

## THE STATE OF YOUTH JUSTICE: 2012 IN REVIEW, A DEEPER DIVE

### Funding what works

In FY 2011-12, New York State via Governor Cuomo's state budget provided a significant fiscal incentive to local counties to reduce detention use. For the first time ever, a pot of "detention" dollars was made available to counties for reimbursement of spending on community-based alternative-to-detention and alternative-to-incarceration programs. This new funding stream, entitled the Supervision and Treatment Services for Juveniles Program (STSJP) fund, is set up to incentivize community based programming--the state will reimburse counties for alternative programming at up to 62% (counties must provide a 38% match), whereas they will reimburse counties for detention spending at the lesser rate of up to 49% (with a 51% county match). Prior to this legislative change, counties were reimbursed by the state solely for detention costs and these costs were previously split roughly in half by counties and the state. In budget year April 1<sup>st</sup> 2011- March 31<sup>st</sup> 2012, sixteen New York State counties shifted nearly 2 million dollars (\$ 1,973,195) from their detention allocation to an allocation into the STSJP fund for use toward community-based programming and services. During the budget year April 1<sup>st</sup> 2012 - March 31<sup>st</sup> 2013, seventeen counties shifted over \$1.2 million (\$1,242,123.53) from their detention allocation to their STSJP allocation. In sum, \$3,215,319 over a two-year period has been invested in community-based programming as opposed to detention.<sup>1</sup>

### Keeping kids out of pre-trial detention

In 2012, the Annie E. Casey Foundation added New York State to their Juvenile Detention Alternatives Initiative (JDAI). The addition of New York as a JDAI site followed and was enabled by multiple prior reforms at the local and state levels, including the fiscal changes discussed in the previous section. Casey began JDAI in 1992 with a vision that all youth involved in the youth justice system should have opportunities to develop into healthy, productive adults. JDAI is a systems review process, providing technical assistance and support at the county level to evaluate local-level detention practices. This process is driven by local-level stakeholders and is reliant on ensuring that "everyone is at the table" in evaluating detention practices and other components of the youth justice system and in developing reforms. In other words, all of the entities that touch a child during the path of a case (e.g., schools, Family Court, faith-based communities, probation and other stakeholders) collaborate on ways to safely reduce the use of secure detention and promote systemic youth justice reform.

According to the Casey Foundation:

At its essence, the purpose of the Juvenile Detention Alternatives Initiative is to demonstrate that jurisdictions can safely reduce reliance on secure detention. We are also testing the hypothesis that detention reforms will equip juvenile justice systems with values, skills, and policies that will improve results in other components of the system. Our objective is to:

- Eliminate the inappropriate or unnecessary use of secure detention;
- Minimize re-arrest and failure-to-appear rates pending adjudication;
- Ensure appropriate conditions of confinement in secure facilities;
- Redirect public finances to sustain successful reforms; and
- Reduce racial and ethnic disparities.<sup>2</sup>

In July 2012, Governor Cuomo authorized \$500,000 to initially bring JDAI to six counties (Nassau, Orange, Albany, Onondaga, Monroe, Erie) and a project director has been or will be hired for each county. Although New

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<sup>1</sup> The Office of Children and Family Services provided this information on funding shifts in 2011 and 2012.

<sup>2</sup> <http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative/CoreStrategies.aspx>.

York City and many other counties are not included in the initial six pilot counties, there is a vision of bringing the Initiative statewide.<sup>3</sup>

2012 also brought other detention-based reforms. During this year, six non-secure detention facilities closed statewide. There was also a statewide reduction of 8 secure detention beds and 36 non-secure detention beds (see chart below). These reductions in detention beds and facilities are part of a broader, multi-year reduction in the number of New York’s youth in pre-trial detention. For example, in 2006, almost one out of every four “low-risk” kids in New York City was locked up pre-trial (risk status is determined as a result of the use of a risk-assessment instrument).<sup>4</sup> Since 2008, the detention rate at arraignment for “low-risk” kids in NYC has dropped to 9%.<sup>5</sup>

In 2012, in the rest of the state (Long Island and upstate counties, excluding New York City), there was a decline of 230 admissions to detention between calendar years 2011 and 2012. There was also a decrease of 1,372 “care days” between calendar years 2011 and 2012.

