



Youth Confined in OCFS Facilities

The New York State Office of Children and Family Services (OCFS) is the state agency responsible for the incarceration or placement of juveniles (children under age 16 at the time of arrest)¹. A youth confined in OCFS placement may be transferred to an adult prison at age 16 at the discretion of a judge or at age 18 at the discretion of OCFS. At age 21, a youth is automatically transferred to the Department of Correctional Services (DOCS) to serve the rest of his or her time in adult prison. As of September 14, 2009, there were 934 children – 788 boys and 146 girls – incarcerated in OCFS juvenile institutions.²

Youth of color are disproportionately incarcerated in OCFS facilities. As of February 2009, over 86% of youth in OCFS facilities are African American, Latino, or Native American.³

- Between January and March 2007, nearly 64% of youth admitted to OCFS facilities or private placements were African American, and only 13% of admissions were non-Hispanic whites.⁴
- Over 96% of New York City youth admitted to state juvenile facilities were African-American or Latino between January and March 2007.⁵

Although most of the children confined in OCFS facilities are from New York City, the majority of these facilities are located outside of New York City.

- New York City accounted for 60% of youth in OCFS custody in 2007.⁶
- Only 5 of the 26 OCFS residential youth facilities are located in the five boroughs of New York City.

The majority of young people entering OCFS facilities were convicted of non-violent, low-level offenses.

- Over half of the youth in state custody were convicted of misdemeanors.⁷

¹ New York is one of two states in the country (along with North Carolina) where the legal upper age for juveniles is 15. Youth arrested at age 16 or older are tried in adult court and confined in adult jails and prisons.

²The remaining youth were in private placement facilities operated by voluntary agencies. Data provided by the New York State Office of Children and Family Services, Division of Juvenile Justice and Opportunities for Youth, Weekly Population Summary Report for 9/14/09.

³New York State Office of Children and Family Services, "Jobs Not Jails," February 2009 Children's Defense Fund-NY Summit.

⁴ New York State Office of Children and Family Services, "Selected Characteristics of Youth Entering and Leaving OCFS Custody Jan, 07-Mar. 07 or In Custody on March 31, 2007 and the Same Periods Last Year." Hispanic youth may be either African-American or white. Nearly 22% of youth admitted to state custody in 2007 identified as Hispanic.

⁵ Ibid.

⁶ *Widening the Lens, A Panoramic View of Juvenile Justice in New York State*, Vera Institute of Justice and the New York State Taskforce on Juvenile Justice Indicators, February 2007.

⁷ Ibid.

Incarcerating youth in OCFS facilities is extremely expensive.

- New York State spends over \$150 million a year to incarcerate youth in juvenile institutions.⁸
- It costs between \$140,000 & \$200,000 a year to incarcerate a child in a secure OCFS facility.

Youth confined in OCFS facilities have special needs that the state does not adequately address.

- Nearly 78% of the OCFS population was identified as needing treatment for substance abuse in 2007.⁹
- In 2009, nearly 48% percent of youth confined in OCFS facilities were identified as in need of special education.¹⁰
- Over 55% of youth in OCFS facilities have been screened as needing mental health services.¹¹
- A 2009 Dept. of Justice report found that children in OCFS facilities did not get mandated mental health, drug treatment, or counseling services.¹² The State of New York Office of the Comptroller found that youth placed with OCFS also did not receive aftercare.¹³

Incarcerating youth in OCFS facilities is not an effective approach to reducing youth crime and recidivism. The vast majority of boys and a significant proportion of girls are rearrested after release from OCFS.

A 2008 OCFS recidivism study found that by age 28, 89% of boys and 81% of girls were rearrested; 83% of boys and 63% of girls were rearrested on felony level charges; 85% of boys and 68% of girls were convicted; and 71% of boys and 32% of girls spent time in adult jail or prison.¹⁴

In contrast to OCFS confinement, alternatives to incarceration are much more effective in treating children's needs and preventing future crime. Alternatives to incarceration also cost much less than OCFS placement.

Community-based alternative-to-incarceration programs for youth in New York City, such as the DOME Project, BronxConnect, the Center for Community Alternatives, and CASES, have recidivism rates lower than 20%. In 2006, the NYC Independent Budget Office found that the Esperanza program and the Enhanced Supervision Program (ESP), alternative-to-incarceration programs for youth adjudicated as juvenile delinquents, would save the City nearly \$5 million in reduced incarceration costs by the end of 2006. The ESP program costs less than \$5,000 a year per youth.

⁸ New York State Executive Budget Documents, 2007-08. www.state.ny.us.

⁹ Data provided by the New York State Office of Children and Family Services, "Selected Characteristics of Youth Entering and Leaving OCFS Custody Jan, 07-Mar. 07 or In Custody on March 31, 2007 and the Same Periods Last Year."

¹⁰ New York State Office of Children and Family Services, "Jobs Not Jails," February 2009 Children's Defense Fund-NY Summit.

¹¹ Ibid at note 10.

¹² *Investigation of the Lansing Residential Center, Louis Gossett, Jr. Residential Center, Tryon Residential Center, and Tryon Girls Center*, U.S. Dept. of Justice, August 2009.

¹³ State of New York Office of the Comptroller, Division of Management Audit and State Financial Services, "Office of Children and Family Services: Identifying and Treating Youth Needs." January 2001, p. 20.

¹⁴ *Long-Term Consequences of Delinquency: Child Maltreatment and Crime in Early Adulthood*; Rebecca Colman, Do Han Kim, Susan Mitchell-Herzfeld, Therese A. Shady; New York State Office of Children and Family Services; March 31, 2009.

¹⁷ New York City Independent Budget Office, "News Fax: Alternative to Jail Programs for Juveniles Reduce City Costs," July 11, 2006. (www.ibo.nyc.ny.us)