



The New York City Experience: Expanding Prosecutorial Use of Community-Based Alternatives While Maintaining Public Safety

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Commitment

Teamwork

Professionalism



Compassion

Integrity

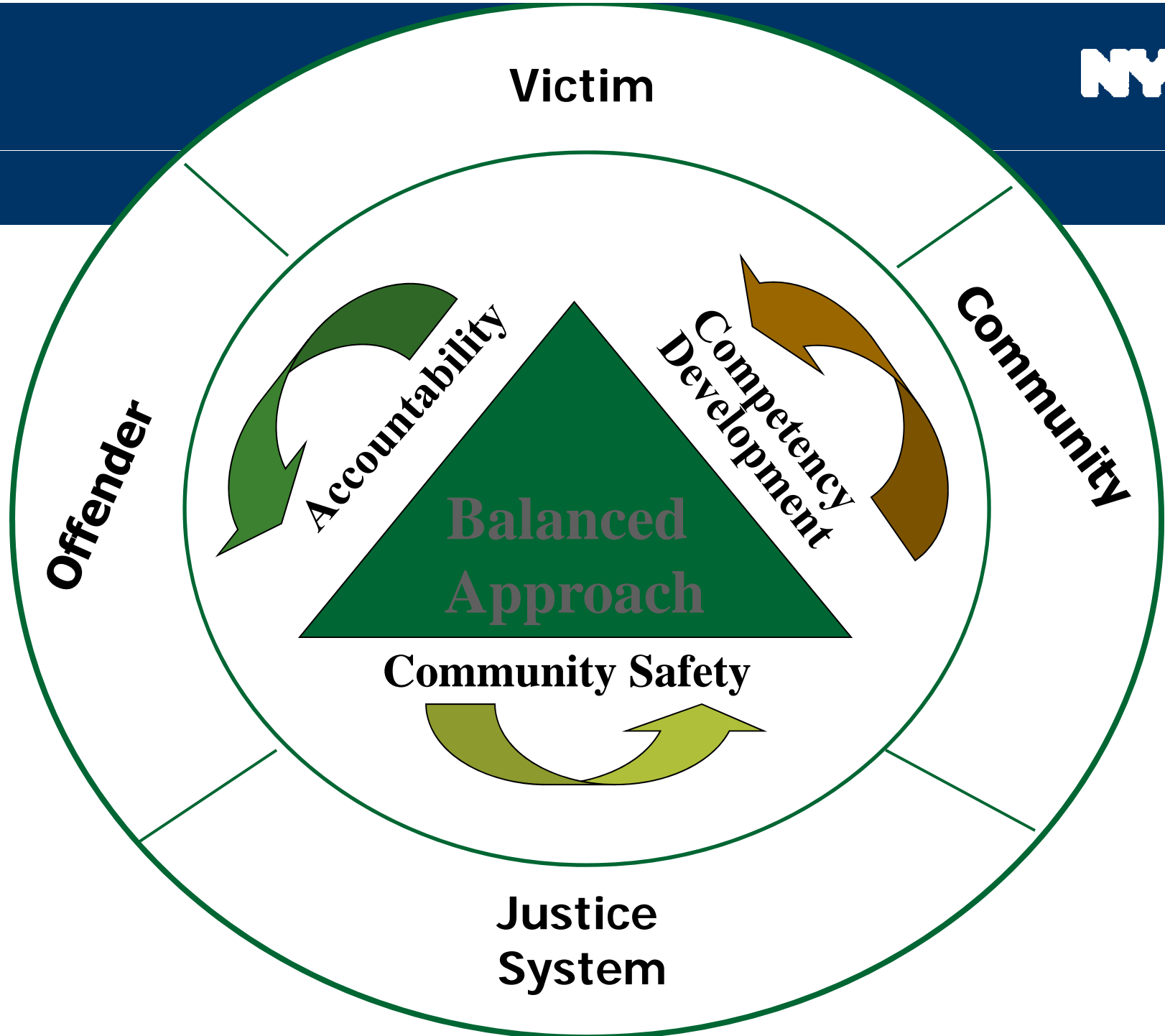
Fairness

Mission

Advocating for the best interests
of children and families
and the protection of the community.