**Table: Upstate/Long Island Detention Data 2011/2012**

	Admissions		Care Days		Avg. Length of Stay (per admission)	
	2011	2012	2011	2012	2011	2012
Secure	2,205	1,975	29,630	28,258	13.4 days	14.3 days
Non-secure	2,820	2,531	37,569	32,676	13.3 days	12.9 days
Combined	5,025	4,506	67,199	60,934	13.4 days	13.6 days

- The average length of stay per unique youth was 25.7 days in 2011 (secure and non-secure combined)
- The average length of stay per unique youth was 24.5 days in 2012 (secure and non-secure combined)<sup>6</sup>

**Table: Change in detention beds and facilities between January 1, 2012 and January 2, 2013<sup>7</sup>**

	Secure Detention		Non-Secure Detention		Combined	
	Facilities	Beds	Facilities	Beds	Facilities	Beds
1/1/12	8	434	39	378	47	811
1/1/13	8	426	33	342	41	768
+/-	0	-8 beds	-6 facilities	-36 beds	-6 facilities	-43 beds

<sup>3</sup> The author would like to credit Fight Crime Invest in Kids: New York for providing valuable information on JDAI in New York State.

<sup>4</sup> New York City Office of the Criminal Justice Coordinator.

<sup>5</sup> New York City Office of the Criminal Justice Coordinator.

<sup>6</sup> The New York State Office of Children and Family Services provided this table and the accompanying bullet points.

<sup>7</sup> The New York State Office of Children and Family Services provided this table.

### **Moving New York City youth close to home**

In 2012, the New York State Legislature passed the Close to Home Initiative (CTHI or the Initiative), paving the way for New York City to open residential facilities for youth in Non-Secure and Limited-Secure placements and greatly reducing the number of youth from New York City who can be placed in far-flung upstate placements.<sup>8</sup> This legislation addressed the deeply imbedded practice of incarcerating children from New York City many hours from their homes, causing harm to both children, families and communities and creating barriers to successful community re-entry.

As of September 2012, youth from New York City placed by a Family Court judge into Non-Secure Placements enter into placement with the New York City Administration for Children's Services (ACS). Prior to the Close to Home Initiative, these youth were generally placed into the custody of the New York State Office of Children and Family Services. To date, ACS has contracted with local non-profit agencies to open approximately 27 Non-Secure Placement (NSP) facilities in New York City.

As of January 2012, approximately 169 children have been placed into these NSP facilities. ACS plans to contract with non-profit providers to open Limited-Secure Placement (LSP) facilities beginning in the fall of 2013. The legislation also requires New York State's Office of Children and Family Services (OCFS) to serve as an oversight body of the Initiative, and it has been reported that there will be approximately 32 full-time staff dedicated to Close to Home oversight at the state level. The Initiative took place within and is, in turn, shaping a national trend toward the localization of youth justice programs, facilities and spending.

Some youth justice advocates and other systems stakeholders successfully worked to ensure that the Close to Home legislation included measures to protect children and increase public transparency, including:

- strengthened external oversight mechanisms (initial plans for the Initiative--including an earlier draft of similar legislation that did not become law--did not include these oversight mechanisms);
- increased public transparency of the city's NSP and LSP plans, including state-mandated public hearings and public comment periods on both of the plans, a mandate that the city respond in writing to comments provided by the public, and a mandate that, for Limited-Secure Placements, the city hold at least one community forum as well as one public hearing in each of the five boroughs (an earlier draft of similar legislation that did not become law had no provisions for public review and input, and the governor's original proposed legislation had a much more narrow provision for community review and input);
- a provision for the revocation of the jurisdictional transfer if children in city placements are not being adequately served (an earlier draft of similar legislation that did not become law included no such provision);
- a provision to provide CTHI performance data to the Speaker of the Assembly and the Senate Majority Leader (the governor's original proposed legislation mandated that CTHI performance data be provided solely to the Office of Children and Family Services); and

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<sup>8</sup> The New York State Office of Children and Family Services operated residential facilities are broken into three security levels: Non-Secure; Limited-Secure; and Secure. The Close to Home Initiative paves the way for New York City to open facilities for youth in Non-Secure and Limited-Secure placements, but does not impact Secure placements. According to the OCFS website: Non-Secure facilities "provide a non-secure level of placement for youth adjudicated as juvenile delinquents and consists of a variety of urban and rural residential centers. Youth in non-secure residential centers require removal from the community but do not require the more restrictive setting or restraining hardware of a limited secure facility." Limited-Secure facilities "provide the most restrictive service setting for youth adjudicated as juvenile delinquents. Limited secure facilities may also be used for youth previously placed in secure facilities as a first step in their transition back to the community. Most limited secure facilities are located in rural areas, and virtually all services are provided on-grounds." Secure facilities "provide the most controlled and restrictive of the residential programs operated by OCFS while providing intensive programming for youth requiring this type of environment. Secure facilities are located in non-urban areas with virtually all program services provided on-grounds. Access to and from secure facilities is strictly controlled. The majority of youth admitted to secure facilities are sentenced as juvenile offenders or juvenile offender/youthful offenders by the adult courts. Certain youth may be placed in secure facilities as juvenile delinquents, where the Family Court has authorized secure placement within 60 days of custody admission or when the youth has been Fennered from a Limited-Secure facility for violent behavior."  
<http://www.ocfs.state.ny.us/main/rehab/>.

