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# **AN ASSESSMENT OF THE CHEMUNG COUNTY, NY, JUVENILE JUSTICE SYSTEM**

## **FINAL REPORT**

Prepared for:  
**Chemung County Executive and Legislature**

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# AN ASSESSMENT OF THE CHEMUNG COUNTY, NY, JUVENILE JUSTICE SYSTEM

June, 2006

## SUMMARY

In 2005, Chemung County hired CGR (Center for Governmental Research Inc.) to assess criminal justice system practices and also various County initiatives and programs that are designed to keep youths from being extensively involved in the juvenile justice system. Our findings and recommendations concerning the criminal system are extensive and are contained in a separate report (*Strengthening Criminal Justice System Practices in Chemung County, NY*, May 2006.) By contrast, this report is not designed as a comprehensive companion assessment of the juvenile system. Instead, for this report, County leaders were primarily interested in focusing on factors contributing to the numbers and costs associated with juvenile system-related detentions and out-of-home placements.

The County's juvenile justice system is responsible for everything from referral to disposition for juvenile delinquents (JDs) and persons in need of supervision (PINS). A JD is a child between the ages of 7-16 who has committed an act that if committed by anyone over 16 would constitute a crime. A PINS is a child under age 18 who is ungovernable, incorrigible or truant.

Throughout this report, when we use the term "detention" it refers to the temporary custody of juveniles whose conduct has made them subject to court jurisdiction and who require a restricted environment pending legal action. Traditionally detention has been an option for a judge when there is a high probability a youth will not appear in court, and/or is at serious risk of committing a crime while awaiting a court appearance. Since mid-2005, however, as a result of action by the State

Legislature, serious risk of committing a crime is no longer considered grounds for a court to remand a PINS to detention.

When we use the term “placement” we are referring to longer-term living arrangements for PINS or JDs where legal responsibility for determining residence does not belong to the child’s parent or guardian. Such placements are typically in foster care, residential treatment centers, residential treatment facilities, group homes, or state placement facilities.

Based on the County’s objectives for this study, CGR focused on the following areas for this report:

- 1) Detention and placement numbers and costs since 2000.
- 2) New, focused efforts undertaken since 2002 to reduce the numbers of young residents of the County who enter the system as PINS. We examined two PINS diversion initiatives, the first one by Probation and the second under the umbrella of the Chemung County Children’s Integrated Services (CIS) program. Both grew out of a multi-faceted, collaborative (and on-going) effort by various County departments to reduce juvenile system detentions. Although the diversion programs are not the only important aspects of this effort, they emerged, in CGR’s analysis, as the centerpiece of this effort.
- 3) Special programs for juveniles designed to impact either detention or placement numbers, including:
  - Juvenile Release Under Supervision (JRUS), a voluntary program a judge can offer a youth in lieu of detention, which was established in the County in fall 2000.
  - PINS Intensive Supervision Program (PISP), an intensive supervision program designed to maintain high-risk PINS juveniles in their homes, which was started in mid-2003.
  - Juvenile Intensive Supervision Program (JISP), an intensive supervision program for JDs started a decade ago that is designed to keep juvenile delinquents from being placed.
- 4) Other important aspects of the system with potential to impact detention and placement numbers and costs, specifically the JD diversion program and electronic home monitoring.
- 5) Information technology and data-related needs we identified in the course of developing this report.

## Major Conclusions

*The County has not been positioned to assess total juvenile justice-related detention and placement costs.*

Our report is based on our assessment of a substantial amount of data covering the years 2000-2005 and extensive interviews with key County officials and participants. Based on our research and analyses, we came to the following major conclusions:

- ❖ The County has not been effectively positioned to assess accurately its juvenile justice-related detention and placement costs. This is due to the following:
  - ❖ No one is responsible for monitoring the overall juvenile justice system.
  - ❖ Monitoring, when it does occur, is piecemeal and only on an as-needed basis.
  - ❖ When any part of the system attempts to track information covering another component, staff can easily make incorrect assumptions, since there is little understanding of how the various parts of the system track data.
  - ❖ Current internal databases have significant limitations. For example, County officials cannot break out either PINS or JD *placement* costs from other placements having nothing to do with the juvenile justice system, such as placements resulting from parental neglect or abuse. Considering the fact that placement costs dramatically impact the County's out-of-pocket costs for the juvenile justice system (far exceeding costs for detention), this is an important issue for the County.
  - ❖ Tracking of costs has been based on "payment year" not "utilization year." Tracking juvenile justice costs by payment year has not taken into account the fact that Chemung County routinely pays for some costs (e.g., placements and secure detention for youth in the custody of OCFS) as much as a year after utilization, due to state billing procedures. Put another way, the County has not been positioned to "match up" all costs for any given year by using a payment year approach to monitor costs.
  - ❖ Tracking of total costs has mixed gross costs (e.g., non-secure detention for youth in the custody of DSS) with some out-of-pocket costs (e.g., the County's 50% share for secure detention for youth in the custody of OCFS).

## *Detention Findings*

Based on extensive research, primarily involving manual reviews by Department of Social Services (DSS) staff and manual analyses by CGR, we found County staff members' efforts since late 2002 to stem significant increases in juvenile detention numbers and costs have been highly successful, but data for recent years also point to some emerging concerns.

### Key achievements:

Comparing the three-year period 2000-2002 as a whole (a time when detention numbers and costs rose significantly every year) with the three-year period 2003-2005 as a whole (years when focused efforts were underway in the County to reduce detention numbers and costs), we found County staff efforts resulted in:

- ❖ Fewer detention admissions (451, down from 719 for the earlier period);
- ❖ Lower numbers of individual youths detained (263, down from 339);
- ❖ A dramatic reduction in detention days of care (about 6,700, down from nearly 12,800);
- ❖ Significantly fewer detention days per youth per year (ranging between 24 -29 days, down from 36-41 days);
- ❖ Dramatically lower detention out-of-pocket costs for County taxpayers (about \$921,000, down from more than \$1.2 million).

### Key Emerging Concerns

Compared with 2003 (the first full year after the County began its detention reduction drive), for 2004 and 2005 we found:

- ❖ Dramatic increases in numbers and costs to detain youth in secure detention facilities. Our analysis showed a nearly quadruple increase between 2003 and 2005 in both secure detention days of care and costs, which appears to be out of sync with the numbers of youth in the juvenile justice system. CGR also found that secure detention costs are "eating up" some of the savings achieved by County staff in the area of non-secure detentions via various detention reduction strategies.
- ❖ Higher PINS detention admissions and detention days of care despite fewer PINS youth in the juvenile justice system. While the

number of PINS filings fell by more than 50% between 2003 and 2005, largely as a result of the new diversion programs, PINS detention days of care actually increased every year in the same time period.

### *Placement Findings*

The County has two types of juvenile justice placements: a) for youth the Family Court places in the custody of Chemung DSS, and b) for youth the court places in the custody of the NYS Office of Children and Family Services (OCFS). We were able to analyze detailed numbers and costs for the former, but had only cost information for the latter.

Our analyses showed total costs for out-of-home placements for youth involved in the juvenile justice system ranged from a low of \$2.5 million in 2000 (County's share = more than \$935,000) to a high of nearly \$6.2 million in 2002 (County's share = more than \$2.3 million).

Overall, our placement findings were similar to our detention findings – both significant achievements and emerging concerns.

#### Key Achievements

- ❖ County staff efforts to divert youth from the juvenile justice system and prevent placement of youth already in the system have dramatically reduced costs, year-over-year, from the abnormally high level set in 2002, though not yet to pre-2002 levels.
- ❖ Total placements for youth in DSS custody fell by about 50% between 2001 and 2005.
- ❖ In 2004, placement days for youth in DSS custody were less than 39% of what placement days had been in 2000.

#### Concerns

- ❖ High JD placement costs in recent years for youth placed by the court in the custody of DSS warrants attention. In general, CGR believes the County needs to be more aware of numbers and trends regarding its JD population.
- ❖ CGR did not receive information on numbers of youth placed by the court system in the custody of OCFS, but late in the preparation of this report, did receive cost information for these youth that should sound some alarms. Although total placement costs for these youth never exceeded \$381,000 prior to 2002, since

then they have always been above the \$600,000 mark annually, and in 2004 set a new high of nearly \$688,000.

- ❖ Placement costs for youth in OCFS custody are now eating up cost savings achieved through reducing costs for other placements (those for youth in DSS custody).

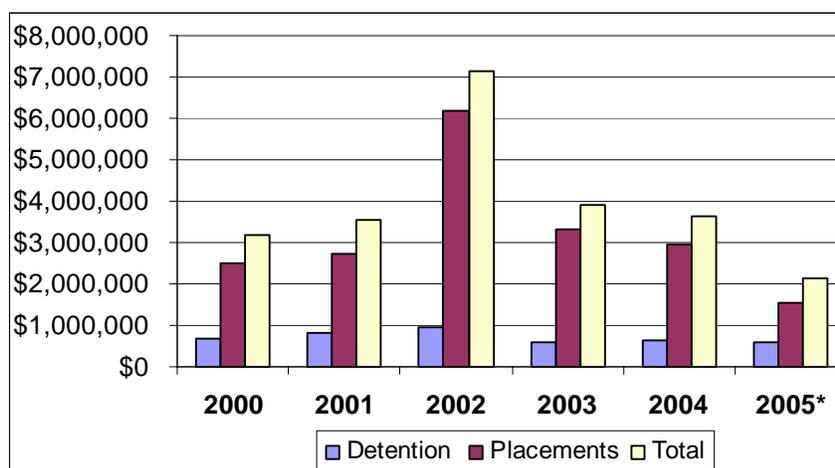
### *Total Costs & County Share of Costs*

In taking a six-year perspective of the juvenile system, one year – 2002 – stood out, and that it was, in many ways, an unusual one for the County. For example, 2002 was the year the County had:

- ❖ The highest system-related expenditures for juveniles in out-of-county detention facilities;
- ❖ The highest out-of-home placement costs;
- ❖ The highest number of juveniles named in petitions to court;
- ❖ For youth who had been placed by the courts in the custody of DSS – the highest number of JDs in placement; the highest number of JD placement days of care; the highest expenditures for JD placements; the highest expenditures for PINS and PINS/JD placements.

The graph below clearly illustrates how 2002 costs compare with costs for all other years we studied. Costs for 2005, as explained in the accompanying note, cannot be fully calculated at this time.

#### **2002 Stands Out in Terms of Total Costs**



Source: Chemung DSS provided data and CGR computed total dollar costs

\* 2005 costs are incomplete; costs comparable to those shown for other years will not be known until year-end 2006.

***The County's share of juvenile justice detention and placement costs was roughly equivalent in 2004 to what it was in 2001 – a maximum of about \$1.6 million.***

The table on the next page shows the total juvenile justice detention and out-of-home placement costs for Chemung County, and also the County's share of these costs for 2000 – 2005. Since the County's share of placement costs can vary between 35% and 40% for placements of youth in the custody of DSS – which accounts for the largest part of the expenditures encompassed by the table – CGR calculated both the County's minimum and maximum share. (Note: CGR did not have information showing the exact percentage paid per year.)

Excluding 2005 (since data is incomplete) and any impact due to inflation, we found that despite all the significant achievements by County staff to date (e.g., lower numbers of youth in detention and detention days of care, significant reductions in placement costs for youth in DSS custody, far fewer PINS youth in the juvenile system), *the total juvenile system-related detention and placement costs each year (see table and accompanying note on next page) still exceed the comparable expenditures paid by the County in 2000 and 2001.* As pointed out earlier in this summary, significant savings that have been achieved are being eaten up by growing expenditures in other areas (e.g., costs for secure detentions, costs for placements for youth in the custody of OCFS). The County's share of juvenile justice detention and placements costs – if 2002 is discounted as an unusual year, and 2005 is not counted since total costs are not yet known – were between \$1.3 million and \$1.5 million if computed at the minimum share, or between \$1.4 million and \$1.7 million at the maximum share, for all other years.

<b>Total Detention and Placement Costs &amp; County Share of Costs, 2000 - 2005</b>						
	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005*</b>
Detention	\$675,797	\$821,201	\$935,652	\$589,395	\$644,207	\$608,616
Placement	\$2,511,499	\$2,738,978	\$6,197,135	\$3,322,275	\$2,973,006	\$1,523,466
<b>Total</b>	<b>\$3,187,296</b>	<b>\$3,560,179</b>	<b>\$7,132,787</b>	<b>\$3,911,670</b>	<b>\$3,617,213</b>	<b>\$2,132,082</b>
<i>Minimum County Share**</i>	<b>\$1,273,100</b>	<b>\$1,426,398</b>	<b>\$2,731,053</b>	<b>\$1,548,962</b>	<b>\$1,465,814</b>	<b>\$837,521</b>
<i>Maximum County Share***</i>	<b>\$1,379,950</b>	<b>\$1,544,295</b>	<b>\$3,009,500</b>	<b>\$1,684,586</b>	<b>\$1,580,078</b>	<b>\$913,694</b>

Source: DSS, CGR

\*2005 cost information is not complete. Comparable costs will not be known until year-end 2006.

\*\***Minimum County share of costs** = 50% of detention costs + 50% of placement costs for youth in the custody of OCFS + 35% of placement costs for youth in the custody of DSS.

\*\*\***Maximum County share of costs** = 50% of detention costs + 50% of placement costs for youth in the custody of OCFS + 40% of placement costs for youth in the custody of DSS. Costs for placements for youth in DSS custody range from 35% to 40% annually

### *Findings Associated with Special Programs*

Our analyses of three special programs housed in Probation showed that: a) JRUS is a very cost-effective program and should be maintained, since it has saved the County at least an estimated \$1 million since 2001; b) more information is needed about PISP detention costs in order to determine the cost-benefit of the program to the County; and c) available data appear to indicate that about 45% of JISP participants complete the program successfully, but so little information is being tracked electronically that it is currently impossible to draw any conclusions about the cost-benefit of JISP to the County without taking enormous time to compile data from paper files.

***Significant electronic home monitoring capacity is not being used. Since 2000 only 51% of available capacity was utilized.***

We also found that significant electronic home monitoring capacity, which is associated with all of the special Probation programs, is going unused, largely because of declining numbers of juveniles put on Probation since 2000. Only 51% of available electronic home monitoring capacity was utilized between 2000 and 2005, and utilization of available capacity fell to 34% last year.

On a very positive note, CGR found that Probation, at the time this report was being prepared, was discussing ways of expanding JD diversion. CGR applauds these discussions and believes they can lead to cost savings for the County.

### *Data Management Findings*

In conducting this study CGR found that following the path of youths in the juvenile justice system is a cumbersome, fragmented, time-intensive process. Some tracking systems are unnecessarily fragmented, and a few lump so much information together that breaking out key information is an intensive, manual process. We also found discrepancies between departments involving key information. Overall, information technology/data issues have significantly hampered the County from having an accurate “big picture” of what is happening in the overall juvenile justice system.

