1	0	2
Schenectady	3	0	0	3
Schoharie	0	0	0	0
Schuyler	0	0	0	0
Seneca	0	0	0	0
Steuben	0	1	0	1
Suffolk	14	9	0	23
Sullivan	3	2	0	5
Tioga	0	0	0	0
Tompkins	1	0	0	1
Ulster	2	0	0	2
Warren	0	1	0	1
Washington	1	2	0	3
Wayne	0	3	0	3
Westchester	9	12	0	21
Wyoming	0	0	0	0
Yates	0	0	0	0

Source: DCJS, Computerized Criminal History Database (as of 06/14/2019).

Table 3.
AO Arrests by Race/Ethnicity
October 2018 – March 2019

	NYC		ROS		NYS	
	#	%	#	%	#	%
White	16	3%	127	39%	143	15%
Black	395	66%	153	47%	548	59%
Hispanic	161	27%	42	13%	203	22%
Other	30	5%	4	1%	34	4%
Unknown	1	<1%	1	<1%	2	0
Total	603	100%	327	100%	930	100%

Source: DCJS, Computerized Criminal History Database (as of 06/14/2019).

Table 4.
AO Arrests by Sex
October 2018 – March 2019

	NYC		ROS		NYS	
	#	%	#	%	#	%
Male	518	86%	275	84%	793	85%
Female	85	14%	52	16%	137	15%
Total	603	100%	327	100%	930	100%

Source: DCJS, Computerized Criminal History Database (as of 06/14/2019).

Table 5.
AO Arrests by Charge
October 2018 – March 2019

	NYC	ROS	NYS
Total Arrests	603	327	930
Violent	361	157	518
PL 160 Robbery	231	56	287
PL 120 Assault	80	39	119
PL 265 Firearms and Other Dangerous Weapons	23	18	41
PL 140 Burglary	9	12	21
PL 490 Making a Terroristic Threat	1	15	16
PL 130 Sex Offenses	5	9	14
PL 125 Homicide (Attempted)	9	1	10
PL 125 Homicide (Completed)	0	1	1
PL 121 Strangulation	3	2	5
PL 150 Arson	0	2	2
PL 240 Offenses Against Public Order	0	2	2
Non-Violent	242	170	412
PL 155 Larceny	118	35	153
PL 165 Other Offenses Relating to Theft	20	33	53
PL 145 Criminal Mischief	14	29	43
PL 140 Burglary	12	20	32
PL 160 Robbery	21	6	27
PL 215 Other Offenses Relating to Judicial Proceedings	12	15	27
PL 220 Controlled Substances Offenses – Sale	3	4	7
PL 220 Controlled Substances Offenses – Possession	12	14	26
PL 170 Forgery and Related Offenses	12	4	16
PL 240 Offenses Against Public Order	6	0	6
PL 265 Firearms and Other Dangerous Weapons	5	0	5
PL 120 Assault	3	0	3
PL 263 Sexual Performance by a Child	1	2	3
PL 130 Sex Offenses	0	2	2
PL 221 Offenses Involving Marihuana	1	1	2
PL 250 Offenses Against the Right to Privacy	0	2	2
AM 353 Animal Cruelty	0	1	1
PL 115 Criminal Facilitation	1	0	1
PL 125 Homicide (Manslaughter 2nd)	0	1	1
PL 150 Arson	0	1	1
PL 205 Escape and Other Offenses Relating to Custody	1	0	1

Source: DCJS, Computerized Criminal History Database (as of 06/14/2019).

Section II, Part 3: Family Court Data (Tables 6–8)