- a mandate detailing a minimum set of performance measures, including the number and nature of incident reports and demographic information about youth in care (the governor’s original proposed legislation did not outline baseline performance measures).

Overall, the Close to Home Initiative provides New York with the opportunity to build a new youth justice system, one that will hopefully be more responsive to the needs of youth and families, in part by allowing families to be more actively involved in the services children receive in placement. The Initiative also holds the promise of making it easier for youth to remain connected to their communities, and to successfully re-enter those communities from placement.

### **Raising the age of criminal responsibility**

In 2012, the call for New York State to raise the age at which children can be prosecuted as adults continued to increase in volume and urgency. New York is one of only two states (the other is North Carolina) where 16 and 17 year-olds in the justice system are automatically and without exception prosecuted as adults. 16 and 17 year-olds in New York are housed in adult jails and prisons, where they are at grave risk of harm and physical, psychological and sexual abuse. New York additionally prosecutes children as young as 13 as adults, when charged with certain serious offenses. New York is also a national outlier in its minimum age of juvenile delinquency prosecution—children as young as 7 can be prosecuted in New York’s Family Courts. In September 2011, Chief Justice Jonathan Lippman made a speech in favor of raising the age for children accused of non-violent crimes and directed the Office of Court Administration (OCA) to draft a bill to address this issue.

The 2011-2012 legislative session brought two “raise the age” bills. A-10257, introduced by Assemblyperson Lentol at the request of the Office of Court Administration, would create a special “youth division” part in adult criminal court for the cases of 16 and 17 year-olds accused of non-violent crimes. Under this bill, judicial proceedings against 16 and 17 year-olds charged with non-violent offenses would remain in adult criminal court, in a special new part known as the Youth Division of Supreme Court. The Youth Division “would be presided over by judges and justices specially trained in the issues of adolescent development, child psychology and therapeutic approaches to child pathology and juvenile crime.”<sup>9</sup> The bill would allow local probation departments to adjust the cases of 16 and 17 year-olds charged with non-violent offenses in the same manner that local probation departments are currently able to adjust cases against youth accused of juvenile delinquency in Family Court. Adjustment means that a young person receives community-based services and is monitored by the Department of Probation for a finite period of time. If the young person successfully complies with the adjustment, a case is not filed against the young person in court. If formal criminal charges are filed, prosecutions of these 16 and 17 year-olds would proceed in an identical fashion to any other adult criminal prosecution. “All provisions of the Criminal Procedure Law that would regularly apply to such a prosecution will apply. At this stage of the proceedings, the teen offender will stand in the shoes of any other adult accused of crime.”<sup>10</sup> If the young person either “pleads guilty exclusively to one or more non-violent crimes...or he or she is found guilty by verdict exclusively of one or more non-violent crimes, then the Youth Division, in lieu of a CPL (Criminal Procedure Law) sentencing, is to conduct a dispositional hearing on the model of the dispositional hearing prescribed by the Family Court Act for persons who have been found to be juvenile delinquents. At this hearing, the Youth Division will have available all of the dispositional options that a Family Court Judge would have available when rendering a juvenile delinquency disposition and be guided by the Family Court Act directive that, in choosing an option, the court ‘shall consider the needs and best interests of the

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<sup>9</sup> Memo accompanying A-10257, available at: [http://assembly.state.ny.us/leg/?default\\_fld=&bn=A10257&term=2011&Summary=Y&Memo=Y](http://assembly.state.ny.us/leg/?default_fld=&bn=A10257&term=2011&Summary=Y&Memo=Y)

<sup>10</sup> *Id.* (Memo accompanying A-10257).

defendant as well as the need for protection of the community.’ See FCA S352.2. Whatever disposition the Youth Division decides upon, the affected teenager will not have a criminal record and the records of his or her offense(s) will be sealed from public view.”<sup>11</sup> This bill would not impact 13 to 15 year-olds charged with juvenile offenses in adult court. “Juvenile offenses” are a statutorily defined set of more serious crimes; currently 13 to 15 year-olds charged with one or more these crimes have their cases heard in adult court. This bill also would not impact 16 and 17 year-olds charged with violent offenses in adult court.