### **Our Key Recommendations**

- ❖ The County should manage the juvenile justice system as a system instead of as component parts. In our companion criminal justice report we recommend that one person oversee the adult system. We suggest the same person should also oversee the juvenile system.
- ❖ To enable targeted improvements in overall management of the system, it is important to track numbers and costs for detention and out-of-home placements separately for PINS and JDs, and juvenile justice system placement costs separately from placement costs that are unrelated to the system. Strive to develop, over time, a tracking system that cuts across the three key departments of CIS, Probation, and DSS, and interfaces on a periodic basis with Family Court.
- ❖ Focus as soon as possible on understanding why costs for secure detentions quadrupled between 2003 and 2005. It will take a collaborative effort, including involvement by the Family Court judge, to understand what is contributing to such dramatic increases. After that potential solutions should be identified and implemented.
- ❖ DSS should review available data for 2000 – 2005 related to placement costs for youth in the custody of OCFS, and determine what factors are pushing these costs to such high levels. Develop a plan of action to address contributing factors that fall within the County’s control. CGR believes this will take a collaborative effort,

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and we strongly urge that the Family Court judge be part of the discussion on what is driving costs in this area.

- ❖ Develop a written plan for the system that identifies key benchmarks, mechanisms to deliver the information to track them, an established timeframe for developing any new mechanisms needed, related costs, and success measures. Based on this plan, address information technology issues in CIS, Probation, and DSS.
- ❖ Make it a priority to investigate evidence-based alternatives to detention, and develop a pilot program based on results of this investigation.
- ❖ Accelerate the proposed initiative to expand JD Diversion.
- ❖ Improve tracking of the JRUS, PISP and JISP programs, and integrate the information so the programs are tracked as part of a system, rather than as stand-alone special programs. Better assess cost savings of these programs.
- ❖ Since the number of juveniles supervised in Probation at year-end 2005 was 53% of the number supervised at year-end 2001, consider shifting responsibility for supervising the two Probation Officers who currently handle adult criminal cases for teens ages 16-18, to the current juvenile supervisor. Internally Probation refers to these officers as “Transition” officers. The two officers’ caseloads, in many cases, are already familiar to Probation’s juvenile supervisor.
- ❖ Determine if electronic home monitoring capability can be better utilized in the juvenile system and consider shifting unused capacity to the adult criminal justice system. The County can pilot electronic monitoring in the criminal system, at no extra cost, since the contract for the current units extends to fall 2007.
- ❖ Consider a full SWOT (strengths, weaknesses, opportunities and threats) and outcomes assessment of the entire CIS program, since this innovative initiative will reach its second anniversary later this year. We suggest such an assessment occur at some point in the next 12 months.

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## ACKNOWLEDGMENTS

CGR gratefully acknowledges the leadership of Chemung County Executive Thomas Santulli and the County Legislature in undertaking this study, and in understanding the value of conducting a targeted assessment of key aspects of the juvenile justice system in concert with the more extensive companion study of the criminal justice system (*Strengthening Criminal Justice System Practices in Chemung County, NY*, May 2006).

CGR hopes this report will help the County guide development of an integrated juvenile justice system, and strengthen outcome measures. These are goals, not only of the County, but also of numerous employees with whom we spoke. They work daily to divert youths from having extensive involvement with juvenile justice and from taking part in activities that could lead young people, over time, to involvement in the criminal justice system.

We especially thank Deputy County Executive Michael Krusen for his support of this project, and Tammy Narde for exceptional logistical assistance that we both welcomed and appreciated. Many others also provided “over and above” help in conducting data collection efforts on our behalf. We are very grateful for the efforts of Commissioner of Human Services Linda Huffner, and members of the Department of Social Services staff – Deretha Watterson, Patti Strohl, Jennifer Russin, Karen Tompkins, Karen Brown, and Gary Swartwood; Probation Director John Sutton and Juvenile Supervisor Sandra Mentuck and Senior Probation Officer Eileen Messing; and Children’s Integrated Services Coordinator Lisa Norton.

Thanks also to Family Court Judge David Brockway and Court Clerk Rebecca Kelley for their support of this project, and to the many County department heads, directors and/or staff of the County Attorney’s office, Law Guardian office, and Youth Bureau who graciously gave us their time, thoughtful insights, and suggestions in numerous interviews throughout this project. We drew upon the information and ideas offered in these interviews in crafting this report and our recommendations.

## Staff Team

Donald E. Pryor, Director of Human Services Analysis, directed this project. Vicki Brown conducted the field research and wrote both the draft and final versions of this report. Kate McCloskey and Jen Syverud made major contributions to the data analyses that were critical to our conclusions.

## 1. BACKGROUND AND CONTEXT

Over many years, but especially since 2002, Chemung County has taken innovative steps to divert as many youth as possible from extensive involvement in the juvenile justice system, and potentially the criminal justice system. In early 2005, Chemung County asked CGR (Center for Governmental Research Inc.) to assess the impact of these various initiatives and programs. The County was particularly interested in numbers and costs associated with juvenile system detentions and out-of-home placements.<sup>1</sup> In addition, County officials were interested in learning more about other programs that are designed to avoid detentions or placements.

This study, which is focused on the years 2000-2005, was undertaken at the same time CGR conducted a very comprehensive assessment of ways to strengthen the larger criminal justice system. CGR's findings and recommendations regarding the criminal system are contained in a separate report entitled *Strengthening Criminal Justice System Practices in Chemung County, NY*, May 2006. By contrast, this report is not designed as a comprehensive companion assessment of the juvenile system. Instead, for this report, County leaders were primarily interested in focusing on factors contributing to the numbers and costs associated with juvenile system-related detentions and out-of-home placements.

In developing the two reports, CGR held extensive interviews and group discussions with more than 75 key policymakers and staff members involved in the juvenile and criminal justice systems, including for this report the County Executive; Deputy County Executive; Chair of the County Legislature; Family Court judge; Family Court clerk; Director of Probation; Probation Juvenile

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<sup>1</sup> In this report, the term "detention" refers to the temporary custody of juveniles whose conduct has made them subject to court jurisdiction and who also require a restricted environment pending legal action. The term "placement" is used to refer to longer-term living arrangements for juveniles in the system where legal responsibility for determining residence no longer belongs to the child's parent or guardian. The juveniles are typically placed in foster care, residential treatment centers, residential treatment facilities or group homes.

Supervisor; Probation Officers overseeing juvenile delinquent diversion and intake, PINS and Juvenile Intensive Supervision Programs (PISP and JISP), and the Senior Probation Officer with access to data for Juvenile Release Under Supervision (JRUS); Coordinator of Children’s Integrated Services; Commissioner of Human Services; Director of Children and Family Services; and directors/staff members of the County Attorney, Law Guardian, and Youth Bureau offices.

## Overview

The juvenile justice system is responsible for everything from referral to disposition for juvenile delinquents (JDs) and persons in need of supervision (PINS). A JD is a child aged 7 to 16 who has committed an act that if committed by anyone over 16 would constitute a crime. A PINS is a child under the age of 18 who is ungovernable, incorrigible or truant. Many different governmental units in Chemung County play key roles in addressing the needs of these youth, and *no one area has overall responsibility for tracking the progress of juveniles through the system.* For this study, CGR concentrated on the key areas of Probation, Children’s Integrated Services (CIS), the Department of Social Services (DSS) and Family Court.

***Changes made in 2004 in how PINS youth enter the juvenile justice system sparked changes in data collection processes. One result is that it is not possible to determine the total number of JDs and PINS youth referred to the system for all years 2000 – 2005.***

All juveniles referred to the system by police, schools, providers, parents and others go through an initial intake/screening process. This process, however, has undergone a number of changes and adjustments in recent years. The most significant one occurred when JDs and PINS began entering the system through separate County departments. Prior to November 1, 2004, both groups entered through Probation. After that date PINS youth no longer did. In other words, the County went from having one doorway into the juvenile system (Probation) to having two doorways – Probation and CIS.

CIS, however, was much more than just a new doorway for PINS referrals to the juvenile justice system. Other youths who have no association with the juvenile system also enter through this same doorway. CIS was designed as a single entry point for all youth with behavioral issues, mental health diagnoses, and/or referrals for PINS. The creation of CIS, in fact, was innovative, occurring before the State mandated that every county in New York must offer diversion services that provide, as CIS does, an immediate

response to youth at risk of becoming a PINS, and also services for their families.<sup>2</sup> What many County officials have apparently not realized, however, is that creation of a second doorway into the juvenile system has led to major changes in how youth in the system are tracked. CIS, for example, does not label PINS referrals as such, but instead lists reasons for a referral (e.g., ungovernable, truant). And since more than just potential PINS youth are being tracked in the same CIS database, using the same descriptors, it is not possible to determine which CIS referrals would have been PINS referrals.

As a result, determining an accurate, consistent count of referrals to the system (JD and PINS) for each year between 2000 and 2005 is not possible. What is known is shown below in Table 1.

	<b>JD</b>	<b>PINS</b>	<b>JD/PINS Total by Year</b>
<b>2000</b>	NA	NA	431
<b>2001</b>	180	195	375
<b>2002</b>	214	244	458
<b>2003</b>	172	305	477
<b>2004</b>	202	245*	447*
<b>2005</b>	172	NA*	NA*

Source: Probation Annual Reports

\* CIS does not track referrals as PINS. Thus, PINS referral numbers that would be comparable to those in the table do not exist after 11-1-04.

However, since Probation and CIS have both tracked referrals by “primary complaint(s),” CGR determined – on an admittedly unscientific, approximate basis since Probation and CIS complaint descriptors are only roughly comparable – recent trends for the overall juvenile justice referral system. Despite the many differences in the two tracking systems, CGR concluded that the top six referral reasons – ungovernable youth, truancy, petit larceny, assault, burglary, and criminal mischief – have apparently

***Being ungovernable, truancy, and petit larceny are the top three reasons youths have been referred to the juvenile justice system since 2000.***

<sup>2</sup> The State’s mandate, which was part of PINS reform legislation, took effect April 1, 2005.

## Problems Encountered in Our Assessment

remained unchanged since 2000, with the first three, by far, the most significant.

In gathering data for our assessment of the juvenile system, CGR encountered numerous problems, which were due primarily to the following factors:

- ❖ *Probation, CIS, DSS, and Family Court track youths in the juvenile justice system very differently.* As can be expected, each area has its own requirements to meet, but the customization is so complete that there is virtually nothing common in the way they track individuals. As a result, there is no way to link data for even as few as two components of the system without first going through significant manual data reconciliation. *Thus, following the path of just a single youth through the juvenile justice system is a labor-intensive, time-consuming process. In the words of one manager, “everything is piecemeal.”* CGR also believes that the difficulty of tracking across component parts is a big reason why such tracking occurs only on an as-needed basis.
- ❖ Some of the tracking systems are unnecessarily fragmented and a few lump so much information together that breaking out key information (e.g., placement costs for PINS and/or JDs) requires time-consuming analysis using paper printouts from electronic databases. CGR found that part of the problem is the result of significant information technology issues affecting Probation, DSS, and CIS. Another part of the problem is that when PINS diversion programs were started by the County, the following critical components were not always determined in a timely manner: 1) identification of key benchmarks; 2) identification of mechanisms to deliver the information to track them; and 3) timeframes for developing the mechanisms.
- ❖ There are discrepancies in records between departments. For example:
  - ◆ The numbers of JDs and/or PINS who went into placement during the study period varies by about 25 individuals depending on whether Probation records or DSS payment records are used.
  - ◆ Family Court records show 49 PINS petitions filed in 2005, while CIS records show 44 PINS petitions submitted to court.

- ❖ In May 2006, after CGR had completed its draft report, we received, for the first time, significant new information that required extensive new analyses, tables and graphs throughout our report, impacted our findings, and added to our recommendations. The new information involved updated costs for detention, including new data and information not previously provided on secure detention costs that are highlighted in this final report. Receiving new detention cost information sparked additional questions by CGR, which resulted in our learning the following:
  - ◆ Detention cost data previously provided by the County had mixed some out-of-pocket County costs with gross costs;
  - ◆ Placement costs for youths in the custody of the NYS Office of Children and Family Services (OCFS) – highlighted in this final report – had not been included in data previously provided by the County;
  - ◆ OCFS costs (impacting both detention and placement totals) are paid the year following utilization. This prompted CGR to shift to a “utilization year” cost model rather than a “payment year” model to more accurately “match up” costs.
- ❖ In May 2006, CGR also received new, verified information on detention numbers for the years 2000, 2001 and 2002. CGR had requested verification for these years much earlier, since DSS review of state-supplied information (i.e., in the form of a new Detention Database) for the years 2003-2005 had resulted in numerous corrections. We had not received the verified information for the years 2000-2002 (which required time-consuming manual double-checking by the County) prior to our draft report, and had opted not to use unverified information. Not having comprehensive detention data for all years 2000-2005 had raised concerns about the draft report among key departmental staff. We agreed that full data was needed, again requested verified information for the earlier years, and received it. That information, coupled with new cost information noted above, is included in this final report, and resulted in significant changes, both in the area of listing achievements and emerging concerns.

CGR does not enumerate these latter issues to point fingers, because the information previously provided to us by County staff was extensive and delivered with the belief that it was complete. *Instead we list these issues because they underscore some of the data tracking*

*limitations that now hamper County staff efforts to get a firm handle on juvenile justice system numbers and costs.*

We more than appreciate the considerable time, willingness and significant effort involved on the part of many County staff to answer our questions. Data issues caused us to raise many questions in order for us to determine which data was best to use. Based on that research we provide what is essentially a targeted, system-wide assessment, with detailed information on parts of the system where we were able to compile or gather reasonably valid data. We believe it will be extremely helpful for key departments involved in the juvenile system to have this information – cumbersome, at times, as it was for staff to compile and verify the data.

## 2. TRENDS IN THE JUVENILE JUSTICE SYSTEM

To illustrate major trends in the system for 2000-2005, we primarily relied on the following:

- ❖ Family Court PINS and JD filings;
- ❖ Probation juvenile numbers.

### **PINS Petitions Down 2/3; JDs Up and Down**

As Table 2 shows, there has been a significant drop in the number of PINS filings in Family Court, with total filings now just one third what they were in 2000. This dramatic decline is primarily attributable to two separate PINS diversion programs, coupled with heightened attention Countywide on PINS numbers.

	2000	2001	2002	2003	2004	2005
<b>JD</b>	140	164	179	114	172	147
<b>PINS</b>	151	131	132	101	88	49
<b>Totals</b>	291	295	311	215	260	196

Source: 6<sup>th</sup> Judicial District, Binghamton, NY and Family Court in Elmira

Note: Table shows original filings. Supplemental filings, such as modifications and violation petitions, are not included in above counts.

*Family Court filings have declined mostly due to the impact of PINS diversion programs.*

## Fewer Youth on Probation

*The number of PINS youth put on probation dropped from 81 to 30 in six years. The total number of juveniles under probation supervision at year-end 2005 was 53% of the number supervised at year-end 2001.*

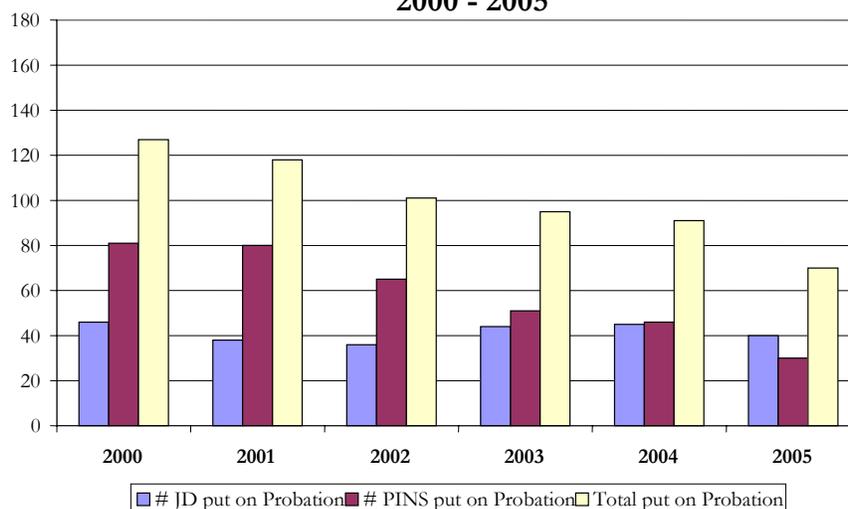
Probation operated a voluntary PINS diversion program from November 2002 to November 2004 and was chiefly responsible for the 33% reduction in PINS court filings between 2002 (132 filings) and 2004 (88 filings).