**Table 6. Family Court Age 16 JD Petitions Filed
by Offense Class and County**

	Felony	Misdemeanor	Total
NYS Total	228	356	584
NYC Total	81	111	192
Bronx	16	28	44
Kings	32	37	69
New York	10	14	24
Queens	20	25	45
Richmond	3	7	10
ROS Total	147	245	392
Albany	6	10	16
Allegany	0	0	0
Broome	3	4	7
Cattaraugus	2	4	6
Cayuga	1	3	4
Chautauqua	5	6	11
Chemung	1	3	4
Chenango	0	1	1
Clinton	0	0	0
Columbia	1	0	1
Cortland	7	1	8
Delaware	0	0	0
Dutchess	2	2	4
Erie	28	48	76
Essex	1	1	2
Franklin	0	0	0
Fulton	1	0	1
Genesee	0	0	0
Greene	1	0	1
Hamilton	0	0	0
Herkimer	1	0	1
Jefferson	0	4	4
Lewis	0	0	0
Livingston	0	1	1
Madison	0	3	3
Monroe	1	1	2
Montgomery	2	0	2
Nassau	15	13	28
Niagara	1	0	1
Oneida	5	5	10
Onondaga	20	44	64
Ontario	0	4	4
Orange	6	10	16
Orleans	0	0	0
Oswego	1	3	4
Otsego	0	1	1
Putnam	0	1	1
Rensselaer	2	10	12
Rockland	4	3	7

St Lawrence	0	2	2
Saratoga	0	5	5
Schenectady	3	2	5
Schoharie	0	0	0
Schuyler	0	1	1
Seneca	0	0	0
Steuben	1	1	2
Suffolk	13	20	33
Sullivan	0	0	0
Tioga	0	1	1
Tompkins	1	1	2
Ulster	2	8	10
Warren	1	4	5
Washington	1	1	2
Wayne	0	1	1
Westchester	8	12	20
Wyoming	0	0	0
Yates	0	0	0

Source: DCJS, OCA Juvenile Delinquent Family Court Database (as of 06/06/2019).

**Table 7. Family Court Age 16 JD Petitions Filed by Race/Ethnicity
October 2018 – March 2019**

	NYC		ROS		NYS	
	#	%	#	%	#	%
White	3	2%	142	36%	145	25%
Black	122	64%	168	43%	290	50%
Hispanic	58	30%	51	13%	109	19%
Other	6	3%	13	3%	19	3%
Not Reported	3	2%	18	5%	21	4%
Total	192	100%	392	100%	584	100%

Source: DCJS, OCA Family Court Database (as of 06/06/2019).

**Table 8. Family Court Age 16 JD Petitions Filed by Sex
October 2018 – March 2019**

	NYC		ROS		NYS	
	#	%	#	%	#	%
Male	164	85%	295	75%	459	79%
Female	27	14%	96	24%	123	21%
Not Reported	1	1%	1	0%	2	0%
Total	192	100%	392	100%	584	100%

Source: DCJS, OCA Family Court Database (as of 06/06/2019).

Section II, Part 4: Youth Part Confinement Data (Tables 9–10)

**Table 9. Specialized Secure Detention (SSD)
Admissions by County
Oct 2018 – Mar 2019**

	Quarter 1		Quarter 2		Total SSD Admissions	
	Oct – Dec 2018		Jan – Mar 2019			
	#	%	#	%	#	%
NYS	109	100%	103	100%	212	100%
NYC	43	39%	43	42%	86	41%
Bronx	10	23%	13	13%	23	11%
Kings	12	28%	12	12%	24	11%
New York	9	21%	10	10%	19	9%
Queens	10	23%	7	7%	17	8%
Richmond	2	5%	1	1%	3	1%
ROS	66	61%	60	58%	126	59%
Albany	0	0%	1	1%	1	0%
Allegany	0	0%	0	0%	0	0%
Broome	2	3%	0	0%	2	1%
Cattaraugus	0	0%	1	1%	1	0%
Cayuga	3	5%	0	0%	3	1%
Chautauqua	0	0%	0	0%	0	0%
Chemung	1	2%	1	1%	2	1%
Chenango	0	0%	0	0%	0	0%
Clinton	0	0%	0	0%	0	0%
Columbia	0	0%	0	0%	0	0%
Cortland	0	0%	0	0%	0	0%
Delaware	0	0%	0	0%	0	0%
Dutchess	2	3%	0	0%	2	1%
Erie	15	23%	16	16%	31	15%
Essex	0	0%	0	0%	0	0%