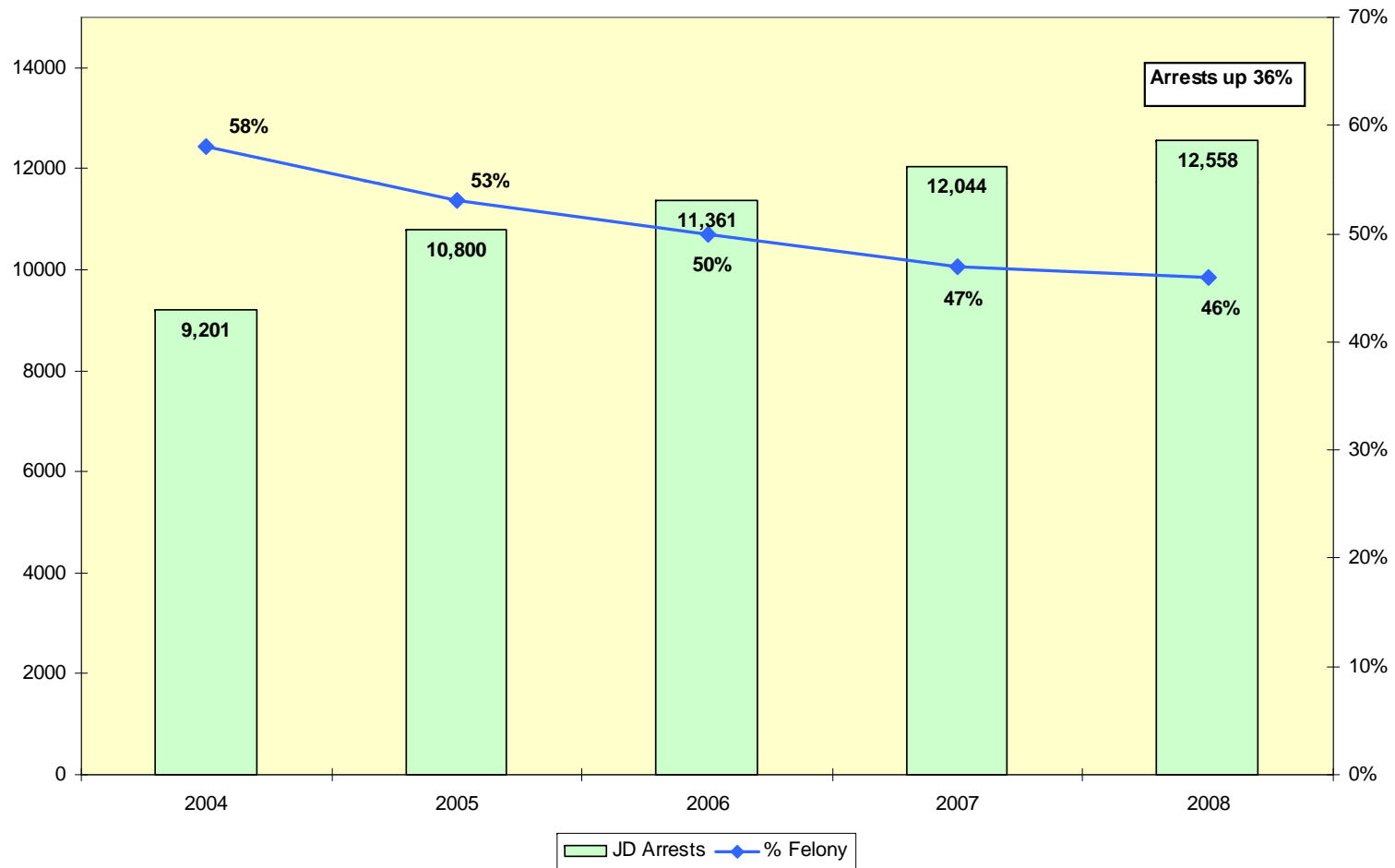
Vision

Law-abiding youth in the community.
Support for children and families.

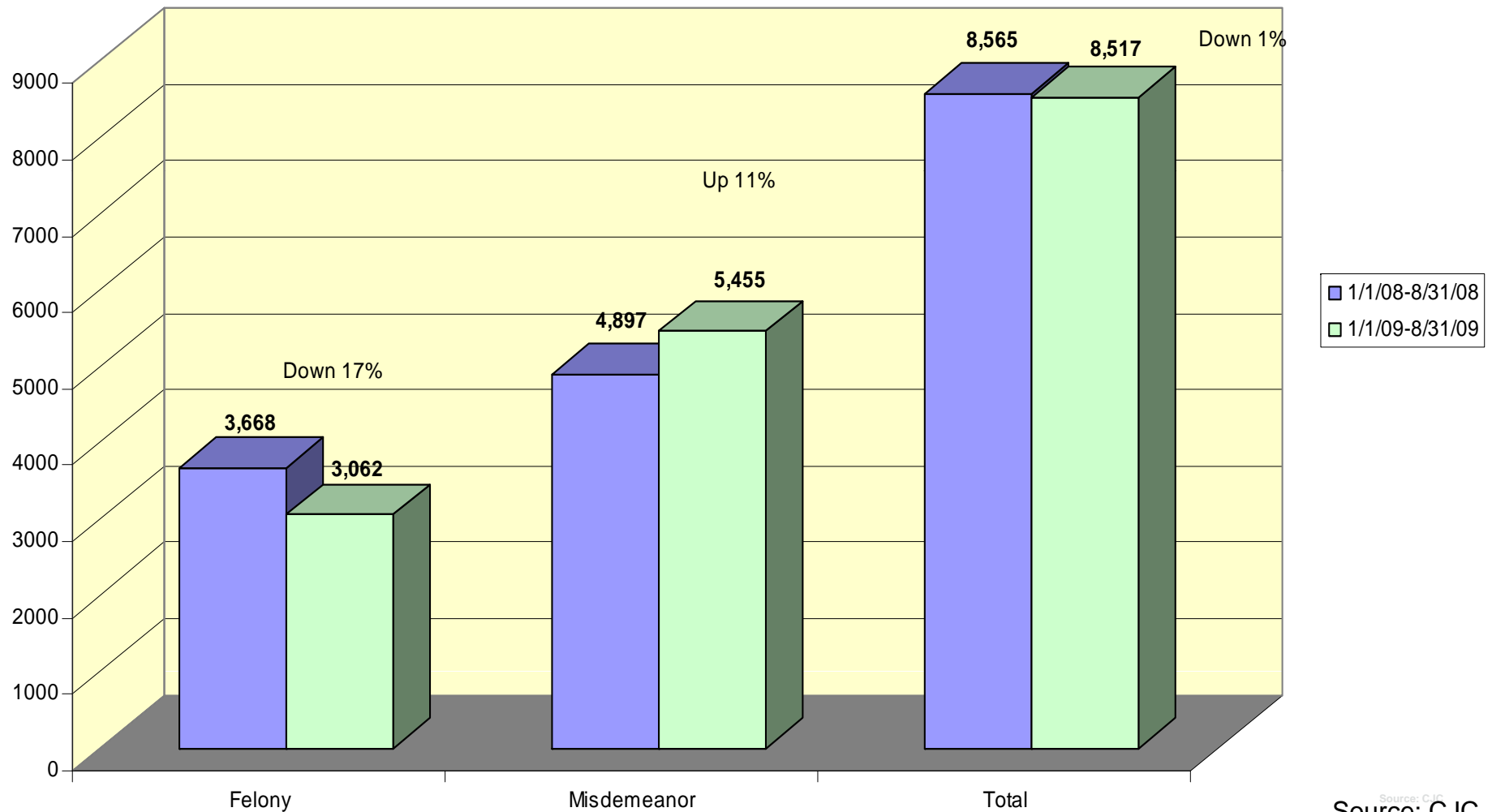


JD Arrests: 2004-2008

% Felony



Juvenile Delinquency Arrests, January 1-August 31 (JD only)