Probation's diversion program ended with the startup of CIS's diversion program in November 2004. The outcome of the first full year of this second diversion effort was a further reduction in PINS court filings, from 88 to 49 in 2005, or a year-over-year decline of 44%. Initially this second diversion program was also voluntary; that is, a referring source (e.g., school, parent) could bypass diversion and insist that a youth be taken directly to court on a PINS petition. But since July 1, 2005, diversion for this population has been mandatory. By State law, no PINS youth is now referred to court without having first gone through diversion.

In addition to PINS filings, Table 2 shows JD court filings, which have fluctuated up and down since 2000, and total juvenile filings (PINS plus JD), which have fallen since peaking in 2002.

As Graph 1 on the next page clearly shows, since 2000 there has been a corresponding steady decline in the number of juveniles put on probation each year (dropping from 127 to 70 youth). This overall 45% drop-off has been driven almost entirely by the 63% decline in numbers of PINS youth on probation, consistent with the decline in number of PINS filings. The high was 81 PINS youth put on probation in 2000 and the low, reached last year, was 30. On the other hand, the number of JDs put on probation each year has remained relatively stable, with the number of JD youth typically numbering in the high 30s to mid 40s.

**Graph 1: JDs and PINS Put on Probation,  
2000 - 2005**



Source: Probation Annual Reports, 2000-2005

We highlight the following:

1. Not surprisingly, the total number of juveniles *under probation supervision* at the end of every year (a number that includes holdovers from previous years) has also been dropping steadily, from a high of 146 in 2000 and 2001 to a low of 78 last year. Put another way, the number of juveniles under probation supervision on December 31, 2005 was 53% of the number being supervised at year end 2001.
2. Again, not surprisingly, there has also been about a 50% drop in the number of pre-sentence investigations (PSIs) requested of Probation by Family Court (e.g., result of admission of guilt, court considering probation, placement). The number of PSIs declined from 225 to 112 over the six-year period.

### 3. DETENTION NUMBERS AND COSTS

#### Overview of Detention Numbers

Last year a New York State Detention Database became available as part of a Statewide “Data Warehouse” project. Based on this database and careful review and corrections by DSS of the data it contains, CGR was able to compile key information on juveniles who were in detention at any time between 2000 and 2005. Our analysis shows the overall impact of the multi-faceted, on-going

detention strategies in the County (e.g., PINS diversion efforts, having pre-sentence investigations on detained youth completed within 10 days, early identification of alternative options for youth considered at risk of being detained). Table 3 provides an overview of detention admissions since 2000.

	<b>PINS</b>	<b>JD</b>	<b>Other</b>	<b>All Admissions</b>
2000	91	106	0	197
2001	121	98	0	219
2002	163	140	0	303
2003	55	74	3	132
2004	80	83	3	166
2005	71	66	16	153
<b>Totals</b>	<b>581</b>	<b>567</b>	<b>22</b>	<b>1170</b>

Sources: NYS Detention Database and Chemung DSS

Note: other = admissions where the classification (e.g., PINS, JD) was missing from the Detention Database

*Numbers of Detention Admissions Have Declined in Past 3 Years*

Table 3 clearly shows that prior to 2003, overall admissions to detention climbed every year, peaking at more than 300 admissions in 2002. In the first full year after County staff took targeted steps to reduce the use of detention, admissions fell by 56% in a single year (from 303 admissions in 2002 to 132 in 2003). Detention admissions in recent years are up from the low point achieved in 2003, but remain significantly below the levels set between 2000 and 2002.

***Between 2000-2002 (pre-focused attention on detention) and 2003-05 (focused attention) the County experienced a 37% decline in overall detention admissions – with PINS admissions declining 45% and JD admissions dropping by 35%.***

Total detention admissions declined by 37% in the three-year period following the initiation of PINS diversion efforts (451 admissions), compared with the 2000-2002 period (719 admissions). PINS detention admissions declined by 45% from 375 for 2000-2002 to 206 for 2003-2005. For the same two time periods, JD admissions declined by 35%, from 344 to 223.

Since youth can be detained more than once, CGR developed Table 4 below to show the number of separate *individuals* detained each year, counting each individual only once each year, regardless of the number of times detained. The total number of individuals detained in the 2003-2005 period (263) was 22% lower than for the 2000-2002 period (339).

(Note: CGR would also have liked to determine the cumulative unduplicated count of youths detained over all years 2000-2005, but such an undertaking currently requires labor-intensive manual counts using the hard copy printouts from the State's Detention Database and accompanying DSS adjustments, and thus was outside the scope of CGR's study. However, we believe it is important for the County to capture this information in the future, on at least a quarterly basis, in order to know how many youths and siblings from the same families are simply going through detention repeatedly, as if it were a revolving door, and may need an entirely different approach if they are to avoid future involvement with the juvenile justice system, and potentially the criminal justice system.)

	<b>PINS</b>	<b>JD</b>	<b>PINS/JD</b>	<b>Other</b>	<b>JD/Other</b>	<b>PINS/Other</b>	<b>All Youth</b>
2000	47	40	6	0	0	0	<b>93</b>
2001	58	42	10	0	0	0	<b>110</b>
2002	69	52	15	0	0	0	<b>136</b>
2003	40	41	5	2	0	0	<b>88</b>
2004	43	42	6	1	2	0	<b>94</b>
2005	32	26	11	7	3	2	<b>81</b>
<b>Totals</b>	<b>289</b>	<b>243</b>	<b>53</b>	<b>10</b>	<b>5</b>	<b>2</b>	<b>602</b>

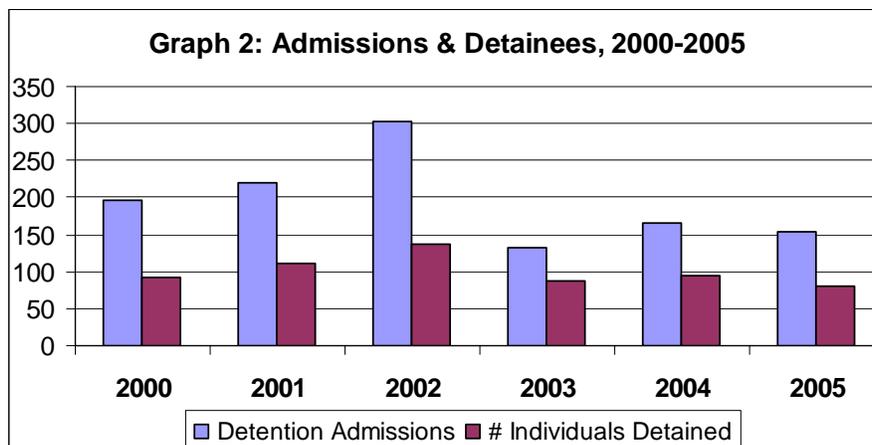
Sources: NYS Detention Database and Chemung DSS

Note: other = admissions where the classification (e.g., PINS, JD) was missing from the Detention Database; youth with a dual classification (e.g., PINS/JD, JD/Other) had different classifications for different detention admissions in the year and thus are listed as shown.

Graph 2 graphically illustrates the trends in admissions since 2000 compared with the numbers of individual youths actually detained each year, which serves to illustrate the degree to which multiple admissions may be occurring in a year. Based on Graph 2, we note:

- ❖ Youth were more likely to be in detention multiple times in the years 2000 – 2002, prior to the period when County staff put a spotlight on detention numbers.
- ❖ Since then the best outcome – in terms of reducing the number of multiple admissions per year – was achieved in 2003, the first full

year the County had new focused detention strategies. However, the incidence of youth going to detention multiple times increased in both 2004 and 2005 over 2003 levels.



Sources: NYS Detention Database and Chemung DSS

Note: Detainees = unduplicated count of the number of youth detained in a year

*Non-Secure Detention Days Down, But Secure Days Have Increased*

***Despite dramatic reductions in days of care for non-secure detentions since 2002, the County should note that days of care for youth in secure detention facilities have risen dramatically in recent years. Days of care for secure detentions reached a new high point in 2005.***

Table 5 on the next page shows the detention days of care, broken down by secure and non-secure detentions, for the years 2000-2005. Based on the table, we note that the County's detention reduction strategies have dramatically reduced the number of days of care since 2002, and that detention days of care in non-secure facilities have continued to drop every year since the new approaches to detention and diversion were implemented. *However, the County should take particular note that the days of care in secure detention facilities have risen dramatically in recent years. The days of care for secure detentions reached a new high in 2005 – almost four times higher than the low mark in 2003.* We believe the rising number of secure detention days of care appears to be out of sync with overall numbers of youth in the juvenile system, and calls for a new, targeted effort to understand the reasons why secure detention days are now so high. CGR suggests a collaborative effort, including the Family Court judge who makes the determination on whether a detention will be secure or not, will be needed in order for the County to craft an effective response. *As a later section of this report will show, numbers for secure detentions are resulting in high secure detention costs that are impacting overall detention cost savings for the County.* However, CGR urges DSS to closely note the number of secure detention days of care and correlate them with costs (shown later in Table 9, with related CGR questions noted on pages 15-16).

<b>Table 5: Detention Days of Care 2000-2005</b>						
	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
Secure	435	465	590	154	396	594
Non-secure	3,340	3,507	4,432	1,956	1,859	1,719
<b>Totals</b>	<b>3,775</b>	<b>3,972</b>	<b>5,022</b>	<b>2,110</b>	<b>2,255</b>	<b>2,313</b>

Sources: NYS Detention Database and Chemung DSS

The next table, Table 6, shows the average number of days spent in detention per youth per year. It is not surprising, given the trends noted earlier, that the average dropped significantly after the adoption of the new approach to detention. However, although the average fell to 24 days per youth per year in 2003 and stayed there in 2004, the average rose last year to 28.6 days per youth. Although this may simply be a one-year upturn, CGR recommends Chemung DSS staff track averages in the future in order to determine if a new trend is, in fact, developing, and if so, to take steps to address it.

<b>Table 6: Average Number of Days Detained Per Youth Per Year</b>						
	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
# Youth Detained	93	110	136	88	94	81
Total Detention DOC	3775	3972	5022	2110	2255	2313
Avg. Detention DOC	40.6	36.1	36.9	24.0	24.0	28.6

Source: NYS Detention Database and Chemung DSS

DOC = days of care

## **A Closer Look at Detention Numbers Post - 2002**

Since the County is specifically interested in what the new detention reduction strategies have achieved over time, CGR took a particularly close look at detention numbers for the years 2003-2005, a period when *total* PINS and JD filings in Family Court declined by 9% (from 215 to 196) but *PINS filings* dropped a dramatic 52% (from 101 to 49). Our analyses specifically pointed us to detention admissions numbers and total days of care for PINS (Table 7) and JDs (Table 8).

**Table 7: PINS Detention Trends, 2003 – 2005**

	2003	2004	2005
# Admissions	55	80	71
Total Days of Care	696	776	808

Sources: New York State Detention Database and Chemung DSS

Note: Table 7 does not include data on admissions that were not classified as PINS or JDs by NYS (3 each in 2003 and 2004 and 16 admissions in 2005). If this information had been available it is likely that both the number of PINS admissions and days of care shown in the table would have been higher.

**Table 8: JD Detention Trends, 2003 – 2005**

	2003	2004	2005
# Admissions	74	83	66
Total Days of Care	1,347	1,169	1,244

Sources: New York State Detention Database and Chemung DSS

Note: Table 8 does not include data on admissions that were not classified as PINS or JDs by NYS (3 each in 2003 and 2004 and 16 admissions in 2005). If this information had been available it is likely that both the number of JD admissions and days of care shown in the table would have been higher.

*PINS Detention  
Admissions & Days of  
Care Are Up*

*Despite falling numbers of PINS petitions to Family Court since 2003, both PINS admissions and PINS detention days of care were up in the past two years over 2003 levels.*

Despite significantly fewer PINS petitions to Family Court every year since 2003, Tables 7 and 8 show:

- ❖ PINS detention days of care in the past two years were up significantly over levels achieved in 2003. CGR believes they were likely even higher than Table 7 shows, since not all admission information was available for analysis, especially in 2005 (see note accompanying Table 7).
- ❖ Despite significant declines in PINS youth in the juvenile system, PINS youth, when compared with JDs, appear to be having an increasing impact on the number of detention admissions and detention days of care.

There are higher numbers of PINS admissions in both of the past two years than there were in 2003. Even though some admissions to detention merely reflect the movement of individual youths from one facility to another, the higher numbers of PINS detention admissions over 2003 levels – *given the dramatic drop overall in PINS youth in the juvenile justice system* – should prompt scrutiny by all parties concerned with detention. Questions to be addressed include the following: Is detention always being appropriately used for PINS youth? Is there a need for new alternatives to detention for PINS youth? Is there a more effective solution – other than detention – for youth (and siblings) who are returning repeatedly to detention? Addressing these issues, however, will involve capturing more data than has been captured to date in the juvenile justice system. Specific data issues are addressed later in this report.

## Overview of Detention Costs

Chemung DSS tracks detention costs for youth in the juvenile justice system but does not separately break out PINS detention costs from JD detention costs in its electronic payment system. Table 9 below does show key information on detention costs that is captured by DSS. The table incorporates new, updated detention cost information CGR received in May 2006.

	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
Secure	\$62,850	\$141,376	\$44,852	\$34,542	\$90,848	\$139,652
Non-Secure	\$601,323	\$659,029	\$851,550	\$545,674	\$540,683	\$449,532
Transportation	\$11,624	\$20,796	\$39,250	\$9,179	\$12,676	\$19,432
<b>Total Detention Costs</b>	<b>\$675,797</b>	<b>\$821,201</b>	<b>\$935,652</b>	<b>\$589,395</b>	<b>\$644,207</b>	<b>\$608,616</b>
<b>County Share (50%)</b>	<b>\$337,899</b>	<b>\$410,601</b>	<b>\$467,826</b>	<b>\$294,698</b>	<b>\$322,104</b>	<b>\$304,308</b>

Source: Chemung DSS

Notes:

- a) Secure detention costs are paid the year following utilization, so in order to match up secure and non-secure costs 2000-2005, CGR uses the detention utilization year (not the payment year) to determine the cost of detentions each year.
- b) 99% of secure detentions are through the NYS Office of Children and Family Services. All OCFS detentions are secure.
- c) The 2005 secure cost of \$139,652 is a projected cost but the County has been notified by OCFS to expect bills totaling half this amount (representing the County's 50% share).