	Quarter 1		Quarter 2		Total SSD Admissions	
	Oct – Dec 2018		Jan – Mar 2019		#	%
	#	%	#	%		
Franklin	0	0%	0	0%	0	0%
Fulton	1	2%	0	0%	1	0%
Genesee	0	0%	0	0%	0	0%
Greene	0	0%	0	0%	0	0%
Hamilton	0	0%	0	0%	0	0%
Herkimer	0	0%	0	0%	0	0%
Jefferson	0	0%	0	0%	0	0%
Lewis	0	0%	0	0%	0	0%
Livingston	0	0%	0	0%	0	0%
Madison	1	2%	0	0%	1	0%
Monroe	8	12%	13	13%	21	10%
Montgomery	1	2%	0	0%	1	0%
Nassau	3	5%	7	7%	10	5%
Niagara	1	2%	0	0%	1	0%
Oneida	3	5%	3	3%	6	3%
Onondaga	11	17%	7	7%	18	8%
Ontario	0	0%	1	1%	1	0%
Orange	1	2%	0	0%	1	0%
Orleans	1	2%	0	0%	1	0%
Oswego	0	0%	0	0%	0	0%
Otsego	0	0%	0	0%	0	0%
Putnam	0	0%	0	0%	0	0%
Rensselaer	1	2%	1	1%	2	1%
Rockland	0	0%	0	0%	0	0%
St. Lawrence	0	0%	0	0%	0	0%
Saratoga	0	0%	0	0%	0	0%
Schenectady	0	0%	0	0%	0	0%
Schoharie	0	0%	0	0%	0	0%
Schuyler	0	0%	0	0%	0	0%
Seneca	0	0%	0	0%	0	0%
Steuben	0	0%	1	1%	1	0%
Suffolk	5	8%	4	4%	9	4%
Sullivan	0	0%	0	0%	0	0%
Tioga	0	0%	0	0%	0	0%
Tompkins	1	2%	0	0%	1	0%
Ulster	0	0%	0	0%	0	0%
Warren	0	0%	0	0%	0	0%
Washington	1	2%	0	0%	1	0%

	Quarter 1		Quarter 2		Total SSD Admissions	
	Oct – Dec 2018		Jan – Mar 2019		#	%
	#	%	#	%		
Wayne	0	0%	1	1%	1	0%
Westchester	4	6%	3	3%	7	3%
Wyoming	0	0%	0	0%	0	0%
Yates	0	0%	0	0%	0	0%

Source: OCFS, Juvenile Detention Automated System (Q1 data as of 03/02/2019, Q2 data as of 05/18/2019).

Note: Figures include pre- and post-sentence youth.

**Table 10. AO Specialized Secure Detention (SSD)
Admissions by Sex, Race/Ethnicity & Top Charge
Oct 2018 – Mar 2019**

	NYS		NYC		ROS	
	#	%	#	%	#	%
Total SSD Admissions	212	100%	86	100%	126	100%
Sex						
Male	192	91%	79	92%	113	90%
Female	20	9%	7	8%	13	10%
Race/Ethnicity						
Black	137	65%	64	74%	73	58%
White	25	12%	2	2%	23	18%
Hispanic	47	22%	20	23%	27	21%
Other/Unknown	3	1%	0	0%	3	2%
Top Charge						
Violent Felony Offense	147	69%	77	90%	70	56%
Other Felony	40	19%	8	9%	32	25%
Warrant	2	1%	0	0%	2	2%
Violation of Probation	0	0%	0	0%	0	0%
Other/Unknown	23	11%	1	1%	22	18%

Source: OCFS, Juvenile Detention Automated System (Q1 data as of 03/02/2019, Q2 data as of 05/18/2019).

Note: Figures include pre- and post-sentence youth.

Section II, Part 5: Family Court Confinement Data (Tables 11–14)

