

Council on Children & Families

A Research Brief on the Status of Youth in New York State

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Decision Markers in the Juvenile Justice System—

Opportunities for Support & Intervention at Probation Intake

Introduction

The juvenile justice system is the means we use to respond to children who are in conflict with the law. The overarching goals of the system are to ensure community safety and make youth accountable for their actions. Equally important is the fundamental need to build youth competencies in order to reduce the possibility that youth will develop or increase behaviors that may move them further into the juvenile justice system. Given these multiple goals, an effective juvenile justice system is one in which there is a skillful balance between reparation and redemption.

Often, we think of ‘systems’ as single entities; however, the juvenile justice system consists of segments from a number of service systems. The primary local and state agencies involved in the juvenile justice system include law enforcement; probation departments; detention centers; placement facilities, and the courts. Typically, youth have increasing contact with the various entities as they progress deeper into the juvenile justice system. It is widely recognized youths’ progression through the system and their ultimate outcomes are often influenced by actions taken early in the process and for this reason it is important to identify key decision points within the course of that process so we are able to implement strategies that minimize youths’ progression into the system.

This brief focuses on the decision point when youth come into contact with probation departments. Judicious action at this point in the juvenile justice system is especially important for two reasons. First, the majority of youth who have contact with the juvenile justice system have contact with probation departments. This means successful probation interventions can result in a positive impact for a major number of youth. Second, this point is early in the course of the juvenile justice pathway and

‘The rabbit-hole went straight on like a tunnel for some way, and then dipped suddenly down, so suddenly that Alice had not a moment to think about stopping herself before she found herself falling down a very deep well.’

Alice in Wonderland (1)

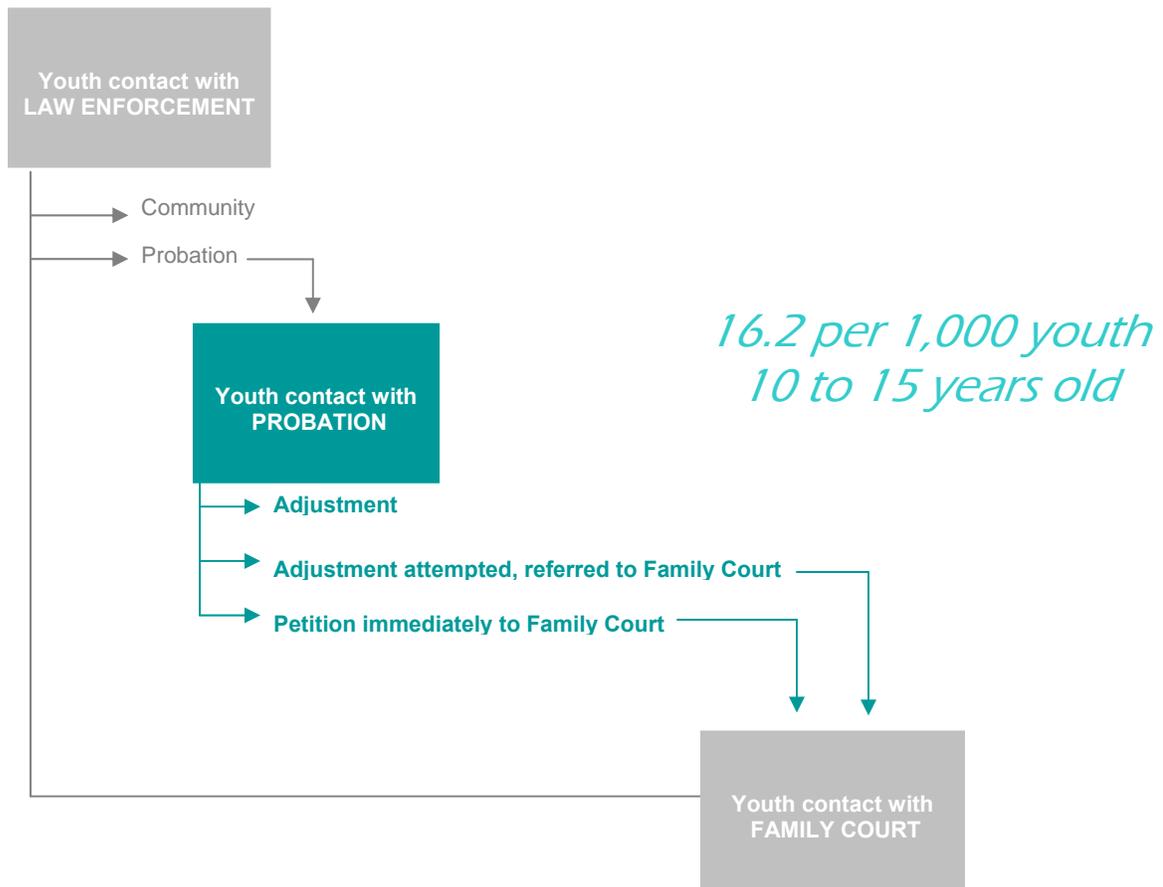
offers us considerable opportunity to take preventive actions that will deter youths' further involvement in the system.