*Non-Secure Detention Costs Down, But Secure Costs Increasing*

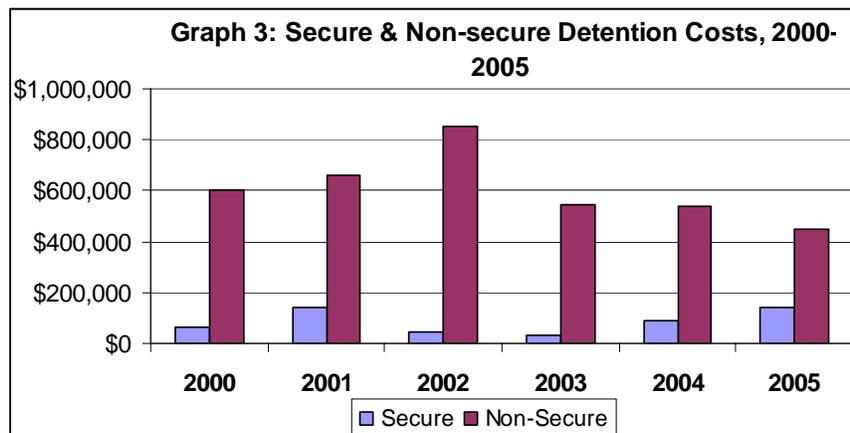
Based on Table 9, CGR highlights the following key points:

- ❖ Overall detention costs rose at a rapid rate from 2000 through 2002, then fell dramatically (37%) in 2003, the first full year of the new approach to detention. *However, in the past two years, detention costs are up over 2003 levels.*
- ❖ Non-secure detention costs have not fueled these increases in the past two years. In fact, non-secure detention costs have fallen every year since 2002. The biggest drop (nearly \$306,000) occurred in 2003, in the first full year of focused attention on detention numbers. Since then, additional year-over-year cost savings in non-secure detention costs have been more modest (about \$5,000 in 2004 and about \$91,000 in 2005, with the latter savings due largely to reducing dependence on outside detention facilities to a new low of just \$21,000). CGR commends the many County staff in many departments (e.g., CIS, Probation, DSS) who have worked very hard to divert youth from the juvenile justice system (which resulted in lower non-secure detention costs since 2002), but believes they would also agree that opportunities for major savings in non-secure detention costs are getting harder to find.
- ❖ Costs for secure detentions, on the other hand, have been rising rapidly in the two years since 2003, and by year-end 2005 had nearly reached the high point set in 2001, before any targeted attention was focused on detention usage. Put another way, costs for secure detentions are “eating up” significant savings achieved through having lower non-secure detention costs. CGR agrees with one County official, who calls the rate of increase in secure detention costs “alarming.” *CGR believes a quadruple increase between 2003 and 2005 in the costs of detaining youth in secure detention facilities appears to be out of sync with the numbers of youth in the juvenile justice system and warrants attention by the County.* A collaborative effort, which should include all key parties (e.g., Family Court judge, DSS, Probation, and CIS), will be required to ensure that all components of the juvenile justice system understand the issues and the cost implications, and that appropriate responses can be developed.
- ❖ *However, CGR draws particular attention to the fact that, on the surface, numbers of secure detention days of care (Table 5) and the corresponding costs (Table 9) do not bear a consistent relationship.* CGR cannot determine, for example, why 590 secure detention days of care in 2002

***CGR believes a quadruple increase between 2003 and 2005 in costs to detain youth in secure detention facilities appears to be out of sync with the numbers of youth in the juvenile justice system, and warrants attention by the County.***

involved gross costs of about \$45,000, while 594 secure days in 2005 are anticipated to result in gross costs of about \$140,000. CGR is aware, however, that OCFS does, at times, seek rate adjustments from the County that arrive years after utilization occurs. We recommend internal DSS evaluation and follow up as needed.

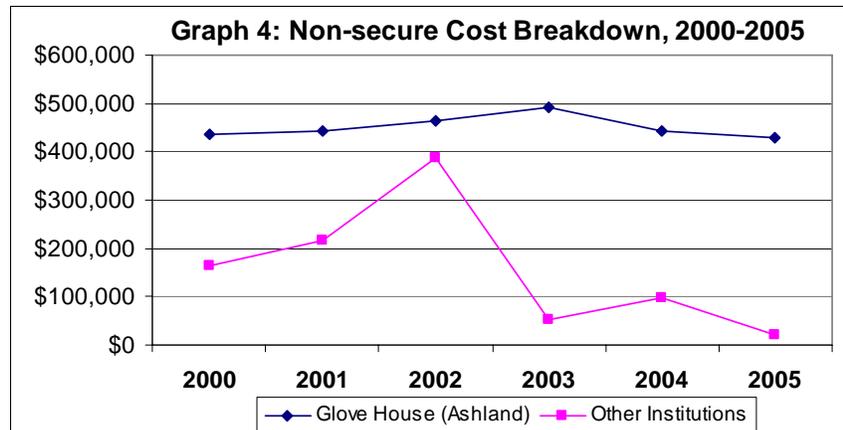
Graph 3 is a graphic illustration of what has happened with non-secure and secure detention costs since 2000, based on available data.



Source: Chemung DSS

### *Why Non-Secure Detention Costs Are Down Since 2002*

Reductions in non-secure detention costs since 2002 are the result of two factors. By far the more important factor, as illustrated in Graph 4 below, is the fact that the County now has far less dependence on outside, typically per-diem, detention institutions as a result of having lower detention numbers after 2002, which is clearly attributable to the new Countywide focus on detention reduction strategies, including PINS diversion efforts. Recent steps taken by DSS leadership to rein in costs involving the local detention facility have contributed to recent costs savings as well.



Source: Chemung DSS

According to DSS leadership, the County at one time was paying Glove House for all eight beds at its local detention facility (Ashland), whether they were fully used or not, and then negotiated to pay for seven beds, but later provided additional funds to Glove House to partially offset the cost of the eighth bed. The decision to pay additional dollars for a period of time was prompted by the fact that the County wanted to maintain the detention facility but Glove House couldn't operate Ashland without additional funding, since it had been unable to "rent" the remaining bed.

Late last year, however, DSS took a new approach to cutting detention costs, because it found the pattern of detentions had translated into an average 40% vacancy rate at Ashland since 2004. DSS also assumed that County-wide efforts to reduce PINS filings (coupled with the NYS law effective in mid-2005 mandating diversion efforts for PINS referrals) would lead to further reduction in bed days into 2006 and beyond. So in late 2005 the County "bought" only five beds at a detention facility run by Glove House in Steuben County, eliminating Ashland for detainees. [Note: Given CGR findings that PINS detention days of care have actually increased in the past two years, we recommend that DSS closely monitor bed usage (PINS and JDs) under its new plan in future years.]

### *CGR Observations*

Compared with the 2000-2002 period, the County since 2003 has achieved significant reductions in detention numbers and significant dollar savings as a result of putting a spotlight on

detention usage. However, there are, as CGR analyses have shown, some troubling signs for the County that bear watching over time. To recap, we found that compared with 2003, for 2004 and 2005 there were:

- ❖ Dramatic increases in numbers and costs for secure detentions;
- ❖ Higher numbers of PINS detention days of care despite fewer PINS youth in the juvenile justice system;
- ❖ A disproportionate impact by PINS youth, when compared with JDs, on detention admissions;
- ❖ Increased incidence of youth being put in detention multiple times. How much of this is a factor simply due to the movement of a youth from one facility to another, as distinguished from truly separate detention admissions, currently can only be calculated via time-consuming hard copy hand counts, which was beyond the scope of this study. Improvements in data tracking capability are needed in order for the County to determine the real significance of the “multiple detention” issue.

As a result, CGR believes there is a strong need for the County to take the following three steps:

- 1) Ensure that all parties – from the front door to the back door of the system – are on board with County goals regarding detention. This will require everyone having a fuller understanding of what is happening with overall numbers and costs. Without a full commitment from all key players, the goal of holding the line or further reducing detention costs will not necessarily be met.
- 2) Gain a better understanding of which PINS and JD youth are going into detention and how often.
- 3) Become serious about developing alternatives to detention. We believe an ideal pilot group would be PINS youth who are detained frequently. To quote one attorney who works in Chemung’s juvenile justice system: “A PINS case is like holding onto jello. It is awfully hard to get your hands around it, and the tools for dealing with PINS are limited.”

The County has a Detention Group, which consists of representatives from all County areas that deal with detention or detention prevention. In late fall 2005 members of this group were challenged by a judge who said, “You do not want me to use

detention, give me another alternative.” The Detention Group took initial steps to look at evidence-based alternatives to detention, but by early 2006 had not yet made substantial progress, due to other demands on staff time. CGR suggests this effort should become a priority for the County, and that the Family Court judge be involved in discussing alternative options.

## 4. PLACEMENT NUMBERS AND COSTS

As previously noted, placement days are longer-term out-of-home living arrangements (as opposed to the relatively temporary custody of detentions) where youth are placed in facilities ranging from group homes to foster care, and from residential treatment centers to state placement facilities.

The County has two types of juvenile justice placements: a) for youth that Family Court places in the custody of Chemung DSS and b) for youth the court places in the custody of the NYS Office of Children and Family Services (OCFS), the state agency responsible for confining youth in state-run placement facilities. We begin our assessment of placement by identifying total (gross) placement costs for 2000-2005 in Table 10 on the next page, then provide, separately, the key available information on the two different types of placement, and finally identify the County’s share of placement costs, which are 35%-40% for youth in DSS custody, and 50% for youth in OCFS custody.

	2000	2001	2002	2003	2004	2005*
Youth DSS custody	\$2,136,987	\$2,357,948	\$5,568,939	\$2,712,491	\$2,285,290	\$1,523,466
Youth OCFS custody	\$374,512	\$381,030	\$628,196	\$609,784	\$687,716	NA
<b>Total</b>	<b>\$2,511,499</b>	<b>\$2,738,978</b>	<b>\$6,197,135</b>	<b>\$3,322,275</b>	<b>\$2,973,006</b>	<b>\$1,523,466</b>

Source: Chemung DSS and CGR analysis

\*2005 placement costs for youth in DSS custody won't be known until year-end 2006 (see section of this report entitled *How we Counted DSS Placement Numbers and Costs* for full explanation); OCFS invoices for 2005 placements will be billed in 2006 and are listed as NA (not available)

Note: the County pays OCFS placement costs the year following utilization. In order to match up DSS and OCFS placement costs to the extent possible (since each type of placement cost, based on DSS data, was calculated somewhat differently), we used the utilization year (not payment year) to determine costs. The OCFS cost for 2001 includes gross charges (\$18,236) for a "rate adjustment" the state applied for that year, but for which the County was billed (at its 50% share or \$9,118) in 2005. Rate adjustments made by OCFS can be delayed for years and Chemung DSS has no way of knowing if there will be additional rate adjustments for years after 2001.

Based on Table 10, CGR's key findings about overall placement costs are:

- ❖ Placement costs for 2002 stand out as being extraordinarily high – at nearly \$6.2 million the total cost far outpaced costs for any other single year.
- ❖ Recent initiatives and programs to divert youth from the juvenile justice system (e.g., PINS diversion and related efforts) have dramatically reduced costs from the abnormally high level set in 2002, with reductions occurring year-over-year through 2004. Discounting any impact due to inflation, total gross costs for 2003 and 2004, however, did not fall to pre-2002 levels.
- ❖ It is too early to tell whether the County's drive to have fewer youth in the juvenile justice system, and collaborative efforts to avoid placement, will translate to lower total placement costs for 2005. That's due to the fact that comparable costs for 2005 won't be known until year-end 2006.
- ❖ Particular note should be made of 2003 and 2004 costs for youth in OCFS custody, since these costs are not only dramatically higher than they were in 2000 and 2001, but also set a new high mark in 2004 at nearly \$688,000. Put another way, cost savings achieved by the County in one area (placements for youth in DSS custody) are being eaten up by cost increases in another area (placements for youth in OCFS custody). CGR believes focused

***Cost savings achieved by the County in one area (placements for youth in DSS custody) are being eaten up by cost increases in another area (placements for youth in OCFS custody).***

attention should be paid to factors contributing to OCFS placement costs and any alternatives that could be explored in order to bring these costs down. We believe such an effort must be collaborative, and that it will require improved data analysis, and a fuller understanding by all component parts of the juvenile justice system including Family Court of cost implications due to recent trends in OCFS placements.

## **Placements – Youth in DSS Custody**

Obtaining accurate placement data for youth in the custody of DSS was the single most labor-intensive task for anyone involved in compiling data for the juvenile justice system study. Since the existing DSS tracking system routinely lumps placements together – whether they are the result of a PINS petition, juvenile delinquency, parental neglect, or abuse by a family member – DSS had to print individual payment records and enter data into spreadsheets in order for CGR to compile comprehensive counts for juvenile justice placements.

### *How We Counted DSS Placement Numbers and Costs*

To determine whether the individuals placed were PINS or JDs, we turned to Probation records, and CGR manually matched Probation information and DSS information. (Note: for a youth who was both a PINS and a JD at some point during 2000-2005, we could not determine whether a specific placement was related to PINS or JD activity, or both. Thus, CGR placement numbers/costs below are broken down into three, rather than two, groups – PINS, JDs, and PINS/JDs.)

For youth in DSS custody, the number of placements for a given year was determined by the number of youths who started a placement “event” during that year. For example, a youth placed from December 2003 until January 2005 was counted as a 2003 placement. If the juvenile was again in placement for several months in 2005, the same youth was listed again as a 2005 placement. Extensions, where there was no break in days in placement, were not counted as new placements.

CGR determined days of care and costs on the same basis (e.g., using the scenario above, the same youth would have placement “days of care” and “costs” for 2003 and also for 2005). Any youth who entered placement since 2000 was included in our analysis. For any youth who was still in placement at year-end 2005, days of

care and costs were computed through January 31, 2006. CGR then charted and/or graphed placement data, and we note our major findings below each of the tables and graphs that follow.

*Placements of Youth in DSS Custody Down Significantly*

As shown in Table 11, total placements for youth in DSS custody have declined steadily since peaking in 2001.

**Table 11: Number of Youth in DSS Custody Placed, 2000 – 2005**

	2000	2001	2002	2003	2004	2005
<b>JD</b>	8	10	18	8	13	13
<b>PINS</b>	19	22	20	15	7	6
<b>PINS/JD</b>	12	18	11	9	9	5
<b>Total</b>	39	50	49	32	29	24

Source: CGR analysis was based on JD/PINS information from Probation and DSS placement data developed for this study

*There were 223 juveniles in DSS custody placed since 2000 – 40% were PINS, 31% JDs, and 29% were both.*

*35% of the youths placed had two or more placements*

*Total placements have fallen by 50% from 2001/2002 pre-diversion levels.*

- ❖ Over the past six years, the total number of individuals placed was 223. The breakdown and percent of total placements was: 89 PINS, including 9 reduced in court from JD status (40%); 70 JDs (31%); 64 PINS/JD (29%).
- ❖ Of the 223 individuals placed, the number of placements breaks down as: 1 placement (144); 2 placements (59); 3 placements (13); 4 placements (5); and 5 placements (2). Thus more than a third of all individuals were placed more than once during these six years.
- ❖ The average length of stay in placement was 393 days, but JDs tended to be in placement for shorter periods (331 days average) than either of the other groups (about 445 days average).
- ❖ Reductions in PINS and PINS/JD placements have been significant in the past three years, which coincides with the period of time that PINS diversion programs have been operating in the County.
- ❖ There is no discernable trend for JD placements, which have fluctuated up and down in recent years.
- ❖ For 2005 the total number of placements was about 50% lower than levels the County experienced in both 2001 and 2002.