**Table 11. 16-Year-Old JD Detention Admissions by County
Oct 2018 – Mar 2019**

	Quarter 1		Quarter 2		Total Detention Admissions	
	Oct – Dec 2018		Jan – Mar 2019		#	%
	#	%	#	%		
NYS	146	100%	154	100%	300	100%
NYC	81	55%	63	41%	144	48%
Bronx	21	26%	12	8%	33	11%
Kings	24	30%	25	16%	49	16%
New York	13	16%	13	8%	26	9%
Queens	18	22%	10	7%	28	9%
Richmond	5	6%	3	2%	8	3%
ROS	65	45%	91	59%	156	52%
Albany	3	5%	3	2%	6	2%
Allegany	0	0%	0	0%	0	0%
Broome	1	2%	1	1%	2	1%
Cattaraugus	1	2%	1	1%	2	1%
Cayuga	0	0%	0	0%	0	0%
Chautauqua	0	0%	1	1%	1	0%
Chemung	1	2%	1	1%	2	1%
Chenango	0	0%	0	0%	0	0%
Clinton	0	0%	0	0%	0	0%
Columbia	1	2%	0	0%	1	0%
Cortland	0	0%	2	1%	2	1%
Delaware	0	0%	0	0%	0	0%
Dutchess	1	2%	0	0%	1	0%
Erie	20	31%	21	14%	41	14%
Essex	0	0%	0	0%	0	0%
Franklin	0	0%	0	0%	0	0%
Fulton	1	2%	1	1%	2	1%
Genesee	0	0%	0	0%	0	0%
Greene	0	0%	0	0%	0	0%
Hamilton	0	0%	0	0%	0	0%
Herkimer	0	0%	1	1%	1	0%
Jefferson	0	0%	0	0%	0	0%
Lewis	0	0%	0	0%	0	0%
Livingston	0	0%	0	0%	0	0%
Madison	0	0%	0	0%	0	0%
Monroe	0	0%	1	1%	1	0%
Montgomery	2	3%	1	1%	3	1%

	Quarter 1		Quarter 2		Total Detention Admissions	
	Oct – Dec 2018		Jan – Mar 2019			
	#	%	#	%	#	%
Nassau	6	9%	14	9%	20	7%
Niagara	1	2%	2	1%	3	1%
Oneida	2	3%	6	4%	8	3%
Onondaga	1	2%	3	2%	4	1%
Ontario	0	0%	1	1%	1	0%
Orange	0	0%	1	1%	1	0%
Orleans	0	0%	0	0%	0	0%
Oswego	0	0%	0	0%	0	0%
Otsego	0	0%	0	0%	0	0%
Putnam	0	0%	0	0%	0	0%
Rensselaer	2	3%	7	5%	9	3%
Rockland	0	0%	0	0%	0	0%
St. Lawrence	0	0%	0	0%	0	0%
Saratoga	0	0%	0	0%	0	0%
Schenectady	1	2%	2	1%	3	1%
Schoharie	0	0%	0	0%	0	0%
Schuyler	0	0%	0	0%	0	0%
Seneca	0	0%	1	1%	1	0%
Steuben	0	0%	0	0%	0	0%
Suffolk	9	14%	15	10%	24	8%
Sullivan	0	0%	0	0%	0	0%
Tioga	0	0%	0	0%	0	0%
Tompkins	1	2%	0	0%	1	0%
Ulster	1	2%	0	0%	1	0%
Warren	0	0%	1	1%	1	0%
Washington	0	0%	0	0%	0	0%
Wayne	0	0%	0	0%	0	0%
Westchester	10	15%	4	3%	14	5%
Wyoming	0	0%	0	0%	0	0%
Yates	0	0%	0	0%	0	0%

Source: OCFS, Juvenile Detention Automated System (Q1 data as of 03/02/2019, Q2 data as of 05/18/2019).

**Table 12. 16-Year-Old JD Detention Admissions
by Sex, Race/Ethnicity & Top Charge
Oct 2018 – Mar 2019**

	NYS		NYC		ROS	
	#	%	#	%	#	%
Total Admissions	300	100%	144	100%	156	100%
Sex						
Male	231	77%	117	81%	114	73%
Female	69	23%	27	19%	42	27%
Race/Ethnicity						
Black	169	56%	94	65%	75	48%
White	48	16%	6	4%	42	27%
Hispanic	71	24%	41	29%	30	19%
Other/Unknown	12	4%	3	2%	9	6%
Top Charge						
Violent Felony Offense	22	7%	9	6%	13	8%
Other Felony	16	5%	3	2%	13	8%
Misdemeanor	167	56%	111	77%	56	36%
Warrant	26	9%	5	4%	21	14%
Violation of Probation*	43	14%	3	2%	40	26%
Other/Unknown	26	9%	13	9%	13	8%

Note: * Admissions are identified as involving a 16-year-old offender if date of offense occurred after 10/1/18 and the youth was 16 at the time of offense. For youth with a top charge of violation of probation (VOP), the date of the VOP is considered the date of offense and may therefore include youth whose disposition to probation occurred when the youth was less than 16 years of age. Source: OCFS, Juvenile Detention Automated System (Q1 data as of 03/02/2019, Q2 data as of 05/18/2019).