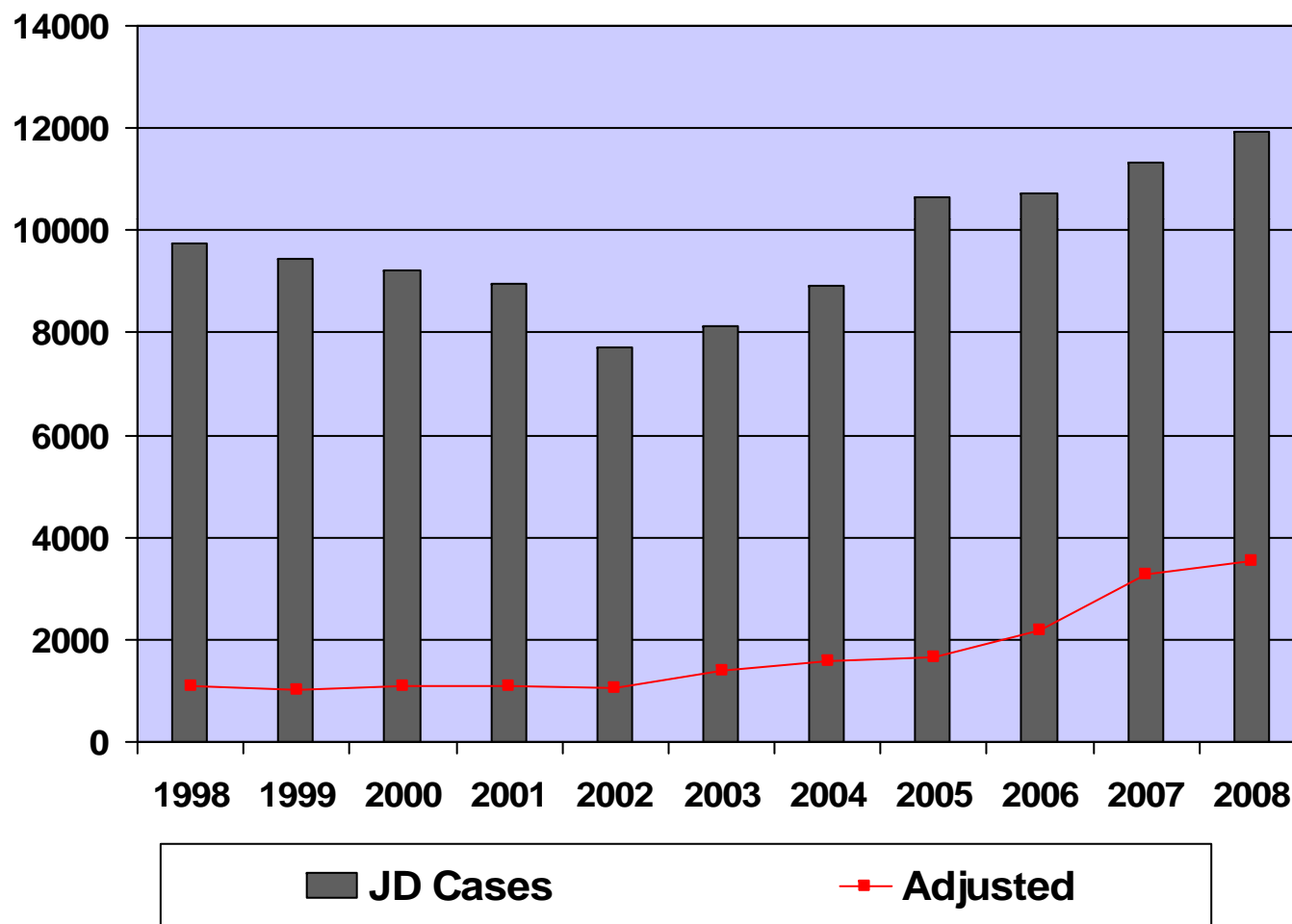
Disposition Guidelines

- Inclusive process to develop (buy-in)
- Gaps in existing assessment
- Focused on prevention of further violence
- “Juveniles who have a history of violence are more likely to be violent in the future than those with no such behavioral history. In fact, prior violent behavior is perhaps the best single predictor of future violence.” Borum and Verhaagen, *Assessing and Managing Violence Risk in Juveniles*, Guilford Press, 2006
- **High risk indicators:** possession or use of a firearm; possession of other deadly weapons or dangerous instruments with intent to use them unlawfully; robberies; residential burglaries; assaults involving the infliction or attempted infliction of substantial physical injury (more than physical injury); multiple assaults involving physical injuries; sale of narcotics; arson
- **Indicators that require further analysis:** school fights and suspensions; suspected gang membership; families’ desires that the respondent be placed
- **Indicators that in and of themselves don’t indicate risk of violence:** truancy; child welfare concerns (abuse or neglect); inadequate supervision in the home or child is not responsive to parents efforts to control.
- Dispositional specialists, dispositional supervisors, disposition forms

Sharpened focus on public safety

- Real Time Crime Center/ Juvenile Crime Desk
- Establishment of Major Crimes Unit
 - Path to senior counsel promotion
 - Advanced skill development
 - Focused caseloads
- On call response (homicides/attempts, shootings, 1st degree crimes, patterns)
 - Witness, respondent statements
 - Search warrants
 - Coordinated investigations
 - Focus on big picture
- Allows distinctions to be made among offenders