As shown below in Table 12 and Graph 5, days of placement for youth in DSS custody have also been declining steadily since 2000

for PINS and PINS/JDs, and to a lesser extent among JDs since peaking in 2002.

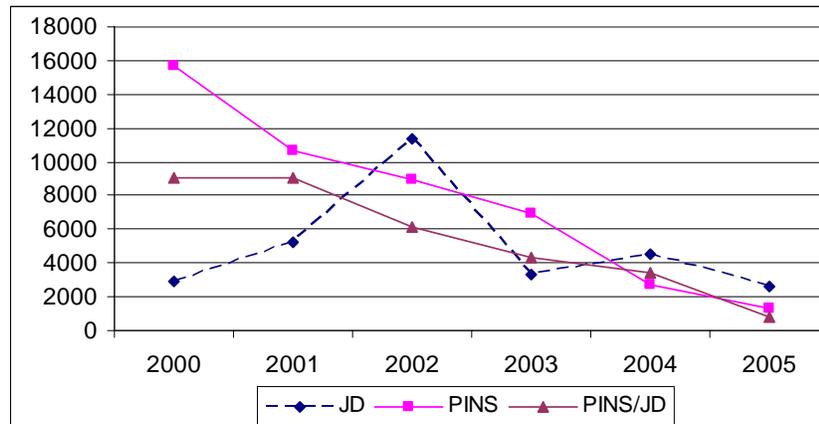
**Table 12: Days of Placement for Youth in DSS Custody, 2000 - 2005**

	2000	2001	2002	2003	2004	2005*
<b>JD</b>	2,905	5,225	11,330	3,340	4,481	2,630
<b>PINS</b>	15,663	10,695	8,986	6,927	2,755	1,312
<b>PINS/JD</b>	9,059	9,070	6,182	4,290	3,407	832
<b>Total</b>	27,627	24,990	26,498	14,557	10,643	4,774

Source: Chemung DSS and CGR analyses.

\*As of January 31, 2006 there were 24 open cases: 13 JDs, six PINS, five PINS/JDs. Nineteen had been placed in 2005, three in 2004, and two in 2003.

**Graph 5: Days of Placement for Youth in DSS Custody, 2000 - 2005**



Source: Chemung DSS and CGR analyses

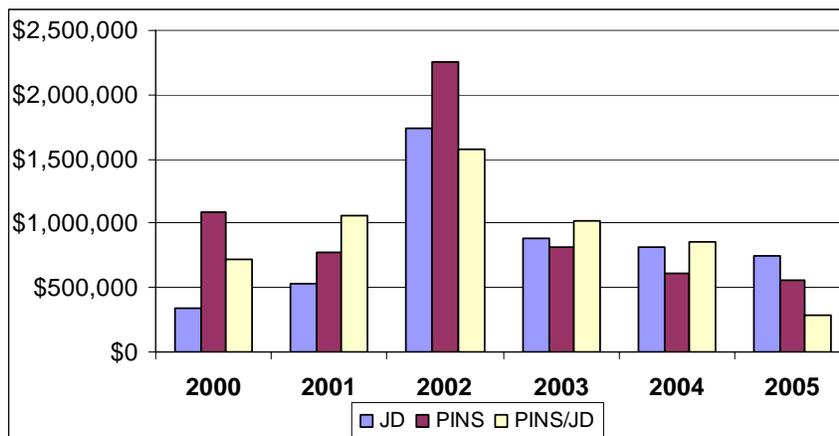
- ❖ Of the 109,000 placement days over the six years:
  - ❖ PINS accounted for 42% - over 46,000 days, including 6,000 days for PINS reduced in court from JD status;
  - ❖ PINS/JDs accounted for 30% - nearly 33,000 days;
  - ❖ JDs accounted for 27% - about 30,000 days.
- ❖ While PINS and PINS/JD days of placement have been on a consistent downward trend since 2000, 2002 was an unusually high year for JD placements. In all other years JD placement days were dramatically lower, though they have been higher in 2003 and 2004 (and probably higher in 2005 when full data are in) than in 2000.
- ❖ Total days of placement were lower than in 2000 in every subsequent year, and in 2004 were only about 39% of what placements had been in 2000. A big portion of the decline has occurred since the County's diversion initiatives started in 2002. (Note: 19 of the 24 placements made in 2005 were still open at the time of CGR's analysis, and total comparable days of placement for 2005 won't be known until year-end 2006.)

*In 2004, placement days for youth in DSS custody were less than 39% of what placement days had been in 2000.*

*Declining Placement Costs for Youth in DSS Custody*

As shown in Graph 6, placement costs for youth in DSS custody have been steadily declining since they peaked in 2002, suggesting the impact of the diversion efforts and other initiatives to avoid placement. The reduction has been most pronounced among PINS and PINS/JD cases, while JD costs, though lower than 2002, remain higher than they were in 2000 and 2001.

**Graph 6: Youth in DSS Custody Placement Costs, 2000-2005\***



Source: Chemung County DSS

\*2005 costs are not complete, and won't be known until end of 2006

As Graph 6 clearly illustrates, 2002 was an unusual year, in terms of costs, for placements of all three juvenile justice groups of youth in DSS custody. Thus, if 2002 is considered an aberration (and 2005 is not included because full-year costs are not yet known), CGR makes the following observations *about placements for youth in DSS custody*, based on Table 13 below:

***Because JD placement costs are so much higher than they were in 2000 and 2001, their costs are eating up some of the recent savings the County seems to be achieving via PINS diversion and fewer PINS placements.***

The County first began to see a significant drop in PINS costs (compared with pre-2002 levels) in 2004. It won't know if it can maintain or improve on this level until year-end 2006, when most cost data from 2005 placements are complete. CGR strongly recommends the County pay closer attention to all juvenile justice placement costs in future years to understand what trends may or may not be developing. For example:

- ❖ Because JD placement costs were so much higher in recent years than they were in 2000 and 2001, their costs are eating up some of the recent savings the County seems to be achieving via PINS diversion and fewer PINS placements.

	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005*</b>
<b>JD</b>	\$334,972	\$526,021	\$1,740,282	\$886,768	\$815,342	\$682,356
<b>PINS</b>	\$1,083,898	\$768,299	\$2,252,632	\$809,664	\$615,685	\$557,510
<b>PINS/JD</b>	\$718,117	\$1,063,627	\$1,576,026	\$1,016,059	\$854,262	\$283,600
<b>Total</b>	\$2,136,987	\$2,357,948	\$5,568,939	\$2,712,491	\$2,285,290	\$1,523,466

Source: Chemung DSS and CGR analyses of costs

\*2005 costs are not complete and won't be known until year-end 2006.

Note: The County pays 35% to 40% of total placement costs in the table. The County's share varies each year, depending on the block grant involved and the number of placements.

## **Placements – Youth in OCFS Custody**

Information on numbers of placements for youth in OCFS custody for the years 2000-2005 was not available for this study. CGR was not made aware of: a) how the County tracks these placements, b) the number of individuals involved and c) how the County monitors the costs. For this report CGR specifically requested data from DSS on all juvenile-justice related placement numbers and costs for the years 2000-2005. We were not made aware – until after the draft report of this study was complete – that data on placements for youth in the custody of OCFS had not been included in the original placement data developed for CGR.

However, DSS staff, who worked closely with us on many different aspects of this study and were helpful in so many ways, did provide, in May 2006, cost information on these placements. We used this information to develop Table 10, shown previously, and for tables that appear on the following page about the County's share of placement costs.

As noted earlier, placement costs for youth in OCFS custody, which reached a high in 2004, are eating up cost savings achieved through reducing costs for other placements (those for youth in DSS custody). Clearly the County must pay more attention to these numbers and costs.

## **County Share of Placement Costs**

Table 14 shows the minimum amount Chemung County taxpayers would have paid for juvenile justice-related placements since 2000, and Table 15 shows the maximum amount. The County's share of placement costs for youth in OCFS custody is 50%, but for youth in DSS custody the County's share is 35%-40%, depending upon the number of placements and the block grants involved. CGR did not have a breakdown of the DSS percentage by year, so we calculated both the minimum and maximum County out-of-pocket costs for juvenile justice-related placements for 2000-2005.

	2000	2001	2002	2003	2004	2005*
<b>Youth DSS Custody (County cost = 35%)</b>	\$747,945	\$825,282	\$1,949,129	\$949,372	\$799,852	\$533,213
<b>Youth OCFS custody (County cost = 50%)</b>	\$187,256	\$190,515	\$314,098	\$304,892	\$343,858	NA
<b>Total</b>	<b>\$935,201</b>	<b>\$1,015,797</b>	<b>\$2,263,227</b>	<b>\$1,254,264</b>	<b>\$1,143,710</b>	<b>\$533,213</b>

Source: Chemung DSS and CGR analysis

\*2005 costs for youth in DSS custody won't be known until year-end 2006; OCFS will bill the County for 2005 placements in 2006

NA = not available

	2000	2001	2002	2003	2004	2005*
<b>Youth DSS Custody (County cost = 40%)</b>	\$854,795	\$943,179	\$2,227,576	\$1,084,996	\$914,116	\$609,386
<b>Youth OCFS custody (County cost = 50%)</b>	\$187,256	\$190,515	\$314,098	\$304,892	\$343,858	NA
<b>Total</b>	<b>\$1,042,051</b>	<b>\$1,133,694</b>	<b>\$2,541,674</b>	<b>\$1,389,888</b>	<b>\$1,257,974</b>	<b>\$609,386</b>

Source: Chemung DSS and CGR analysis

\*2005 costs for youth in DSS custody won't be known until year-end 2006; OCFS will bill the County for 2005 placements in 2006

NA = not available

As Tables 14 and 15 illustrate, County out-of-pocket expenses for juvenile justice-related placements have typically never been less than \$1 million a year since 2000, and in 2002 exceeded \$2 million. To date, though 2004, the County does not appear to be spending less money on juvenile justice placement costs than it was in 2000 and 2001, though costs are clearly lower than they were in 2002, except for higher OCFS costs. Considering the level of annual expenditures, CGR strongly recommends the County develop the capability to separately and electronically track juvenile justice-related placements – and be able to break out costs for PINS and JDs.

## 5. SUMMARY IMPACT OF PINS DIVERSION PROGRAMS

Chapter 5 provides a closer look at the County’s PINS diversion programs, and summarizes their impact.

The PINS diversion effort really dates to 2002, a year when County officials were assessing how best to deal with PINS youth ages 16-18, a new population for the juvenile justice system resulting from a state law change that had raised the upper age limit for PINS eligibility. The County applied for diversion funds to help develop a plan of action, and representatives from the VERA Institute of Justice in New York City came to the County to provide technical assistance. VERA developed significant data in the course of its work, which was made available to CGR for this report. The VERA report provides, in essence, a “snapshot” (as opposed to a multi-year overview) of the status of PINS youth in the County prior to full implementation of any PINS diversion effort.

### Phase 1: Pre-Diversion 2002

As a result of VERA research, we know that in 2002:

- ❖ Chemung ranked fourth highest of 11 comparison counties in the state in the number of PINS intakes. (Note: the purpose of intake is to screen referrals, but depending on what’s involved a referral may or may not involve more than one intake.)
- ❖ Detention costs for juveniles had climbed dramatically from the two previous years, alarming County officials. VERA noted it could not break out PINS detention costs from JD detention costs, due to the way data was kept in the County.
- ❖ VERA also noted County record-keeping systems could not provide information on numbers of PINS youth placed, average length of stay for PINS placements, or total cost of PINS placements.
- ❖ Schools accounted, by far, for the most PINS intakes, while parents, police and DSS staff together accounted for only about two-thirds the school number.
- ❖ Youths ages 14-15 accounted, by far, for both the largest number of PINS intakes in Probation and the bulk of cases that were

actually sent to Family Court (petitions). The second most significant group was the 12-13 year-old age group.

- ❖ For the most prevalent age group – 14 and 15 year-olds – truancy was a bigger issue than ungovernable youth, whether measured in terms of Probation intakes or Family Court petitions.

By fourth quarter 2002, County staff involved in the juvenile justice system began a collaborative effort to reduce high detention numbers and costs. Probation fine-tuned planed to launch a PINS diversion program and began turning around pre-sentence investigations on detained youth within 10 days. The County's Placement Review team began at an early stage to explore alternative options for youth considered at risk for detention. There were other collaborative efforts, which have continued even to the present time. (Note: a collaborative effort is currently underway to assess the long-term effectiveness of a program known as STAR, a boot-camp type program for juveniles, for which the County contributes funding.)

In fall 2003 VERA directed a retreat that involved approximately 50 juvenile justice system stakeholders, including judges, school representatives, attorneys, not-for-profit organizations, County staff and others. The individuals at this retreat developed models for addressing the PINS issue, and discussions on next steps continued. By that time Probation's PINS diversion effort was well underway.

## Phase 2: Probation Diversion Program Begins Late 2002

*Probation diverted about 57% of PINS referrals (311 of 550) in 2003 and 2004. Of the diverted cases, 49 (16%) ended up as petitions to court. Of those sent to court, only 9 were placed with DSS and 20 with Probation.*

Probation's Diversion Program primarily involved Probation staff working one-on-one with youths (but not usually their families). CGR refers to the two-year period when Probation's Diversion Program operated as the second phase in Chemung's approach to PINS. According to many we talked to in the County, this phase marked the first time that a spotlight was put on detention costs in the County.

Although Probation began its diversion program in November 2002 and ended it in November 2004, CGR uses full-year County data for 2003 and 2004 at times below in order to continue to paint the evolving PINS scenario. CGR makes the following points about the Phase 2 period:

- ❖ **Diverted Cases:** Of 550 total PINS referrals to Probation in 2003-2004 (see earlier Table 1), 311 or about 57% were diverted

by the department. Of the diverted cases: 62% were successfully diverted (issues addressed upfront prior to court) and closed; 10% were withdrawn and closed prior to court, and 16% (49 cases) went to petition in Family Court. Several cases were only sent to petition to get court approval for Probation to prolong the diversion effort, and all of these cases closed without additional court intervention. Of the remaining 45 juveniles, only nine ended up being placed with DSS and only 20 were put on probation. All of the others were either dismissed, discharged, received suspended sentences, conditional discharges or adjournments in contemplation of dismissal (ACD).

*Of about 240 cases that Probation could not direct to its voluntary diversion program, 140 (58%) ended up as petitions to Family Court over a two-year period.*

- ❖ **Non-Diverted Cases:** During this same two-year period, Probation did not keep a comparable electronic database for cases that it was unable to direct to its voluntary diversion program. However, based on Table 1, we know the total number of non-diverted PINS referrals to Probation over the same two years was approximately 240. Of this number, a very large portion – 140 young people or 58% – ended up named in petitions to Family Court. What happened to the other 100 (e.g., withdrawal, no action, failure by a school/parent to pursue) CGR was unable to ascertain since the information exists only in paper files.

### *CGR Observations*

The available data does not allow us to draw conclusions regarding emerging trends for 2003-2004. We can only point to some interesting data from the 49 cases Probation diverted that ultimately ended up as petitions in court. The data show the following: a) ungovernable youth were much more of an issue than truant youth, and b) the vast majority of PINS petitions were for older youth, those aged 16 and up.