A-9424/S-7020, introduced by Assemblyperson Lentol and by Senator Montgomery, would change the law so that most cases against people under 18 originate in Family Court. It would expand the definition of “juvenile offender” to include 16- and 17-year-olds, with these cases continuing to originate in adult court. In other words, 16 and 17 year-olds charged with “juvenile offenses” would have their cases originate in adult court. This bill would give judges discretion to transfer the cases of these 16 and 17 year-olds charged with juvenile offenses to Family Court without the requirement of district attorney consent. (In the status quo, district attorney consent is required to transfer cases of 13-15 year-olds charged with juvenile offenses to Family Court.) The bill would have required the cases of 13, 14, or 15 year-old charged with juvenile offenses to originate in Family Court, giving the local district attorney authority to file a request to remove the case to adult court (upon motion, allowing for a hearing at the request of either party). It also directs that juvenile offenders under 18 be held in OCFS (youth) facilities (if ordered to placement), even when a juvenile offender’s underlying case is being heard in adult court.

Although neither of these two bills passed in the last legislative session, it is widely believed that one or more bills addressing the age of criminal responsibility will be introduced in the upcoming legislative session, including a new version of the Office of Court Administration bill as well as one or more other bills. Several advocacy organizations have long supported and championed raising the age of criminal responsibility. In 2012, the advocacy community increased its focus on this issue, with organizations holding community forums, movie screenings, community education events, and organizing grassroots support for legislative change.

### **Increasing family engagement**

In September 2012, Justice for Families (a new national alliance of local organizations working to reduce youth incarceration) and their research partner the DataCenter released *Families Unlocking Futures: Solutions to the Crisis in Juvenile Justice*. The report is unique both in its focus on families of youth in the justice system, and in the fact that its authors are themselves family members of youth in the justice system. According to Justice for Families: “This report offers first-of-its kind analysis that details how the juvenile justice system does more to feed the nation’s vast prison system than to deter or redirect young people from system involvement; and demonstrates the incredible damage the system causes to families and communities. Based on over 1,000 surveys with parents and family members of incarcerated youth and 24 focus groups nationwide, the report presents a body of data that has never been captured or examined before. It aims to correct misperceptions about system-involved youth and their families; demonstrates the need for families’ active participation in redesigning juvenile justice systems; and uncovers crucial flaws in the system that burden, alienate and exclude families from the treatment of system-involved youth. The report details how the rapid growth of the prison system, zero-tolerance policies, and aggressive police tactics, coupled with the decline of social services and public education have wreaked havoc on low-income communities and communities of color. However, the report also puts forth viable, proven solutions and offers a Blueprint for Youth Justice Transformation.”<sup>12</sup>

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<sup>11</sup> *Id.* (Memo accompanying A-10257).

<sup>12</sup> <http://www.justice4families.org/file/Home.html>

### **Reducing the number of youth in placement**

- In 2000-2001, 2,313 youth were referred for state-operated residential placement through the New York State Office of Children and Family Services.<sup>13</sup> As of August 2012, there were approximately 589 youth in these same state-operated residential placements.<sup>14</sup> This represents a decrease of about 75 percent, although it is important to note that these numbers do not account for the youth placed in private residential placements as opposed to OCFS facilities (these private residential placements are operated through contract with non-profit providers, and existed prior to the Close to Home Initiative).
- Beginning in the spring of 2012, the New York City Department of Probation (DOP) launched a new, nationally validated, pre-dispositional risk assessment instrument (the Youth Level of Service (YLS)/Case Management Inventory).
- Accompanying the aforementioned YLS, the New York City DOP also rolled out a Structured Decision Making (SDM) grid, a multi-dimensional approach matching risk of reoffending and severity of charge to create graduated system responses for youth in juvenile delinquency cases.
- In July 2012, the New York City Department of Probation initiated two new Alternative to Placement (ATP) programs to expand its continuum of community-based services and sanctions.