**Table 13. 16-Year-Old JD Placement Admissions by County
Oct 2018 – Mar 2019**

	Quarter 1		Quarter 2		Total Admissions	
	Oct – Dec 2018		Jan – Mar 2019			
	#	%	#	%	#	%
NYS	3	100%	29	100%	32	100%
NYC	1	100%	6	100%	7	100%
Bronx	0	0%	0	0%	0	0
Kings	0	0%	4	67%	4	57%
New York	0	0%	1	17%	1	14%
Queens	1	100%	1	17%	2	29%
Richmond	0	0%	0	0%	0	0%
ROS	2	100%	23	100%	25	100%
Albany	0	0	0	0	0	0
Allegany	0	0%	0	0%	0	0%
Broome	0	0%	0	0%	0	0%
Cattaraugus	0	0%	0	0%	0	0%
Cayuga	0	0%	0	0%	0	0%
Chautauqua	0	0%	1	4%	1	4%
Chemung	0	0%	0	0%	0	0%
Chenango	0	0%	0	0%	0	0%
Clinton	0	0%	0	0%	0	0%
Columbia	0	0%	0	0%	0	0%
Cortland	0	0%	0	0%	0	0%
Delaware	0	0%	0	0%	0	0%
Dutchess	0	0%	0	0%	0	0%
Erie	0	0%	1	4%	1	4%
Essex	0	0%	0	0%	0	0%
Franklin	0	0%	0	0%	0	0%
Fulton	0	0%	1	4%	1	4%
Genesee	0	0%	0	0%	0	0%
Greene	0	0%	0	0%	0	0%
Hamilton	0	0%	0	0%	0	0%
Herkimer	0	0%	1	4%	1	4%
Jefferson	0	0%	0	0%	0	0%
Lewis	0	0%	0	0%	0	0%
Livingston	0	0%	0	0%	0	0%
Madison	0	0%	0	0%	0	0%
Monroe	0	0%	0	0%	0	0%
Montgomery	0	0%	1	4%	1	4%

Nassau	0	0%	4	17%	4	16%
Niagara	1	50%	1	4%	2	8%
Oneida	0	0%	3	13%	3	12%
Onondaga	0	0%	4	17%	4	16%
Ontario	0	0%	0	0%	0	0%
Orange	0	0%	0	0%	0	0%
Orleans	0	0%	0	0%	0	0%
Oswego	0	0%	0	0%	0	0%
Otsego	0	0%	0	0%	0	0%
Putnam	0	0%	0	0%	0	0%
Rensselaer	0	0%	0	0%	0	0%
Rockland	0	0%	0	0%	0	0%
St. Lawrence	0	0%	1	4%	1	4%
Saratoga	0	0%	0	0%	0	0%
Schenectady	0	0%	0	0%	0	0%
Schoharie	0	0%	0	0%	0	0%
Schuyler	0	0%	0	0%	0	0%
Seneca	0	0%	0	0%	0	0%
Steuben	0	0%	2	9%	2	8%
Suffolk	1	50%	2	9%	3	12%
Sullivan	0	0%	0	0%	0	0%
Tioga	0	0%	0	0%	0	0%
Tompkins	0	0%	0	0%	0	0%
Ulster	0	0%	0	0%	0	0%
Warren	0	0%	0	0%	0	0%
Washington	0	0%	0	0%	0	0%
Wayne	0	0%	0	0%	0	0%
Westchester	0	0%	1	4%	1	4%
Wyoming	0	0%	0	0%	0	0%
Yates	0	0%	0	0%	0	0%

Source: OCFS, Juvenile Justice Information System and Connections as of 6/3/19.