JD Intake and Diversion



2008	30%
2007	29%
2006	20%
2005	16%
2004	17%
2003	14%
2002	10%
2001	12%
2000	12%
1999	11%
1998	11%

*SOURCE: DOP

Prosecution Standards and Case Investigation

- Prosecutors should only file legally sufficient cases. *Legally sufficient cases are those cases in which the prosecutor believes that he can prove delinquency charges against the juvenile beyond a reasonable doubt by admissible evidence at trial.* Referred cases that cannot be proven by legally sufficient evidence should be declined or dismissed. In those cases where the prosecutor determines that evidence was improperly obtained, charges should only be filed against the juvenile if there is other admissible evidence which will reasonably substantiate the charges. Delinquency charges should not be filed against a juvenile solely because the juvenile is in need of services.
 - investigation of defenses
 - cross-complaints
 - victim-witness cooperation
 - goals of prosecution
 - is court intervention necessary?

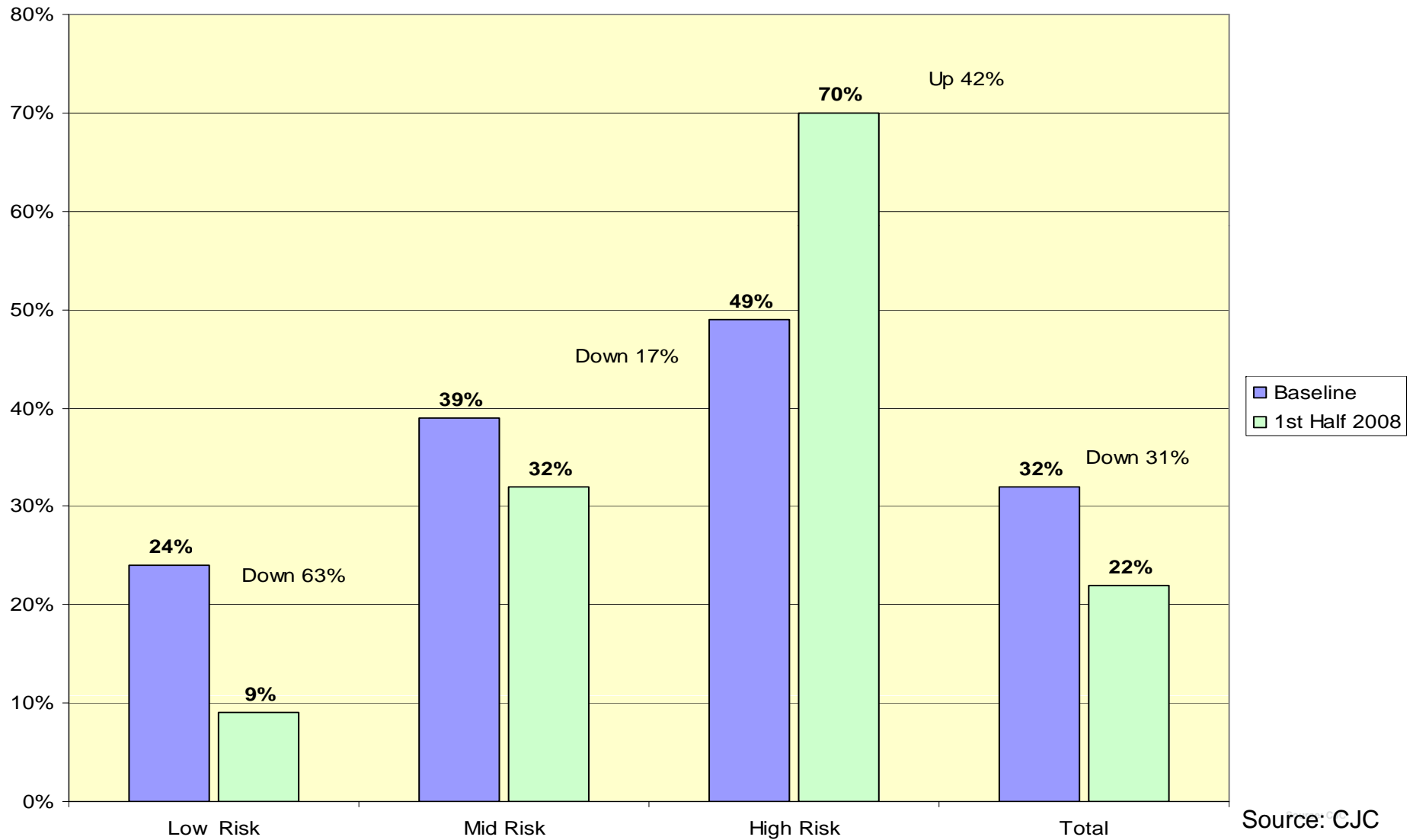
Prosecutorial Diversion

- Referral back to Probation for adjustment services
- Mediation (especially where prior relationships)
- Community organizations (e.g., Bronx Community Solutions)
- PD program
- Work books
- Youth court (SI)
- Reduction of filing rate from 77% to 60%

Factors from RAI

- **Section A. Risk of Failure to Appear (FTA)** *One point will be added for each of the following that apply:*
 - A1. The youth has an open JD warrant Yes No
 - A2. The youth has a prior JD or PINS warrant Yes No
 - A3. An adult did not appear on behalf of the juvenile at probation intake Yes No
 - A4. The youth's school attendance was less than 30% in the last full semester Yes No
- **Section B. Risk of Re-Arrest** *One point will be added for each of the following that apply:*
 - B1. The youth has an unsealed prior arrest Yes No
 - B2. The youth has an unsealed prior felony arrest Yes No
 - B3. The youth has a prior JD adjudication Yes No
 - B4. The youth has a prior designated felony adjudication Yes No
 - B5. The youth is currently on JD probation Yes No
- **One point will be subtracted if the following applies:** B6. The youth's school attendance was 80% or more in the last full semester Yes No