### **Children in solitary confinement**

A 2012 national report by Human Rights Watch and the American Civil Liberties Union (ACLU) on youth in solitary confinement raised local and national awareness about this deeply troubling practice. New York State is one of the states featured in a case study within the report. The report uses first-person quotes like this one from Elizabeth K. (pseudonym) to illustrate the experiences of youth in solitary confinement: “(I was) upset, scared—bugging out. Like, ‘they cannot keep me in this cell for 23 hours.’ I was kicking the door, crying hysterically. They called mental health and put me on suicide watch.” Elizabeth was held in jail on Rikers Island at age 16. The report details the legal and policy landscape of youth in solitary confinement, and documents the research findings of the report’s author. For example, “Human Rights Watch and the American Civil Liberties Union interviewed seven young people who reported being held in solitary confinement while in pre-trial detention in jail in New York City. A number of those adolescents reported spending significant periods in punitive solitary confinement. Five young people said they had spent a total of longer than thirty days in solitary confinement while under age eighteen; two of those adolescents said they had spent *longer than six months in solitary confinement* (italics added).”<sup>15</sup>

### **The Prison Rape Elimination Act (PREA) and children housed in adult facilities**

The federal Department of Justice released long-awaited “National Standards to Prevent, Detect, and Respond to Prison Rape” under the Prison Rape Elimination Act (PREA). Among other things, the PREA standards, which go into effect in August 2013, require that with regard to youth under 18 who are housed in adult facilities: 1) may not be placed in a housing unit where contact will occur with incarcerated adults in a common space, shower area, or sleeping quarters; 2) agencies must provide “sight and sound separation” between youth and adults outside of housing units, or must provide direct staff supervision when youth and adults are together; and 3) agencies must make their best efforts to avoid placing youth in isolation in order to comply with this provision and, “absent, exigent circumstances, must afford them daily large-muscle exercise and any legally required special education services, and must provide them access to other programs and work opportunities to the extent possible.”<sup>16</sup> It is important to note, however, that jurisdictions may chose to remain out of compliance with PREA. This may lead to

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<sup>13</sup> National Juvenile Justice Network, *Advances in Juvenile Justice Reform 2009-2011*, page 25.

<sup>14</sup> Office of Children and Family Services, *Weekly Population Census*, 8/13/2012. Note: Since this census is from August 2012, prior the implementation of the Close to Home Initiative it allows for a more precise, “apples-to-apples” comparison of OCFS placements across time.

<sup>15</sup> Human Rights Watch and American Civil Liberties Union, *Growing Up Locked Down: Youth in Solitary Confinement in Jails and Prisons Across the United States*, October 2012, at 131.

<sup>16</sup> Department of Justice, 28 CFR Part 115, Docket No. OAG-131; AG Order No. RIN 1105-AB34, at 6.

the forfeiture of some federal funding, but is legally permissible and there are clear concerns that jurisdictions may opt out of compliance.

### **Overall data trends**

An analysis of youth justice data in New York State reveals that decreases in detention and incarceration and increased investments in community-based programs have coincided with overall reductions in youth crime. While comprehensive data analysis is beyond the scope of this document, some overall trends are worth noting here. According to the Division of Criminal Justice Service's Juvenile Justice Annual Update for 2011 (the most recent annual update available to date):

- New York City "juvenile formal arrests" declined by 3 percent and juvenile felony arrests declined by 11%.
- In the rest of New York State, "juvenile arrests/criminal activity" declined by 17%.
- "Juvenile Offense" arrests statewide decreased by 8% and represent the fewest reported juvenile offense arrests since the Juvenile Offender Act of 1978 was enacted.
- New York City detention admissions declined 6% between 2010 and 2011, and detention admissions in the rest of the state declined 10% in this same period.
- Juvenile Delinquency/Designated Felony Family Court petition filings declined 15% in 2011. Family Court filings in both New York City and the rest of the state declined across all crime types (personal; property; other).<sup>17</sup>
- New York City Probation Intakes declined by 3%, and Probation Intakes in the rest of the state declined by 24%.
- The 2011 statewide "Probation Adjustment" rate was 41%, with New York City adjusting 37% of cases and the rest of the state adjusting 46% of cases.
- In 2012, the New York City Department of Probation adjusted 38% of cases, of those cases adjusted, 90% of youth successfully completed the adjustment period, meaning that no Family Court case was filed in these instances.

### **The work ahead**

The aforementioned changes are significant. Government agencies, advocates, impacted family and community members, the philanthropic community, and elected officials have contributed to reductions in detention and incarceration, increased investments in services and treatment, and improvements in conditions inside youth facilities. Yet these achievements represent only a fraction of the work to be done.