In sum, it is clear that Probation's voluntary program and collaborative efforts throughout the juvenile justice system to contain costs significantly diverted PINS cases from Family Court. In addition, diverted cases that did reach court were generally for more serious issues than truancy and typically for an older population group. It is also clear that when cases weren't diverted, nearly six out of every 10 ended up in Family Court. In other words, the fact that the Probation Diversion program was voluntary had a definite impact on the ultimate number of petitions filed. Had diversion been mandatory, we assume there would have been an even bigger impact on reducing petitions in Family Court.

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### **Phase 3: CIS ("First Response") Diversion Begins in Late 2004**

The creation of a second diversion program by Children's Integrated Services (CIS) – the Chemung governmental unit frequently referred to by one of its component parts ("First Response") – led to the elimination of Probation's Diversion Program, effective November 2004. However, two Probation officers became a part of the new CIS diversion effort, working from CIS, but still as Probation personnel.

Three County departments and one nonprofit agency – DSS, Mental Health, Probation, and the Alcohol and Drug Abuse Council – were the key parties involved in the post-VERA retreat discussions that led to the creation of the CIS program.

Philosophical differences between the Probation Department and the human services departments, however, quickly surfaced and remain a serious issue even today. Probation leadership believes very strongly that PINS youth need a "peace officer, supervisory approach" and the human services team leaders are just as committed to a "family-based" approach to addressing PINS youth and their issues. We take no stance on either side of this philosophical divide, except to note that these differences do make for strong feelings about PINS Diversion in Chemung County, which, at times, have hindered collaboration, even though the two perspectives can also complement one another.

Under the CIS program, when a referral for a juvenile comes into the County about a behavioral, mental health, and/or PINS-related issue, a worker screens the call. If it is about a high-end mental health issue, the call is referred to the Single Point of Accountability (SPOA) side of CIS, and if it is any other kind of referral the call goes to the First Response side. First Response features immediate access with 24/7 support for families (i.e., on-call basis). There can be very intensive at-home support, meetings at school, crisis intervention support, etc.

Typically the First Response part of the CIS effort occurs in the first few weeks after a case comes in, when case managers are periodically in the home, making assessments and service referrals, and developing a plan with the family. Some cases close when services "are hooked up" and the "plan" is moving forward. Cases that need more on-going support are shifted to the Coordinated Children's Services Initiative (CCSI) side of CIS. This unit is set up to provide support on a more on-going basis over a longer period

of time. There is no time limit on the longer-term effort. This has, in part, contributed to additional strong feelings (some negative, some positive) that stakeholders in the juvenile system have about the CIS diversion program, as noted below:

- ❖ To paraphrase the words of one with negative feelings – “The State’s new PINS legislation that took effect in mid-2005 making diversion mandatory for PINS youth is a vague statute and it’s not clear what is ‘enough’ work with youth. The process can take months.” This stakeholder and a number of others, including a school official CGR interviewed, want PINS petitions determined sooner. Their argument, in essence, is this: “To file a petition after many, many weeks we’ve wasted a lot of a school’s time – we’re wasting resources and time potentially. That lost time is detrimental to kids, families, classrooms.”
- ❖ To quote one lawyer who commented on negative feelings: “The sometimes long delays that have frustrated the schools to a degree on the PINS diversion done by CIS (without a time limit) are leading the SROs [school resource officers] to get the child before the court by charging the child with a minor JD (like menacing or attempted assault 3<sup>rd</sup>) which would...normally just have been dealt with at the school level.”
- ❖ To paraphrase the words of those with positive feelings: “Addressing family problems that contribute to PINS issues takes time, and it’s worth it in the long run to address family problems upfront without being under time limits.” One stakeholder also added the following: “Tagging on a kid (i.e., monitoring their movements) does not change the dynamic. Taking that approach can mean a revolving door of kids coming through the system.”

***The deep philosophical differences over how PINS diversion efforts should be focused have not diminished with the passage of time.***

The deep philosophical differences over how PINS diversion efforts should be focused appear to be as significant today as they were when CIS’s diversion program was first discussed. In fact, early in 2006 it was apparently determined that Probation Officers will no longer directly participate, as they did throughout all of 2005, in the CIS diversion effort.

That outcome appears to CGR to be unfortunate for the County, *since the combination of CIS diversion with Probation’s involvement – coupled with the new statute making diversion mandatory, and the County’s commitment to a comprehensive approach to addressing PINS-related needs –*

*contributed to an even bigger reduction in PINS petitions in 2005 over earlier years.* In fact, CGR found universal support, including from Probation officials, about CIS' ability to serve the needs of PINS referrals whose issues involve mental health issues, and a real interest on the part of CIS to have Probation as part of the PINS Diversion effort.

Overall, we note that diversion has meant fewer youth going through the court system, which hopefully will mean fewer youth traveling from the lower rungs of the juvenile system to its higher rungs and on into the criminal justice system. It has also reportedly reduced court appearances in Family Court, a system that traditionally has a heavy court schedule. Over time, if recommendations outlined at the end of this report are implemented, the County should begin to see even more significant paybacks from diversion efforts.

### *CIS Outcomes 2005*

An assessment of 2005 data shows that CIS opened cases on only 400 of its total 631 referrals (with an unknown fraction of them juvenile justice-related PINS referrals). Many callers apparently had their concerns/questions answered, because no case files were opened.

***In 2005, the first full year of CIS Diversion, only 44 youths (by CIS count) or 49 youths (by Family Court count) were named in PINS petitions. The outcome of 36 cases was known at the time of this report. Only 2 were placed with DSS and 11 were put on probation.***

Most significant, of the 400 files opened last year, only 49 (by Family Court's count) or 44 (by CIS count) actually went to court as PINS petitions. Of the 36 known outcomes on these 44 petitions (some cases were pending at the time of this report), two youth were placed with DSS and 11 were put on Probation. Six of the initial referral sources didn't follow through and actually complete the petition process, and the cases for the 17 remaining youth were either dismissed, withdrawn, or were suspended judgments, conditional discharges, or ACDs. (In May 2006, CGR received the following question regarding these 17 youth: "Why did they come into court...if the child did not need the long term supervision? This is nearly half the cases coming into court from CIS diversion efforts. CGR cannot respond to this question based on the data available to us. We list it here so that CIS can address it internally.)

### *CIS Budget*

In 2005, CIS had a budget of approximately \$1 million. The program is 65% state reimbursed and 35% paid through local funds. Savings in detention costs were used to offset the first full-year cost to the County for CIS. In addition, the monies DSS had

provided Probation for diversion (totaling more than \$282,000 in 2004) were shifted to CIS diversion in 2005. (Note that the two Probation officers who served in CIS were paid from the CIS budget. With their planned return to Probation to fill staff vacancies, CIS did not lose dollars, but the change did or will result in a net reduction of two Probation staff members. CIS, at the time of this report, planned to hire new staff in their places.)

How much of the \$1 million CIS budget is actually juvenile justice related is impossible to tell for the following reasons: a) the line item budget is not tied (and can't really be tied) to areas that are purely juvenile-justice related, and b) most staff work in many different areas of CIS, which means they may be involved with both juvenile justice and non-juvenile justice related activities. It is also not possible to compare last year's budget with the current budget, since the projected \$1.65 million 2006 budget shared with CGR bore little resemblance to the 2005 budget, because programs that had existed in other departments' budgets last year were either being moved in or out of CIS.

According to a senior leader in the County, "as long as detention expenses are at or below \$450,000 we figure we are continuing to offset costs" for CIS/First Response. Based on available data (and recent updates regarding detention costs), CGR is not able to assess the relevance of this figure.

### *Concerns About 16-and-Up Age Group*

During interviews for this report, CGR heard at various times concerns that PINS youth ages 16 and older were "overwhelming" the juvenile justice system. We had two data sources to analyze numbers regarding this issue: 1) all referrals to CIS, the pool from which PINS youth are ultimately identified, and 2) detailed information on 43 of the 49 youth whose names were submitted for PINS court petitions in 2005. We found:

- ❖ Of 631 referrals of all types to CIS last year, 145 referrals (23%) involved youth ages 16 and up, but only 85 (13%) actually ended up in a "case" opened by CIS.
- ❖ By far the most prevalent age group in 43 of the petitions filed last year was the 14-15 age group (22 petitions – or about 50% of those for whom there was detailed information).

- ❖ The second most prevalent age group was 16-and-up (10 petitions), followed closely by the 12-13 age group (seven petitions).

CGR notes that even low numbers of PINS (referrals or petitions) involving youth 16 and older present real frustrations for County staff across all departments involved in the juvenile system. CGR paraphrases some frustrations this way: “We’re told by the County not to put 16- and 17-year-olds in detention, not to place them, and we can’t force them to go to school. If they violate while on probation we’re not supposed to recommend detention or placement – so at that age it starts to become a joke.”

Another County juvenile justice system leader noted that 16-18 year olds often don’t show up in Court petitions, detention or placement – even though they could – simply because of their age. To quote this interviewee, “Often you’re talking about a route (i.e., petition, detention) that is ineffective and not one a judge or CIS would pursue – for example, a 17-year-old who is not at home is not going to return home even if you put him or her in detention or placement.”

Top County staff members recognize this problem and the fact that “the biggest issue with this population group is their refusal to engage in any services.” These staff members are hopeful the County will be able to direct some of this population into a new Family Functional Therapy (FFT) program the County recently began via contract with an outside agency. FFT is a very intensive program of family therapy that is designed to restructure a family dynamic. The County also recently started a Juvenile Justice Youth Advisory Council. As a one staff member put it, “We want to hear from kids who have made it and those who didn’t and ended up in secure detention. We want their input.” In addition, CIS is increasingly emphasizing early intervention as part of the work it does with youths, families and schools.

From our analysis and interviews we draw the following overall conclusions about PINS trends for the years 2000-2005:

### **Summary of Trends for PINS Youth 2000-2005**

- ❖ In terms of reducing overall numbers of PINS petitions, diversion efforts in Chemung County have been extremely successful. Largely because of these efforts, PINS filings have fallen by two-thirds from 2000 levels (151 to 49).

- ❖ As a result of the County's diversion efforts, the #1 issue when cases get to the petition stage is "ungovernable youth," not truancy, which was the top issue in 2002 (pre-diversion).
- ❖ When measured in terms of petitions, the age group that was of most concern to the County in 2002 – the 14-15 year-old age group – is still the age group of most concern.
- ❖ Schools remain the top referral source for all PINS, measured in terms of petitions.
- ❖ For 2004 and 2005, fewer PINS petitions did not translate to fewer PINS detentions admissions or detention days of care from the levels achieved in 2003, the first full year post-diversion.
- ❖ For youth placed by the court in the custody of DSS, PINS diversion efforts have translated to lower numbers of youth being placed and fewer days of care for them, but it is still too early to assess the full impact on overall placement costs since total costs for 2005 placements are not yet available. CGR notes, however, that JD placement costs (for youth in the custody of DSS) appear to be eating up some of the savings achieved in PINS placements, and we strongly recommend the County begin also focusing attention on JD numbers and costs.

## **Summary of Overall Costs**

CGR summarizes total juvenile justice detention and placement costs, 2000-2005, and the County's share of these costs in Table 16 on the next page.

	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005*</b>
Detention	\$675,797	\$821,201	\$935,652	\$589,395	\$644,207	\$608,616
Placement	\$2,511,499	\$2,738,978	\$6,197,135	\$3,322,275	\$2,973,006	\$1,523,466
<b>Total</b>	<b>\$3,187,296</b>	<b>\$3,560,179</b>	<b>\$7,132,787</b>	<b>\$3,911,670</b>	<b>\$3,617,213</b>	<b>\$2,132,082</b>
<i>Minimum County Share**</i>	<b>\$1,273,100</b>	<b>\$1,426,398</b>	<b>\$2,731,053</b>	<b>\$1,548,962</b>	<b>\$1,465,814</b>	<b>\$837,521</b>
<i>Maximum County Share***</i>	<b>\$1,379,950</b>	<b>\$1,544,295</b>	<b>\$3,009,500</b>	<b>\$1,684,586</b>	<b>\$1,580,078</b>	<b>\$913,694</b>

Source: DSS, CGR

\*2005 cost information is not complete. Comparable costs will not be known until year-end 2006.

\*\***Minimum County share of costs** = 50% of detention costs + 50% of placement costs for youth in the custody of OCFS + 35% of placement costs for youth in the custody of DSS.

\*\*\***Maximum County share of costs** = 50% of detention costs + 50% of placement costs for youth in the custody of OCFS + 40% of placement costs for youth in the custody of DSS. Costs for placements for youth in DSS custody range from 35% to 40% annually

## 6. THE IMPACT OF PROBATION'S JUVENILE DELINQUENT DIVERSION PROGRAM

CGR found many County staff members involved in the juvenile justice system are unaware or only vaguely aware that a Juvenile Delinquent Diversion Program exists in the County. Probation, however, has had such a program in place since the 1980s. The process begins when police send a JD petition to Probation's juvenile intake officer, who assesses whether it can be considered for diversion.

### Program Has Diverted Cases from Family Court

*Between 2000 and 2005 Probation diverted 26% of all JD intakes. Overall the department was successful at keeping at least 12% of total JD intakes from having to go to Family Court for disposition.*

Probation could not provide JD Diversion program counts by year, but by drawing data from numerous departmental databases was able to develop the aggregate information shown in Table 17 below. The table shows Probation diverted 26% of all JD intakes in the past five years, and successfully prevented about 12% from having to go to Family Court for disposition. (Note: The percentage is likely higher than 12%. CGR was unable to determine a full breakdown on what happened to diverted cases that weren't successfully adjusted. [See second "note" below chart.]

<b>Juvenile Delinquents (unduplicated count)</b>	711
<b>Intake Interviews in Probation*</b>	1133
<b>Intakes That Went Immediately to Court</b>	833
<b>Intakes that Went to JD Diversion</b>	300
<i>Diverted Intakes Adjusted Prior to Court</i>	132
<i>Diverted Intakes Unable to Adjust **</i>	168

Source: Chemung Probation Department

\* Note: the purpose of intake is to screen referrals, but depending on what's involved a referral may or may not involve more than one intake (e.g., youth with three petit larceny charges in three police jurisdictions for single day = three intakes).

\*\* An unknown number of these cases were closed in Probation because there were not significant enough issues remaining after diversion to send petitions to Family Court. An unknown number went to court.

## Could More JDs Become Diversion Candidates?

*Probation, if it changes internal procedures, can consider additional candidates for its own JD Diversion program.*

Probation currently has 19 criteria that eliminate juveniles from consideration for its diversion program (e.g., fire setter, felony, sex offense, person resides outside New York State). Otherwise, if the case can potentially be diverted, the intake officer contacts the victim(s) and police officer(s) involved to find out if they object to diversion. A police officer or victim can insist that a JD go immediately to court, but Probation told CGR that seldom happens.

A diverted case is treated by the intake officer as “a mini-Probation case.” If, for example, a youth has been charged with a petit larceny, the intake officer gives the juvenile a booklet and requires the youth to write a 3-5 page report, pay restitution and write a letter of apology to the victim. The same person may also be ordered to do community service or report to the County Youth Bureau’s Juvenile Assigned Work Service program (JAWS), a structured community service program held on weekends designed for youths who need to face consequences for their actions. (Note: JAWS’ overall goal is to avoid out-of-home placements.) JDs in the diversion program are required, if needed, to start mental health, and/or drug/alcohol treatment. If the child’s school calls, the intake officer goes to the school to trouble shoot. A juvenile typically remains on diversion for two months. JDs who do not comply with requirements go to Family Court.