Juvenile Probation Intake

Probation department juvenile intake officers are the second level of gate keepers into the juvenile justice system, after law enforcement. Intake officers review cases presented to the probation department, determine the most appropriate course of action and, similar to their law enforcement counterparts, can exercise professional judgment in whether youth progress further into the system.

Youth are referred to probation intake through one of two means, either directly after being detained by police or as a result of an issuance of a Family Court Appearance Ticket (FCAT), which directs the youth and the youth's parent or guardian to appear at the probation department.

During 2006, about 25,600 youth between the ages of 10 and 15 years had contact with intake officers at local probation departments



Probation Intake Rates

Juvenile delinquent intake rates represent complaints addressed and closed by probation departments within a given period of time. The rate reflects, to a certain extent, the degree of adolescent problem behaviors within a community. However, it is important to note the juvenile delinquency intake rate is dependent upon many factors such as community standards, the approach taken by law enforcement and probation departments as well as the availability of prevention programs that provide alternatives to filing juvenile delinquency complaints (2).

In 2006,

- The rate at which youth between the ages of 10 and 15¹ years had contact with intake officers at local probation departments was 16.2 per 1,000 youth (4).
- The intake rate was similar for the New York City and Rest of State regions (16.1 and 16.2 respectively); however, there was considerable variability among counties, as evidenced by the wide range of rates, from a low of 4.5 to a high of 42.5 per 1,000 youth (4).

Outcomes of Probation Intake Cases

Most intake cases are reviewed by probation staff and attempts are made to adjust the cases so they do not progress further into the juvenile justice system. Cases that do not move on to court are referred to as *nonpetitioned* while those directed to court are *petitioned* cases.

Adjustment services— The goal of adjustment services is to resolve nonpetitioned cases to avert greater involvement in the juvenile justice system. Resolution services are an example of adjustment services provided by probation staff where officers work with youth, their parents/ guardian, police and the victim to determine satisfactory resolutions to complaints, diverting the need for Family Court intervention. Often, youth are required to make reparation through community service. Examples of the types of adjustment services youth may receive include counseling, substance abuse treatment and mental health services so that issues underlying the offending behavior can be addressed , reducing youths' risk of re-offending.

Adjustment attempted, then referred to court— Although the goal of case adjustment is to divert youth from court involvement, adjustment efforts are not always successful and in those instances youth may be petitioned to court during the adjustment period.

Referred for petition immediately— Cases referred immediately for petition to Family Court are those cases that are petitioned for court, with no attempts for adjustment. One factor that can influence whether a case is immediately petitioned to court is the severity of the crime²; however, even in instances where youth are charged with

¹ Juvenile delinquents can be youth be ages 7 through 15; however, the data presented here are youth ages 10 through 15.

² As referenced in the New York State Family Court Act § 308.1(4) *Rules of court for preliminary procedure*—the probation service shall not adjust a case in which the child has allegedly committed a delinquent act which would be a crime defined in section 120.25, (reckless endangerment in the first degree), subdivision one of section 125.15, (manslaughter in the second degree), subdivision one of section 130.25, (rape in the third degree), subdivision one of

Juvenile delinquent— a youth over seven and less than sixteen years of age, who, having committed an act that would constitute a crime if committed by an adult is not criminally responsible for such conduct by reason of infancy or is the defendant in an action removed from a criminal court to family court (3).

felony, probation intake officers are able to attempt adjustment if given written court approval. Another factor for immediate petitioning is that youth may decide against adjustments and request immediate referral to court. It was anecdotally noted that some youth request this action since they know the lengthy period from court petition to appearance may result in their cases being dropped, resulting in no charge or probation requirements (5).

In 2006,

- About 25,600 cases of youth between the ages of 10 and 15 were presented to probation department intake officers across the state (4).
- Cases presented to juvenile probation intake were typically handled in a formal manner, with about three in five cases immediately petitioned to Family Court (Figure 1). This approach differed regionally with a greater portion of cases in New York City referred immediately compared to the Rest of State. Considerable variation was observed across counties with the percent of immediately referred cases ranging from 0 to 83 percent (4).
- When we review all cases presented to probation staff, we see, in Figure 1, that adjustment was attempted in about two out of five cases (i.e., adjusted cases 32% and adjusted cases attempted, 7%).
- When we take a closer look only at those cases where adjustment was initiated (successful and unsuccessful cases), we see an 81 percent success rate among these cases. Again, considerable variation was observed across counties (4).
- Variations observed across counties were not necessarily dependent on case load alone and involved other factors. For instance, community standards; training of probation staff; and availability of appropriate services within the community to address the presenting risks and needs of youth also contribute to disposition decisions.

Figure 1. Outcomes of Closed Intake Cases



Source: 2006 NYS Division of Probation and Correctional Alternatives-DPCA-30. Available on KWIC at www.nyskwic.org

section 130.40 (criminal sexual act in the third degree), subdivision one or two of section 130.65, (sexual abuse in the first degree), section 135.65, (coercion in the first degree), section 140.20 (burglary in the third degree), section 150.10 (arson in the third degree), section 160.05, (robbery in the third degree), subdivision two, three or four of section 265.02, (criminal possession of a weapon in the third degree), or section 265.04, (criminal possession of a dangerous weapon in the first degree) of the penal law where the child has previously had one or more adjustment of a case in which such child allegedly committed an act which would be a crime specified in this subdivision unless it has received written approval from the court and the appropriate presentment agency.