**Table 14. 16-Year-Old JD Placement Admissions
by Sex, Race/Ethnicity & Top Charge
Oct 2018 – Mar 2019**

	NYS		NYC		ROS	
	#	%	#	%	#	%
Total Admissions	32	100%	7	100%	25	100%
Sex						
Male	27	84%	7	1	20	0.8
Female	5	16%	0	0%	5	20%
Race/Ethnicity						
Black	14	44%	7	100%	7	28%
White	11	34%	0	0%	11	44%
Hispanic	7	22%	1	14%	6	24%
Other/Unknown	1	3%	0	0%	1	4%
Top Charge						
Felony	7	22%	3	43%	4	16%
Misdemeanor	17	53%	1	14%	16	64%
Violation of Probation*	2	6%	2	29%	0	0%
Unknown/Missing	6	19%	1	14%	5	20%

Note: *Admissions are identified as involving a 16-year-old offender if date of offense occurred after 10/1/18 and the youth was 16 at the time of offense. For youth with a top charge of violation of probation (VOP), the date of the VOP is considered the date of offense and may therefore include youth whose disposition to probation occurred when the youth was less than 16 years of age.
Source: OCFS Juvenile Justice Information System as of 6/3/19.

Section V: Criminal Record Sealing Provision (Tables 15–16)

**Table 15.
Number of Individuals Granted 1 or More CPL § 160.59 Seals
October 2017 – March 2019**

County	Total	County	Total
Albany	28	Oneida	12
Allegany	2	Onondaga	23
Bronx	72	Ontario	6
Broome	16	Orange	15
Cattaraugus	6	Orleans	0
Cayuga	3	Oswego	3
Chautauqua	2	Otsego	2
Chemung	2	Putnam	2
Chenango	1	Queens	69
Clinton	4	Rensselaer	6
Columbia	1	Richmond	10
Cortland	4	Rockland	10
Delaware	4	St. Lawrence	2

Dutchess	14	Saratoga	10
Erie	34	Schenectady	6
Essex	0	Schoharie	2
Franklin	2	Schuyler	1
Fulton	3	Seneca	0
Genesee	1	Steuben	4
Greene	3	Suffolk	110
Hamilton	0	Sullivan	7
Herkimer	3	Tioga	1
Jefferson	11	Tompkins	7
Kings	54	Ulster	11
Lewis	0	Warren	2
Livingston	3	Washington	1
Madison	1	Wayne	8
Monroe	21	Westchester	54
Montgomery	2	Wyoming	3
Nassau	127	Yates	0
New York	195		
Niagara	7	New York State	1,013
Note: Individuals are eligible to have up to two cases sealed. For persons who have obtained seals from more than one county, this table displays the county of the earliest seal.			

Source: DCJS, Computerized Criminal History system (as of 6/14/2019).

Table 16.
Frequency of all CPL 160.59 Sealed Charges
October 2017 – March 2019

Total Sealed Convictions	1,244
Felony	623
PL 220 Controlled Substances Offenses – Sale	137
PL 220 Controlled Substances Offenses – Possession	109
PL 155 Larceny	112
PL 170 Forgery and Related Offenses	38
VTL1192 Driving While Intoxicated – Ability Impaired	31
PL 140 Burglary	29
PL 265 Firearms and Other Dangerous Weapons	19
PL 221 Offenses Involving Marijuana – Possession	9
PL 221 Offenses Involving Marijuana – Sale	8
PL 160 Robbery	16
PL 165 Other Offenses Relating to Theft	16
PL 175 Offenses Involving False Written Statements	12
PL 120 Assault	9
PL 176 Insurance Fraud	9
PL 105 Conspiracy	7
PL 190 Other Frauds	7
PL 150 Arson	6

PL 200 Bribery Involving Public Servants and Related Offenses	5
PL 215 Other Offenses Relating to Judicial and Other Proceedings	5
PL 145 Criminal Mischief	4
Other Felony	35
Misdemeanor	621
PL 155 Larceny	162
VTL1192 Driving While Intoxicated – Ability Impaired	74
PL 120 Assault	57
PL 220 Controlled Substances Offenses – Possession/Use	50
PL 165 Other Offenses Relating to Theft	40
PL 265 Firearms and Other Dangerous Weapons	26
PL 170 Forgery and Related Offenses	22
PL 221 Offenses Involving Marijuana – Possession	14
PL 221 Offenses Involving Marijuana – Sale	5
PL 145 Criminal Mischief	18
PL 140 Burglary	14
PL 240 Offenses Against Public Order	14
PL 260 Offenses Relating to Children, Disabled, Vulnerable, Elderly	13
PL 105 Conspiracy	12
PL 175 Offenses Involving False Written Statements	10
PL 215 Other Offenses Relating to Judicial and Other Proceedings	10
PL 115 Criminal Facilitation	9
VTL0511 Unlicensed Operation of MV	8
PL 150 Arson	6
PL 176 Insurance Fraud	6
PL 205 Escape and Other Offenses Relating to Custody	6
Other Misdemeanor	45

Source: DCJS, Computerized Criminal History system (as of 6/14/2019).