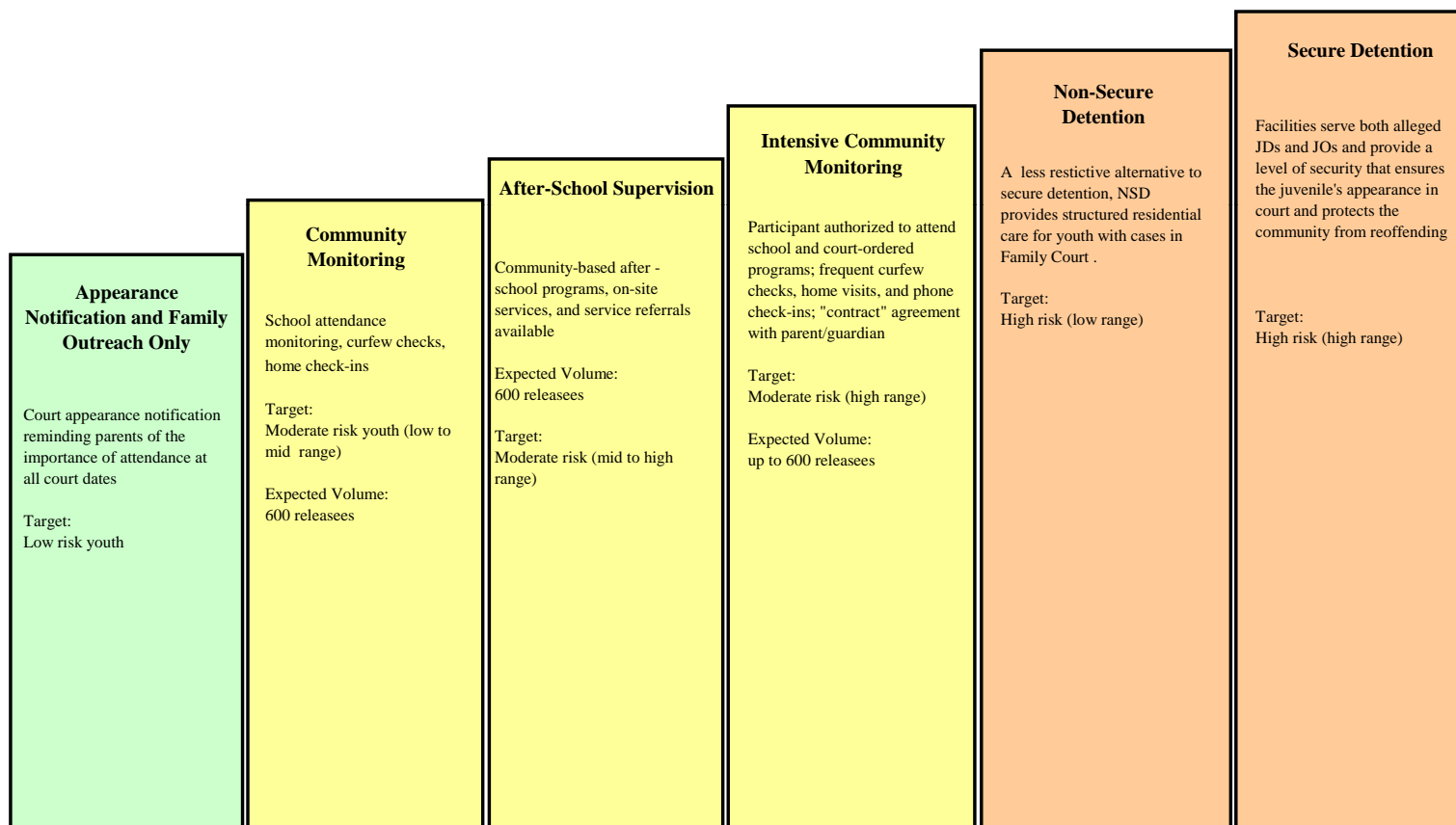
Detention at Arraignment by Risk Level



Source: CJC

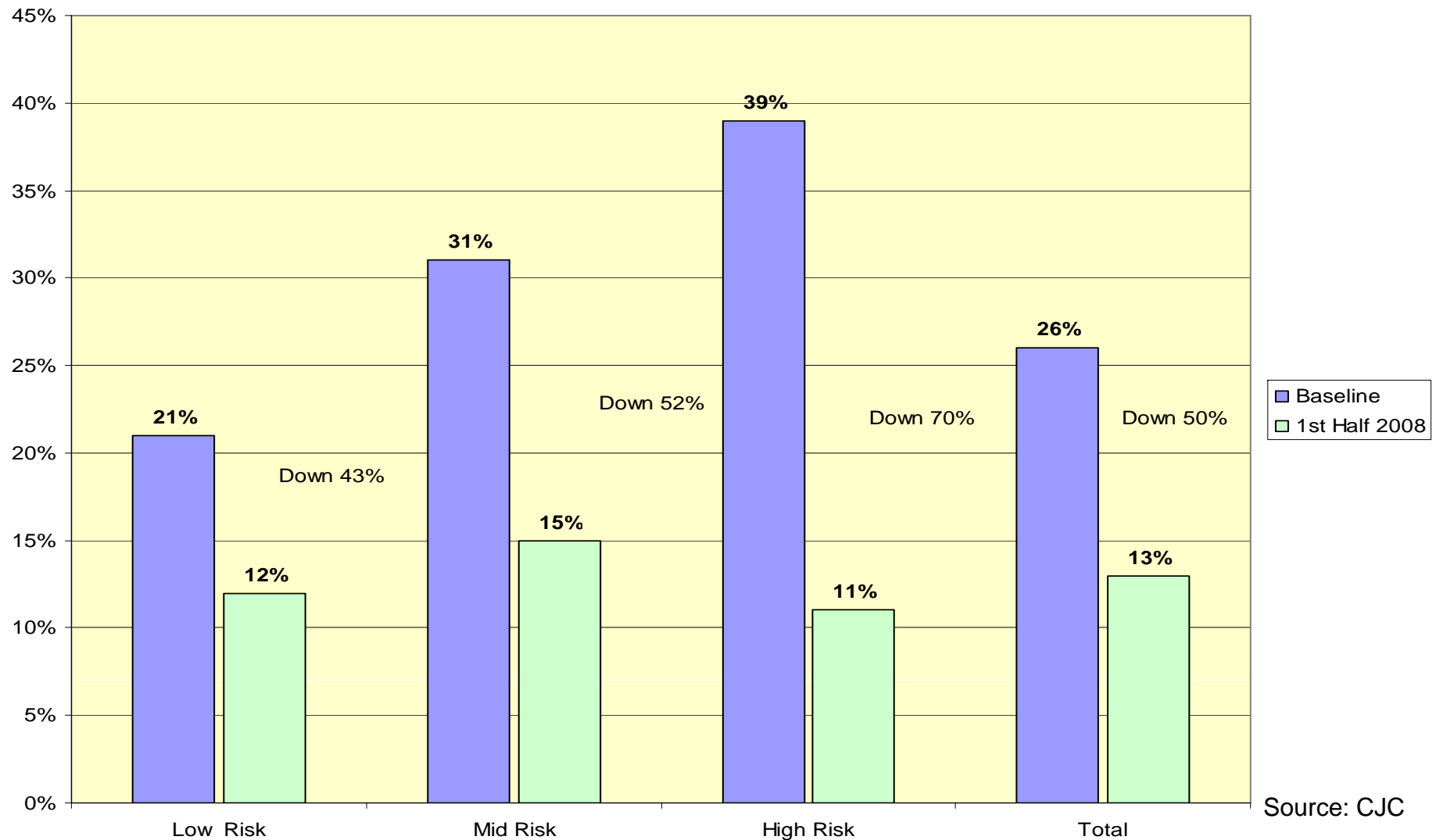
ATD Continuum

Graduated Supervision Options for Court-Involved Juveniles in New York City