Opportunities for Support and Intervention

Juvenile probation intake is one of our earliest opportunities within the juvenile justice pathway to minimize youths' progression into that system and over time we have learned a great deal about effective diversion strategies. For instance, we now know that successful case adjustment includes: thorough and accurate intake assessments by trained juvenile probation staff; an infrastructure within the community that provides alternatives to detention and courts; a combination of education and family supports to reduce youths' risk of re-offending and a heightened understanding among professionals, families and community members about the benefit of effective community-based solutions to reducing juvenile delinquency.

Intake Assessments: Validated screening instruments that assist juvenile intake probation officers to accurately assess youths' risk levels and service needs are essential elements for effective case adjustment. These instruments support professional judgment so probation officers are able to systematically identify services youth need. Such tools also promote equity since comprehensive assessments provided to all youth decreases the variability in decisions about services and placement when staff have different levels of expertise. Additionally, such instruments promote a standard means for determining which cases can be adjusted successfully, increasing equity across cases within a particular county and across counties statewide (6, 7).

By early 2009, 56 counties will use the *Youth Assessment Screening Instrument (YASI)* to conduct a screening of youth during the intake process. This instrument is used to gather standard information in ten domains: legal history; family and environment; school; community and peer relationships; alcohol and drugs; physical and mental health; skills; education; employment; and attitudes. The YASI provides probation intake officers with information that allows them to make determinations regarding the level of risk for each youth and serves as a needs assessment to identify the types of services that will help youth make a safe and healthy transition back to their communities and reduce recidivism.

To date, results from the YASI indicate the top three domains of high risk for juvenile delinquent youth are: family (46%); community/peer (45%) and mental health services (45%). Additionally, we have learned that approximately one in five juvenile delinquent youth (18%) presented to probation intake are at risk for alcohol and/or substance abuse (8).

The *Risk Assessment Instrument (RAI)* is another standardized instrument developed to help juvenile probation staff determine whether youth should be sent to detention pending the outcome of their juvenile delinquency case. This instrument is used in New York City and Albany, Erie, Monroe and Onondaga counties.

Alternative to detention and placement Probation intake officers are faced with the daily challenge of ensuring community safety while providing youth with supports they need to minimize their further penetration into the juvenile justice system. The degree that probation officers are successful in meeting this challenge is keenly

influenced by the availability of resources within their communities. Two resources known to be effective are community justice corps and community accountability boards.

Civic Justice Corps would benefit both offenders and communities by allowing for ‘earned redemption’—enabling offenders to repair the harm caused by their crimes and regain community trust (9).

Described as a means of ‘earned redemption,’ community justice corps (CJC) allow youth to make reparations in a meaningful way while transitioning back into their community (9). An excellent example of this is the Deschutes Community Justice Corps, based in Oregon. CJC staff supervise juvenile and adult probationers and parolees who work on a variety of human service and public works projects. Through community service, youth

and adults make amends to the community for their offenses while gaining valuable skills (e.g., many of these projects have emphasized green construction, allowing youth to build marketable skills). In these projects, youth have worked with volunteer builders and carpenters to help construct a homeless shelter (after raising money for materials) and a domestic abuse crisis center (10).

As a result of their involvement in CJC, offenders provide important long-term benefits to their community, learn about the needs of other citizens (including those victimized by violent abuse), develop work skills through hands-on experiences, and have positive interactions with law-abiding adults. The corps also promotes community safety, since the offender’s time during community service is occupied under adult supervision for significant portions of the day and evening (10).

Community Accountability Boards are in place in 5 communities across the state, including:

- Albany
- Middletown
- Schenectady
- Buffalo
- Newburgh

Community Accountability Boards (CABs) consist of local community volunteers and represent a community-based, decision-making process aimed at repairing harm

committed against victims and neighborhoods. CABs focus attention on the harm done, what needs to be done to repair that harm and who is responsible for the repair. This is in contrast to typical approaches that focus on who broke the law, what laws were broken and what punishment the offender should receive.

CABs provide victims and neighborhoods involved in a crime with an opportunity to meet with offenders in a safe and productive manner that allows the offenders to take responsibility and make amends for their actions. Since CABs consist of local community members, the CABs promote citizen ownership of and involvement with the juvenile justice system while allowing for neighborhood responses to ‘victimless’ crimes. CABs serve as a timely, non-judicial response to non-violent offenses.

Contact the Council for more information about how to develop CABs in your community

Visit the Kids’ Well-Being Indicators Clearinghouse at www.nyskwic.org for county level juvenile justice data

Summary

The decisions made at probation intake can greatly influence youths' outcomes. With the necessary community resources in place, probation staff can make proper assessments that ensure youth have access to effective interventions that build competencies and address individual needs; determine dispositions based on level of risk; and use alternatives to detention and placement so youth avert further penetration into the juvenile justice system and reduce long-term recidivism.

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