Task Force Agencies and Organizations

The **Division of Criminal Justice Services** (DCJS) enhances public safety by providing resources and services that inform decision making and improve the quality of the criminal justice system. The Division is a multi-function agency with a variety of responsibilities, including training for law enforcement and other criminal justice professionals; analysis of statewide crime data; research and technical assistance; maintenance of criminal history information and fingerprint files; management of state and federal criminal justice funds; support for probation and community correction programs; administration of the state's sex offender registry, missing persons clearinghouse, and DNA databank in cooperation with the New York State Police; and support for several commissions and councils, including the Law Enforcement Accreditation Council, Commission on Forensic Science, Municipal Police Training Council, and Juvenile Justice Advisory Group. www.criminaljustice.ny.gov

The **Office of Children and Family Services** (OCFS) serves New York's public by promoting the safety, permanency and well-being of our children, families and communities. OCFS is dedicated to improving the integration of services for New York's children, youth, families and vulnerable populations; to promoting their development; and to protecting them from violence, neglect, abuse and abandonment. The agency provides a system of family support, juvenile justice, child care and child welfare services that promote the safety and well-being of children and adults. Among the operating principles across all program areas are that services should be developmentally appropriate, family-centered and family-driven, community-based, locally responsive, and evidence- and outcome-based. www.ocfs.ny.gov

The **Unified Court System** maintains the Office of Court Administration (OCA) to provide a wide range of support services to the courts, including administrative services, specialized programs, programmatic and fiscal management, technical and legal assistance, training, professional and labor relations, technology, facility operations, and public affairs. ww2.nycourts.gov/Admin/oca.shtml

The **State Education Department** (SED) is part of the University of the State of New York, one of the most complete, interconnected systems of educational services in the United States. The Department's mission is to raise the knowledge, skill, and opportunity of all the people in New York by providing leadership for a system that yields the best educated people in the world. The Department is organized into different functional offices, covering pre-kindergarten to 12th grade programs, higher education, adult career and continuing education, cultural education, performance improvement and management, professional licensure, and financial and legal services. www.nysed.gov

The **Department of Corrections and Community Supervision** (DOCCS) improves public safety by providing a continuum of appropriate treatment services and rehabilitative programs in safe and secure facilities where all incarcerated individuals' needs are addressed and they are prepared for release, followed by supportive services for all individuals under community supervision to facilitate a successful completion of their sentence. www.doccs.ny.gov

The **State Commission of Correction** (SCOC) is New York's correctional oversight and technical services agency, serving all state and county correctional facilities, police department detention facilities and facilities operated by the New York City Department of Correction. The Commission is responsible for ensuring that correctional and detention facilities provide a safe, stable, and humane environment where essential services are provided to the individuals within the state and local authorities' care and custody. The three deliberative members of the Commission are appointed by the Governor, with advice and consent of the State Senate, to serve as specialized criminal justice experts who can support the statewide correctional community and promote professionalism and quality within the field. www.scoc.ny.gov

The **Office of Indigent Legal Services** (ILS) assists county governments and indigent legal services providers in the exercise of their responsibility under County Law Article 18-B to provide the effective assistance of counsel to those persons who are legally entitled to counsel, but cannot afford to hire an attorney. While ILS does not provide direct legal assistance or individual referrals, the office does monitor, study, and distribute funding to improve the quality of services provided to indigent persons. This work is designed to address and prevent deficiencies in the quality of indigent legal services, including excessive caseloads, inability to hire full-time defenders, lack of adequate support services, lack of adequate training, minimal client contact and, in egregious instances, denial of the constitutional right to counsel. www.ils.ny.gov

The **Children's Defense Fund-New York** (CDF-NY) is dedicated to improving conditions for children across the State, based on research, public education, policy development, organizing and advocacy activities. www.childrensdefense.org

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