←-----→
Juveniles can be moved up or down the continuum based on performance

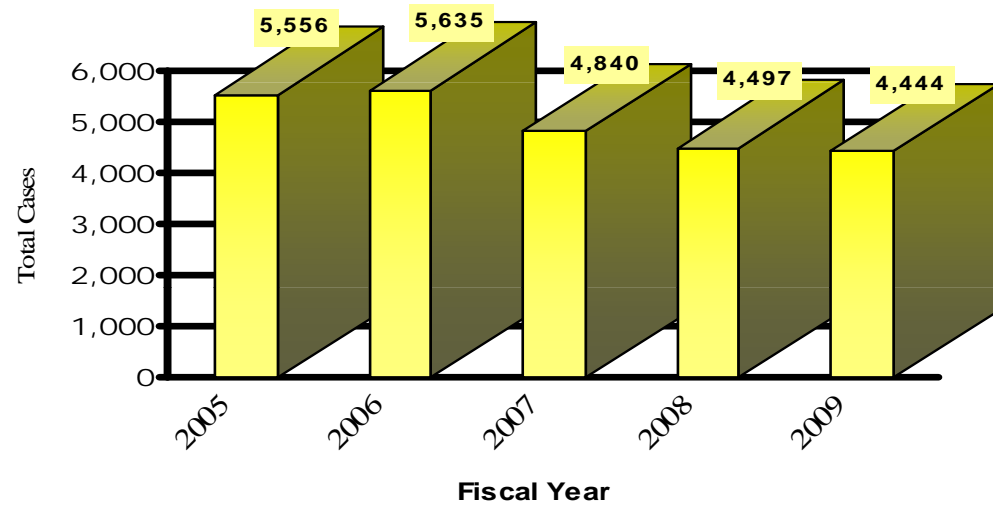
Recidivism between Arrest and Final Disposition, by Risk Level