At the time of this report, Probation personnel were working on a new initiative that might expand the number of youth who can be considered for JD Diversion. Probation is discussing whether to eliminate some of its own departmental restrictions that currently bar certain JDs from being considered for the program. For example:

- ❖ Youth are currently barred if they have a co-respondent with a past history of being on Probation. The department is considering whether to first assess “Is this a good kid who just made a bad choice?”
- ❖ Youth are barred if they have an adult co-defendant. Probation is discussing whether such youth should now be assessed the same as other JDs.

- ❖ Youth who live outside the County are barred from the program. Probation is considering whether to check with an outside county about previous probation history and compliance experience.

Intake day for all JDs occurs weekly on Wednesday morning. As a result the lone intake officer often gets a glut of juveniles at 9 a.m. (unless Probation takes time prior to Wednesday to individually call and reschedule juveniles). The average intake requires 20 minutes. CGR suggests that Probation consider implementing a different approach that would utilize staff time more efficiently.

## 7. PROBATION'S SPECIAL JUVENILE PROGRAMS: JRUS, PISP, JISP

Probation's juvenile section currently has one regular Probation Officer, one senior officer overseeing JD Diversion (and departmental technology needs), and four officers assigned to three special programs. One of the top goals of the Probation Officers serving in the following special programs is to keep juveniles from either being put in detention, readmitted to detention, and/or put into placement.

- ❖ Juvenile Released Under Supervision (JRUS) is a program a judge can offer a youth in lieu of detention, that dates to fall 2000. The program provides, at an early stage in a legal proceeding, supervision by a Probation Officer (although JRUS youths are not technically on Probation) for a juvenile awaiting a court appearance. JRUS gives a judge an understanding of how well an individual might do if put on Probation by the court. By most estimates as many as 90% of the juveniles in the program would be in detention if the program did not exist, and the remaining 10% are so close to being put in detention that the program is considered "preventative." Youth can be put on JRUS by Family Court either instead of going to detention or by being released early from detention. The program involves one Probation Officer, and is primarily funded with local dollars.
- ❖ PINS Intensive Supervision Program (PISP) is an intensive preventive program that is designed to maintain high-risk PINS in their homes and prevent them from being placed. The program,

which was started in mid-2003, is funded through DSS 65% (state)/35% (local) monies. An estimated 90%-95% of participants would be placed without PISP, based on common estimates CGR heard. There is one Probation Officer assigned to PISP.

- ❖ Juvenile Intensive Supervision Program (JISP) is a similar intensive supervision program for JDs and is designed for youths who would be in placement without the program. Since 2003 it has cost a maximum of \$108,000 annually to operate, with about \$40,000 a year reimbursed through State aid. Again, an estimated 90%-95% of participants would be placed without this program, based on what CGR was told. JISP dates to 1995.

**Since 2001, JRUS  
Has Saved at Least  
\$1 Million in  
Detention Costs**

JRUS participants are juveniles who have been released early from detention to the program or who enter JRUS instead of going into detention. Participants are not “on probation” but are supervised closely by a Probation Officer. The program has been operating for five full years. In the words of one observer, JRUS “is really about ordering children to start doing things pre-fact finding” (e.g., alcohol rehabilitation treatment, likely being on an electronic monitor for a period) and often involves helping family members take action (e.g., parenting classes, getting hooked up with Medicaid).

Juvenile justice system officials who are familiar with the JRUS program are strong supporters, both because it offers a viable option to detention and because the program saves the County real dollars. In addition, as one official put it, “JRUS calms the community. The kid is watched.”

Until last year there were always more PINS youth on JRUS than JDs (*see Table 18 on next page*), but a dramatic switch occurred in 2005 – and the change coincided with the year PINS court filings reached their lowest level since JRUS came into existence. Last year the breakdown was about 63% JDs vs. 37% PINS.

*Although JRUS has traditionally served many more PINS than JDs, in 2005 the breakdown was 63% JDs / 37% PINS. This change is directly related to the falling numbers of PINS filings in court.*

<b>Table 18: JRUS 2001-2005</b>					
	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
<b>Total Juveniles</b>	78	91	76	75	72
<b>JD</b>	30	29	32	28	45
<b>PINS</b>	47	60	42	45	27
<b>JD - Designated Felon *</b>		2	2	2	
<b>Unknown</b>	1				
<b>Total Days</b>	4,086	5,241	5,008	4,728	4,526
<b>Average Length of Time (days)</b>	52	58	66	63	63
<b>Youth Released Early from Detention</b>					
<b>Total Days on JRUS</b>	1,915	1,777	1,657	2,601	944
<b><i>PINS Days</i></b>	1,122	1,095	498	1,487	540
<b>% of Total Days are PINS</b>	59%	62%	30%	57%	57%
<b># Individuals</b>	21	23	12	22	15
<b><i>JD Days</i></b>	793	682	1,159	1,114	404
<b>% of Total Days are JDs</b>	41%	38%	70%	43%	43%
<b># Individuals</b>	15	12	14	13	9

Source: Chemung Probation Department

\* Designated felons accounted for 329 days (2002), 101 days (2003), and 231 days (2004). (A designated felony does not refer to any felony, but is selected according to level and age. Designated felonies are only the most serious felonies. A misdemeanor can be a designated felony if there are two prior felony adjudications.)

Probation has never computed savings to the County for JRUS participants. The department believes that since some youths are out of detention early they have no way to accurately calculate savings.

Using Probation's data, however, CGR found that savings can be computed for JRUS participants who are released early from detention, and that the savings to the County as a result of the program are substantial. CGR computed, on the basis of Probation-supplied data, that between 2001 and 2005, PINS released early spent a total of 4,742 days on JRUS instead of being in detention, and JDs released early spent a total of 4,152 days on JRUS instead of being in detention. The combined total was 8,894 days for youth released early from detention. DSS fiscal records show that one of the County's lowest costs per detention bed occurred in 2005 (\$171 per day). At that rate, JRUS has saved, since 2001, a minimum of \$1.5 million in detention costs,

***JRUS has saved the County at least \$1million since 2001.***

assuming that all days would have been spent in detention without the intervention of JRUS. However, as Table 19 below shows, 22% end up back in detention or are ultimately placed. If the \$1.5 million estimated savings is reduced by 22%, under the assumption that expenditures for these youths were not saved but merely delayed, the savings is about \$1,170,000. Yet, as Table 19 also shows, the outcomes of 28 participants (7% of nearly 400 total participants in 2001-2005) are either unknown or their cases were in progress when CGR developed this analysis. To be conservative, CGR discounted any savings associated with these participants. So reducing the estimated savings by another 7% leaves a net estimated savings of \$1,088,100. The County receives no special funding for the JRUS program (other than the usual 20% funding for Probation programs provided by the state's Division of Probation and Correctional Alternatives), and its only major expense is for the single Probation staff member who serves as the JRUS officer. [Note: CGR believes our estimates of JRUS savings are conservative, given the fact that we have not factored in any potential savings for youth who avoid detention completely by directly entering the program.]

### *JRUS Outcomes*

JRUS participants typically spend about 7-9 weeks in the program and their cases then have one of the following outcomes (assuming they haven't been put in detention for violating JRUS conditions): placement; CD; suspended judgment; ACD; JISP or other probation. Table 19 shows outcomes for JRUS participants.

**Table 19: JRUS Outcomes, 2001-2005**

	2001	2002	2003	2004	2005
<i>Probation</i>	36	38	45	33	32
<i>Closed – by order of court</i>	18	16	10	19	2
<b>DETENTION</b>	15	20	9	10	0
<b>PLACEMENT</b>	7	11	5	3	7
<i>ACD</i>	2	3	4	0	2
<i>Suspended Judgment</i>	0	0	0	3	4
<i>Unknown/or in Progress</i>	0	0	0	5	23
<i>CD</i>	0	3	3	2	2
<i>Totals</i>	78	91	76	75	72

Source: Chemung Probation Department

## More Information is Needed to Determine the Cost-Benefit of PISP to the County

Outside of Probation and the Law Guardian's office, CGR found that there is little understanding by anyone in Chemung's juvenile justice system about whether or not PISP is effective in maintaining high-risk PINS children in their homes.

The program involves one Probation Officer (PO). Since the program is actually funded by DSS (via preventive 65% state and 35% local monies), the PO enters information on juveniles in both her own record system within Probation and in the State-required "Connections" database used by DSS. In part because of this dual record-keeping scenario, the PO considers herself both a Probation Officer and a caseworker. The PO estimates 80% of her time is spent directly with juveniles (that is, not on paperwork) and that 95% of that time is spent meeting with kids outside of Probation's offices. "If the kid is having problems at school, I see them at school, if at home, I see them there. I also meet with parents. I look at the whole family."

Once Family Court puts a PINS youth on probation, it is up to the Probation Department whether that juvenile will be on regular or intensive probation. The department uses a youth assessment screening instrument to guide it in making such a decision. Youth put on PISP are typically on the program for a year, but can be extended to two years on an initial petition.

*CGR was told that 90% to 95% of juveniles on PISP would be placed if the program did not exist. The cases of 31 juveniles on PISP had "closed" at the time of this report and the outcomes show only 8 participants (27%) were ultimately placed.*

CGR reviewed records for the 50 youth who were put on PISP between the start of the program in mid-2003 and the end of 2005. Of this total, four did well enough that they were removed from PISP and placed back on regular probation, and their records no longer appear in the PISP database.

- ❖ Of the 46 who can be tracked, CGR found: half (23) had no violations *while on PISP* and an equal number violated *while on PISP*.
- ❖ Thirty-one of the 46 cases had closed on PISP by year-end 2005. Of these:
  - ◆ 14 closed because juveniles were at the end of their court-ordered probation period;
  - ◆ 8 were placed with DSS (27% of all closed cases to date). Two of these placements were the result of the youth committing crimes and becoming JDs;

- ◆ 6 were dismissed or discharged from court;
- ◆ 2 received suspended judgments;
- ◆ 1 received an early discharge.

During CGR's interviews in 2005, we heard a number of concerns that "a lot of PISP kids are being considered for placement." The perception that there are a lot of PISP placements, CGR believes, is due to the following factors:

- ❖ The majority of PISP placements (five of eight to date) occurred in 2005.
- ❖ The PISP officer is an active participant in Placement Review discussions, which are held regularly within DSS. In the final 10 months of 2005, 91 cases were scheduled to be reviewed by Placement Review, and the officer provided input on five PISP violation cases. She also provided input on another 32 youth she knew from previous Probation experience or individuals being considered for the PISP program.

CGR notes that the Law Guardian office is supportive of the PISP concept. One attorney noted that PISP "engages youth and offers them role models, not just supervision."

CGR also looked at the impact of CIS Diversion on PISP. We found that prior to the establishment of diversion for PINS referrals, and also in the first eight months of diversion's existence, it was typical for zero to two new youth to be put on PISP in any month. Once it became mandatory for all PINS referrals to go through diversion (effective July 1, 2005), both the number of new youth put on PISP by Probation each month, and the total number of active PISP cases generally went up. As a result, the active monthly caseload for the PISP officer has increased from 10-12 juveniles to 13-15 juveniles more recently. The percentage of PINS assigned to Probation and then put in PISP by the department has risen recently, from 39% in 2004 to 63% in 2005.

***The percentage of PINS assigned to Probation and then put in PISP by the department has risen recently, from 39% in 2004 to 63% in 2005.***

Calculating savings to the County as a result of PISP is complicated by the fact that CGR was given conflicting data on the number of days youth spent in PISP, and also because there is no available cumulative data on how many participants were in detention (or for how long) while on PISP. For an accurate

calculation of savings, detention costs need to be subtracted from placement savings.

According to Probation Annual Reports, the total number of days juveniles spent in PISP in 2004-2005 was 7,928. However, according to information Probation provided to DSS for an internal chart (referred to as the “Diversion Progress” chart), the total number of PISP days was 5,999 for the same timeframe. Based on a) conservative placement costs (i.e., \$100/day)<sup>3</sup>, b) subtraction of monies needed to support the program over two years (\$176,022 state/local funds), c) our calculation of the County’s presumed out-of-pocket expense (35%), and d) a conservative reduction of 5% per year for participants who wouldn’t have been placed whether or not the program existed, we calculated the following:

- ❖ If we assume the larger number of 7,928 PISP days, the actual annual savings to the County would be \$102,539, minus any detention costs, which cannot be calculated.
- ❖ If actual PISP days were the lower 5,999 figure, based on the above formula, the actual annual savings to the County would be \$70,470, with the same caveats about unknown detention costs.

Since detention expenditures for PISP participants are unavailable, CGR has no way of accurately determining the real cost benefit of PISP to the County. *Although CGR believes there may be an overall positive cost benefit, we recommend more comprehensive tracking of PISP participants and their actual detention days.*

The JISP program is structured similarly to PISP, but is targeted only to JDs, and it has a longer history, since the program dates to 1995. There are two POs assigned to the program and their goal is to work with these youth and prevent them from having to be placed at Glove House or with the OCFS. Although JISP serves ages 7-16, the typical participant is between the ages of 14 and 16. Caseloads vary from as low as nine to as high as 15 youth per officer. Participants are typically on JISP for one year, but if they violate their probation conditions are often extended for an

*Depending on which numbers are used, and using conservative estimates of projected placement savings, PISP could save the County between about \$70,500 and \$102,500 a year. However, detention expenses for PISP youth would have to be subtracted from such savings. Since these costs are unknown, CGR has no way of accurately determining the real cost benefit of PISP to the County.*

### **Very Little Data is Available on JISP Outcomes**

<sup>3</sup> The actual cost of a placement day in recent years (youth in DSS custody), based on placement days in a year and total costs for the same year, has ranged from a low of about \$77 a day in 2000 to as much as \$210 a day in 2002, but the latter was an unusual year for the County in terms of placement costs.

additional year. Sex offenders are initially put on JISP for two years. The Probation Department decides which JDs put on probation should be in this intensive program.

JISP officers spend much of their time seeing participants at their schools. Safety issues are enough of a concern that the officers reportedly avoid conducting home visits at least at a number of JISP participants' homes. In addition to school and any home visits, JISP officers also check up on how JISP youth are progressing in the programs to which they have been referred, and also check-in with parents by phone.

There is very little trend data that is readily available on JISP participants, because only current information is maintained electronically by Probation. The only other consistent trend data that exists is contained in Probation reports to the state (*see Table 20 below for key data*). Probation has a contract with the NYS Division of Probation and Correctional Alternatives detailing program criteria and reporting requirements.

**Table 20: JISP Participants, 2003-2005**

Year	Entered In Year	Felony Level	Misd. Level	Successful Completion	Unsuccessful Terminations	Term. due to VOP
2003	24	8	16	9	10	9
2004	26	1	25	8	16	14
2005	20	4	16	12	9	9
<b>Total</b>	<b>70</b>	<b>13</b>	<b>57</b>	<b>29</b>	<b>35</b>	<b>32</b>

Source: Chemung Probation reports to NYS for JISP – data based on disposition level of offense, not initial charge

*Available information indicates that about 45% of JISP participants complete the program successfully.*

Based on Table 20, CGR makes the following observations:

- ❖ 81% of youth had misdemeanor-level offenses; 19% felony-level.
- ❖ The data appear to indicate that about 45% of JISP participants complete the program successfully. (Note: In May 2006, Probation notified CGR that of the remaining unsuccessfully discharged participants, two-thirds did not result in placement in 2005 but were closed, for example by order of the court, as a result of case transfer out of county, or the youth reached the maximum expiration date for the program.)