Among some of the work that lies ahead:

- Young people in New York State's youth justice and adult criminal justice system still face serious disparities and harm. Despite seemingly endless conversations about racial and ethnic disparities, the fact remains that the overwhelming majority of youth in both the youth and adult systems are black and Latino, regardless of evidence that large numbers of white youth also commit acts of juvenile delinquency and crimes. New York's infamous school-to-prison pipeline remains in place, and, once again, children of color are its targets.
- Youth as young as 13 charged under the Juvenile Offender (J.O.) law are prosecuted in adult court and subject to adult criminal records, and all of the negative life consequences that attach to such records including severe

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<sup>17</sup> <http://www.nysjag.org/our-work/juvenile-justice-data/ojrp-data-presentation-5-15-2012.pdf>

barriers to education and employment. These youth are some of the most stigmatized and isolated in the system. More needs to be done to ensure that children charged and convicted of J.O.s receive developmentally appropriate and rehabilitative treatment in the court system, services, and, for those who are confined, in placement.

- In New York State, all 16 and 17 year olds in the justice system are processed in the adult criminal justice system, with little if any consideration of their age and developmental needs. 16 and 17 year-olds are housed in adult jails and prisons, where they are frequently subjected to profound physical, sexual and emotional abuse and generally do not receive age-appropriate services. These youth are also often placed in long periods of solitary confinement despite strong evidence that solitary confinement often causes grave developmental, psychological and physical harm.
- Children in detention and incarceration continue to face troubling and dangerous conditions including the frequent use of restraints and other uses of force by staff. Since 2006, three young people have died as a result of restraints within residential facilities in New York State (not all were youth justice placements).
- Although light has been shed on the myriad ways parents and family members of youth in the justice system are excluded from the justice system to their detriment and that of children in the system, little has been done to systematically, robustly and meaningfully involve family members in decision-making and systems monitoring.
- Policymakers and the public have more information about the needs of and risks to LGBTQ youth in the system and, as discussed previously, policies are in place that addresses LGBTQ youth in NYS OCFS and NYC ACS placements. The work ahead includes ensuring that these policies are successfully implemented, strengthening staff training on LGBTQ youth issues across the state, and developing and implementing similar policies in counties outside of New York City.
- The Close to Home Initiative is an important step toward ensuring that children in placement remain close to their families and communities. Successful long-term implementation of the Initiative requires the vigilance of ACS and OCFS, but also that of all stakeholders including family members, advocates, attorneys for children, elected officials, and others. ACS has released a White Paper on its plans for Limited-Secure Placements, and held a number of community forums to solicit feedback on Limited-Secure Placements prior to the development of a Draft Plan. Once the Limited-Secure Placements Draft Plan is released for public review, stakeholder response will be an important component of ensuring that Limited-Secure Placement plan is as strong as can be and that the needs of children, families and communities are comprehensively accounted for. Continual stakeholder engagement will also be critical for the successful implementation of Limited-Secure Placements.
- A tremendous number of children in the justice system have experienced trauma, including sexual abuse, physical abuse, neglect, and emotional trauma. Despite some advances such as the implementation of the Sanctuary model in OCFS facilities and the opening of smaller Non-Secure Placement facilities in New York City, New York's youth justice system (both statewide and locally) remains steeped in a punitive/correctional model where many features of the adult prison system serve as the basic blueprint for facility architecture, restrictive hardware, uniforms, and systems operation, and where the trauma histories of youth are discounted or ignored. The system should be fundamentally recalibrated so that it is trauma-informed, thereby increasing the chances for successful outcomes.

- Local and state budgets have faced steep cuts to funding in programs for children, families, mental health, homeless services, schools and other social services; these cuts all widen the door to the justice system. Children, particularly poor children of color, lack significant political capital. During a time of across the board fiscal challenges, their needs are often the first to be discounted. There is a tremendous need for sustained advocacy on behalf of children, particularly budget advocacy.

There is a crucial and visceral difference between piecemeal justice reform and true system transformation. While all who have contributed to reform in New York State over the past decade should take an opportunity to pause, reflect and be proud of what has been accomplished, this is not a time to rest on our laurels. The work ahead is steep and arduous and requires that a commitment of time, resources, energy, vision and imagination. Together we must work to build a world in which children are seen as possibilities, not problems. When children are in distress and act out--as we can expect they will, particularly given the trauma and profound challenges too many of them routinely experience--we must ensure that we respond in ways that help them. We must eliminate those practices that serve only to cause further harm to children and by extension to all of us. And we must replace these counter-productive approaches with practices that support children and enable them to grow into healthy adults. By doing so, we will, in turn, build a healthier society.