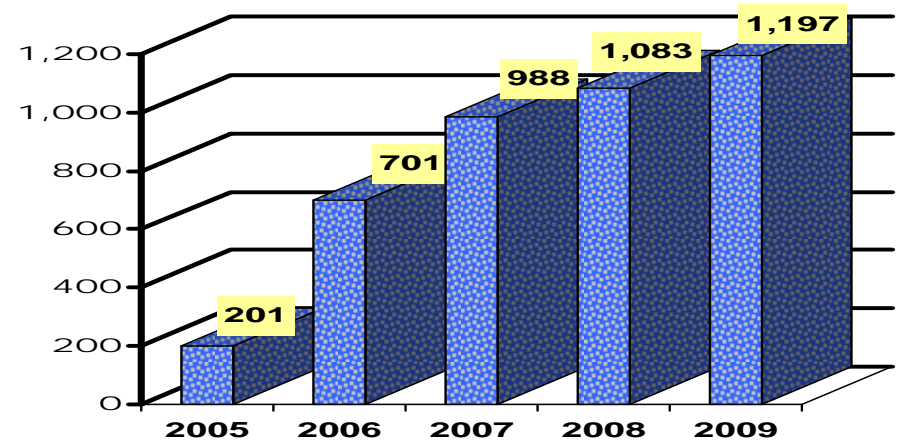
Source: CJC

Juvenile Operations

JD & ACD Supervision, Total Cases Serviced Citywide



Enhanced Supervision Program (ESP), Total Cases Serviced Citywide



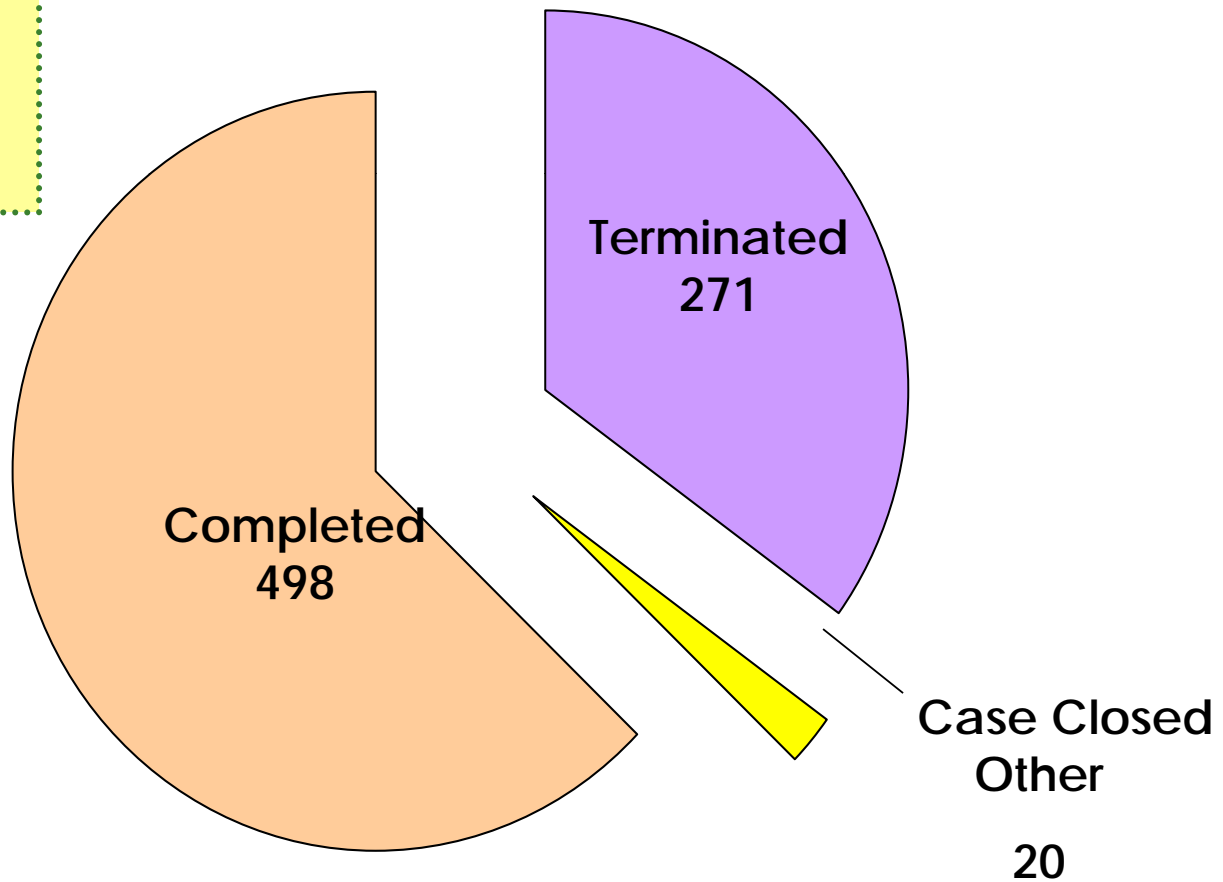
■ TOTAL SUPERVISED

Source: DOP
Source: DOP

Esperanza:

Since program inception, 498 kids have successfully completed

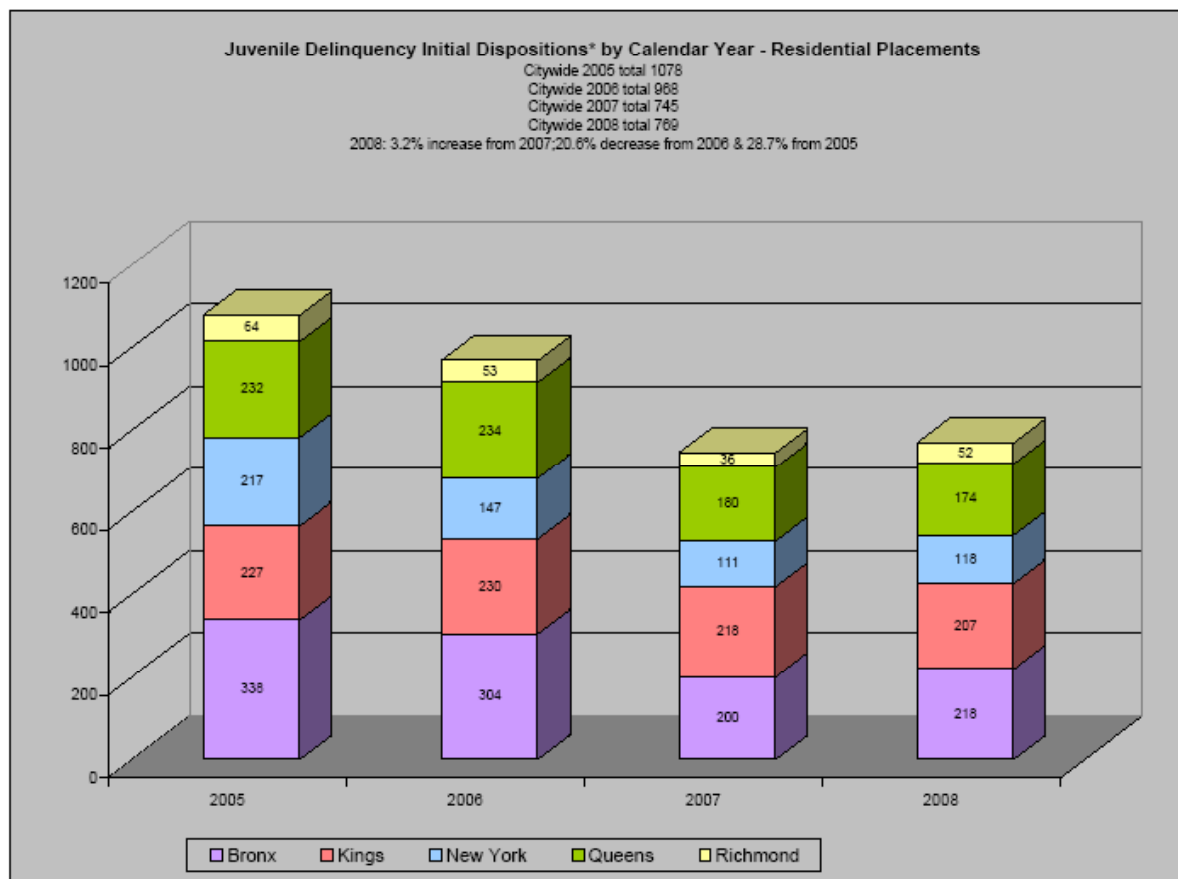
Average completion rate is 63%.