- ❖ The percentage of JDs on probation that are put on JISP is roughly 50% each year.

CGR does not believe sufficient data exists to determine a cost-benefit of the JISP program to the County. Even the most basic data – total JISP days – are unavailable. There is, of course, likely a substantial value to the County as a result of having the program, since a year of placement can cost tens of thousands of dollars, but Probation does not currently maintain data electronically in a way that enables these calculations to be easily undertaken.

## **8. THE COUNTY HAS SIGNIFICANT UNUSED ELECTRONIC HOME MONITORING CAPACITY**

Electronic home monitoring (EHM) has been used in Chemung County for a number of years, but only for juveniles. A unit is activated when a juvenile Probation Officer determines a youth needs close monitoring for a period of time, such as youth newly assigned to JRUS or JISP. The officer simply goes to the juvenile's home, hooks a unit to the juvenile's leg, plugs into the home phone system, and notifies the system's vendor what times the youth should be at home, and when it is acceptable for the youth to be "out of range," for example during school hours. The vendor (BI Incorporated) is located in another state, and faxes printouts daily to Chemung Probation, which distributes them to the appropriate officers. The printouts show when a monitored youth is "out-of-range" when he/she should have been home.

EHM is currently viewed in the County as a tool to help avoid detentions and placements. The system is funded through Chemung DSS. Currently DSS has a four-year contract, which expires 9-30-07, that includes use of 10 units and the monitoring reports by BI Incorporated. The all-inclusive cost for the four-year contract is \$21,320, which equates to a cost of \$5,330 per year or \$44.42 per unit, per month. The previous four-year contract had been for 15 units and the all-inclusive cost at that time was \$27,894.

Table 21: EHM Utilization versus Capacity &amp; Related Costs, 2000 – 2005

	Total Days Used	% of 6-Yr Total Days Used	Maximum Days Available	% of Capacity Used During Year	Contract Cost	Cost of Unutilized Days*
2000	3,419	23%	5,475	62%	\$6,974	\$2,650
2001	3,413	23%	5,475	62%	\$6,974	\$2,650
2002	2,517	17%	5,475	46%	\$6,974	\$3,766
2003	2,400	16%	5,010	48%	\$6,563	\$3,413
2004	1,645	11%	3,650	45%	\$5,330	\$2,932
2005	1,238	8%	3,650	34%	\$5,330	\$3,518
All Years	14,632	100%	28,735	50.9%	\$38,143	\$18,927

Source: Chemung Probation

\*CGR recognizes that on some days all units may have been in use

***Only 51% of available electronic home monitoring capacity was utilized between 2000 and 2005. Utilization of available capacity has been declining over time, falling to 34% last year.***

As Table 21 clearly indicates, there is considerable EHM capacity that is going unused. For the years 2000-2005, only 51% of available capacity was utilized. Considering the previous information about the steady annual declines in the numbers of juveniles put on probation, it is not surprising that Table 21 shows, since 2001, a steady drop in utilization – falling to a low of 34% of capacity last year.

Because the County already has a contract through fall 2007, it has a real opportunity to pilot expanded use of EHM at no additional cost (although the County may want to first assess whether any potential exists/does not exist to use the units with juveniles more effectively). As noted in CGR's companion report on the criminal justice system, many other counties use EHM for both unsentenced defendants and sentenced offenders in the adult population, and can experience a significant impact in terms of reducing local jail populations. By shifting unused capacity to the criminal justice system, CGR estimates (*see companion criminal justice report*) that Chemung County would have significantly fewer inmates in the County jail every night.

The following are potential adult populations that could be considered for a pilot program(s), using currently unused juvenile EHM units:

- ❖ Adult population, as a sentencing option;
- ❖ Adult population, as a sentencing option in combination with a probation sentence;
- ❖ Existing adult ISP population;
- ❖ Pre-trial, as a form of release, for adults (e.g., perhaps in conjunction with Project for Bail).

We point out, for example, that about 13% of inmates in the County jail are between ages 16 and 18 and that this population may well be one the County should consider for a pilot program.

CGR recommends that the value of the pilot or pilots be assessed prior to the next contract renewal with BI Incorporated. We believe that it would make sense for the County to invest in additional electronic units, as a cost-effective means of having an even greater impact on jail inmate reduction strategies, as discussed in our companion criminal justice report.

## **9. DATA-BASED MANAGEMENT HAS BEEN HAMPERED AS A RESULT OF INFORMATION TECHNOLOGY DEFICIENCIES**

As our recommendations (*see final chapter*) will show, CGR strongly believes that *Chemung County must 1) manage the juvenile justice system as a system, not simply as component parts, and 2) make better use of data to manage this system.*

To be able to meet these recommendations, however, the County has to address some of its significant technology and data deficiencies, and strengthen the effective use by decision-makers of outcome and cost data as a management tool used more consistently to shape cost-effective decisions. Most Chemung County officials are very aware of the technology/data deficiencies and are anxious to have better management tools and databases available. We paraphrase one official, who told CGR that when we asked for data that the department in question “should be able to provide, but can’t provide, it makes me feel incompetent.”

## Probation

*The #1 technology issue in Probation is that the department can't readily merge data.*

The #1 technology issue in Probation is that the department can't readily merge data. As a result, compiling data is an extremely piecemeal process. In fact, CGR found that getting any of the integrated electronic data we needed for this study was heavily dependent upon the computer skills and institutional memory of one officer who troubleshoots technology issues for the entire department. Without this one individual, much of the key data for this study would not have been available in a format that could be analyzed. However, because of the way electronic information had to be compiled, CGR also had extensive questions of departmental staff. In addition, we took considerable time "cleaning" the data, since similar information had been entered in various ways. Some of the major technology challenges facing the department are due to factors explained below:

- ❖ Of 32 computers in active use, one-quarter are approaching seven years in age. An additional 16 computers have limitations that have been, and will continue to be, problematic with regard to planned County server upgrades. Their limitations, despite memory upgrades, will also be a factor in the near future as the department seeks to access the NYS/National Crime Information Center and Repository (commonly referred to as E-Justice).
- ❖ Of the 32 computers, 22 have Microsoft Office 97 software, which has been outdated for years. There are two other versions of Office in use, but only one is fairly recent. Two-thirds of the staff can't open databases created by the other third because they don't have licenses that would allow the conversion. According to Probation, each license costs \$285.
- ❖ Since merging databases is so problematic, individual Probation Officers keep their information/databases on their computers. While this information is backed up to the County's shared drive (and Probation supervisors can view it but not always at their own computers), the information/databases are not kept in a uniform way, which hampers overall data collection.
- ❖ Although stenographers handle the regular adult and juvenile databases to produce statistics required by the State, these databases essentially provide only "brief snapshots" and the data they contain may not match what officers track individually. They do not enable data for probationers to be routinely tracked for various programs over time.

- ❖ An officer tracks information in the way he/she needs to handle his/her caseload and when an officer changes, tracking typically changes. But even when two officers with the same type caseloads try to develop a common tracking system, they are likely to run into problems. For example, the two current JISP officers tried to have one database, but sharing information led to computer crashes.
- ❖ A routinely used database (YASI), which is State required for reporting purposes for certain programs (e.g., JISP), won't run on most of the department's computers because it isn't compatible with current departmental software.
- ❖ The Sheriff's department has a database (Impact) that is, in essence, a police blotter. Traditionally Probation has used Impact as a tool to determine if a person has had prior involvement with police and if there is a warrant that's been issued. In late 2005, the Sheriff's department converted its Impact database. As a result, users of older computers in Probation can no longer view it. Instead of having critical information at their fingertips, these POs must bother the few staff members who can open it in order to get to this information.

## Children's Integrated Services

CIS recognizes that data tracking problems are a critical issue. CIS has been working to get its database up and running at the level it needs, but the process is exceptionally time-consuming (i.e., three years to date), and *CGR recommends accelerated technology support be provided. CIS would like to have a coordinated data system for all juveniles who enter the juvenile justice system in order to be able to track all system interfaces across PINS diversion (CIS), Probation, Family Court, and DSS.* As one official noted, "each of these county entities has a role in the process and should be able to input and export data in order to track outcomes." (Note: Family Court, as a State system, is not likely to be integrated into such a system, CGR believes, but a process might be able to be developed for periodic, routine interaction.)

## Department of Social Services

As noted earlier in this report, *DSS is hampered in data management efforts because it cannot, using its current payment system, break out juvenile justice costs by group (e.g., placement costs for PINS and JDs; detention costs for PINS and JDs).* While these may or may not involve inexpensive fixes, *the fact that other departments can't provide electronic data to DSS also hampers management of DSS programs.*

For example, CGR asked officials involved with DSS to expand a “Diversion Progress” chart that the County uses to help assess the effectiveness of diversion efforts. After analyzing data for this study, CGR found so many problems with the data in this internal chart, which came from myriad places, that we would suggest abandoning it in its current form as a management tool.

Other key data issues involving DSS have previously been noted in this report (see *Problems Encountered in Our Assessment*).

## 10. RECOMMENDATIONS FOR THE JUVENILE JUSTICE SYSTEM

CGR makes the following recommendations with regard to the juvenile justice system:

*The top priority for the County is to manage juvenile justice as a system.*

- ❖ **Manage the juvenile justice system as a *system* instead of as component parts.** CGR recommends one person be designated to oversee a system-based approach to juvenile justice. We suggest that this be the same person named to oversee the criminal justice system (see separate report).
- ❖ **Track ALL juveniles in the system.** In other words, track JDs as closely as PINS, because there are savings that can be achieved by improving management of both groups.

The proposed new system manager, in concert with Probation, DSS, CIS, and Family Court (and other areas as appropriate) should determine what data needs to be tracked, and in what manner, in order to manage juvenile justice as a system. This report provides a framework for the kinds of data needed. Ideally, over time, the County should strive to develop a tracking system that cuts across three key departments (CIS, Probation, DSS) and interfaces on a regular basis with Family Court. All key County departments involved should have routine access to this system. Before this can happen, however, it is likely that existing systems will need to be strengthened, and gaps filled, so that juvenile justice can be managed more effectively, and with a clearer grasp of costs and savings. For example, if CIS diversion leads, as CGR expects, to further reductions in placement costs, those savings can be used to strengthen other parts of the system, on a pre-determined priority basis.

- ❖ **Based on the above input, the new system manager should develop a written plan for the juvenile justice system.** It should identify 1) key benchmarks; 2) mechanisms to deliver the information to track them; 3) an established timeframe for developing any new mechanisms needed; 4) related costs; and 5) success measures. Revisit the plan periodically and monitor progress. Communicate progress to all parts of the system.
- ❖ **Based on the plan, address technology and data issues in CIS, Probation, and DSS.** Many issues have been outlined in this report, and there are others that will also need to be addressed. This should become an Information Technology (IT) unit priority.
- ❖ **Assess the new approach to detention (using Steuben County facility) regularly, especially in initial years.** Track PINS and JD costs separately; age group and gender information; youth in detention multiple times over multiple years; and any siblings involved in a revolving detention door. The County needs this information at its fingertips in order to target populations most in need of alternative options.
- ❖ **Make it a priority to understand why costs for secure detentions quadrupled between 2003 and 2005, and what can be done to reverse this trend.** It will take a collaborative effort, and CGR specifically urges the involvement of the Family Court judge, to understand what is contributing to such dramatic increases.
- ❖ **DSS should review the available data for 2000 – 2005 related to placement costs for youth in the custody of OCFS, and determine what factors are pushing these costs to high levels.** Juvenile system officials can then develop a plan of action to address contributing factors that fall within the County's control. CGR believes this will take a collaborative effort, and we strongly urge that the Family Court judge be part of the discussion on what is driving costs in this area.
- ❖ **Make it a priority to investigate evidence-based alternatives to detention and pilot the best alternative(s).** Work closely with the Family Court judge during the pilot phase of this project to address any issues early on. Again, know what the benchmarks, tracking mechanisms, and measures of success are before implementing the program.

- ❖ **Starting with 2006 placements, track juvenile justice costs by individual and type (PINS or JD).** Although this information can be added to the database that has been developed for 2000-2005 expressly for this study, a better long-term option is to incorporate this capability into the DSS tracking system in a way that will provide trend data for the County. Another possible approach is to work with the state to explore whether the County can take better advantage – in an electronic format (i.e., more custom sorting) – of information captured in the state’s new Detention Database. Accuracy of information in the database will need to be periodically monitored in the future, and corrected as needed.
- ❖ **Accelerate the initiative to expand JD diversion.** As part of this process, also make improvements in the intake process, so there isn’t a glut of juveniles on many Wednesday mornings. Probation has numerous initial suggestions, including notifying area police agencies that if they are issuing multiple appearance tickets, to split the appearances over two days instead of one.
- ❖ **CIS should include the words “PINS Referral” if appropriate in its tracking system (for example, after assessment of a case).** That is the only way that the County will have to measure PINS referrals (which are juvenile-justice related) as distinct from other types of referrals.
- ❖ **Ensure, over time, that tracking of the special programs housed in Probation (JRUS, JISP, PISP) becomes integrated into the overall system.** The County should know how many (and which) juveniles are touching many parts of the system, and how many (and which) are not. The first step, even before this happens, however, is to ensure that trend data – not just current data – on program participants is maintained, and that days of care and costs by youth, both for the special programs and detentions resulting from violations while on these programs, are identified.
- ❖ **Maintain data, as described in this report, that will allow the County to truly assess cost savings from PISP, JISP and JRUS.** Examine whether there are ways to make the JISP program, which deals with an especially difficult population, even more effective. Watch developing trends in PISP to determine if more PISP youth are continuing to be placed, and if so, why. Assess overall trends for all special programs. We also recommend

that written criteria for when a child is to be placed on JISP or PISP be shared by Probation with key departmental leaders in the juvenile system.

- ❖ **Understand that changes in the juvenile population – both in numbers and the population mix of PINS/JDs – may require some shifting of resources.** At this point in time, CGR believes that juvenile staffing in Probation is adequate and reasonable, but if numbers of youth put on Probation continue to fall, and/or enrollments in special programs change significantly, some adjustments may be advisable in the future.
- ❖ **In Probation, consider shifting some Probation Officers from supervision by the Criminal Supervisor to the Juvenile Supervisor.** Since the number of juveniles supervised in Probation at year-end 2005 was 53% of the number supervised at year-end 2001, consider shifting responsibility for supervising the two Probation Officers who currently handle adult criminal cases for teens ages 16-18 (the “Transitions” officers) to the current Juvenile Supervisor. The two officers’ caseloads, in many cases, are already familiar to the Juvenile Supervisor.
- ❖ **Assess whether electronic home monitoring (EHM) can be used more effectively by Probation juvenile officers, and utilize any unused capacity in a pilot program involving the adult criminal population.** CGR recommends Probation begin now to track electronic monitoring usage by youth and whether the youth was/was not subsequently put in detention and/or placed by the court under either DSS or OCFS custody. This information should then be shared on a regular, periodic basis with other components of the system. Since the County has a contract for 10 units in the juvenile area of Probation that aren’t being fully utilized, there is also an outstanding opportunity to pilot unused EHM units with adults, at no additional cost to the County, as described earlier (and in detail in our companion report on the criminal justice system).
- ❖ **Consider a full SWOT (strengths, weaknesses, opportunities and threats) and outcomes assessment of the entire CIS program,** since this innovative initiative will reach its second anniversary later this year. We suggest such an assessment occur at some point in the next 12 months.