Administration for Children's Services Juvenile Justice Initiative

- 1/07-6/09: 633 youth enrolled in JJI's Alternative-to-Placement program in total
 - All placement-bound youth
 - FFT, MST, MTFC, Blue Sky
 - 80% of families with history of or current involvement with ACS at time of enrollment
 - 90% released home with JJI directly from detention
 - With variability by borough, approximately 65-70% successful completion rate since inception
 - With variability by borough, approximately 35% re-arrest rate during treatment
 - Approximately 40% of youth re-arrested go on to complete treatment successfully
 - More than 30% of re-arrests for graffiti, trespass, theft of service, disorderly conduct
 - With variability by borough, approximately 32% Violation of Probation rate
 - Approximately 20% of these youth are put back in JJI at the VOP and complete JJI successfully

JD Initial Disposition by Calendar Year- Residential Placements (2005-2008)

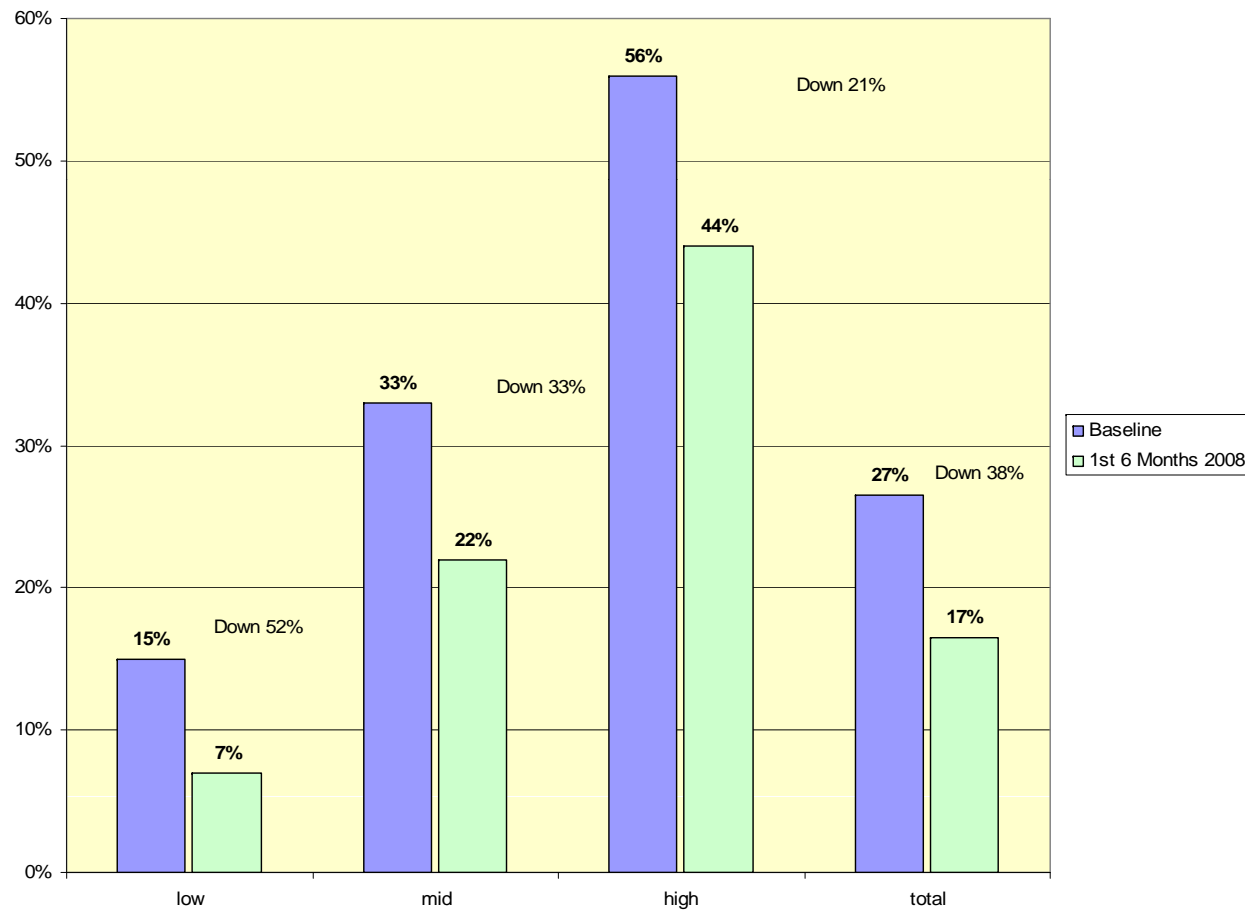


Source: NYC Law Department
 *Initial dispositions entered (excludes extensions of placement and/or supplemental dispositions)

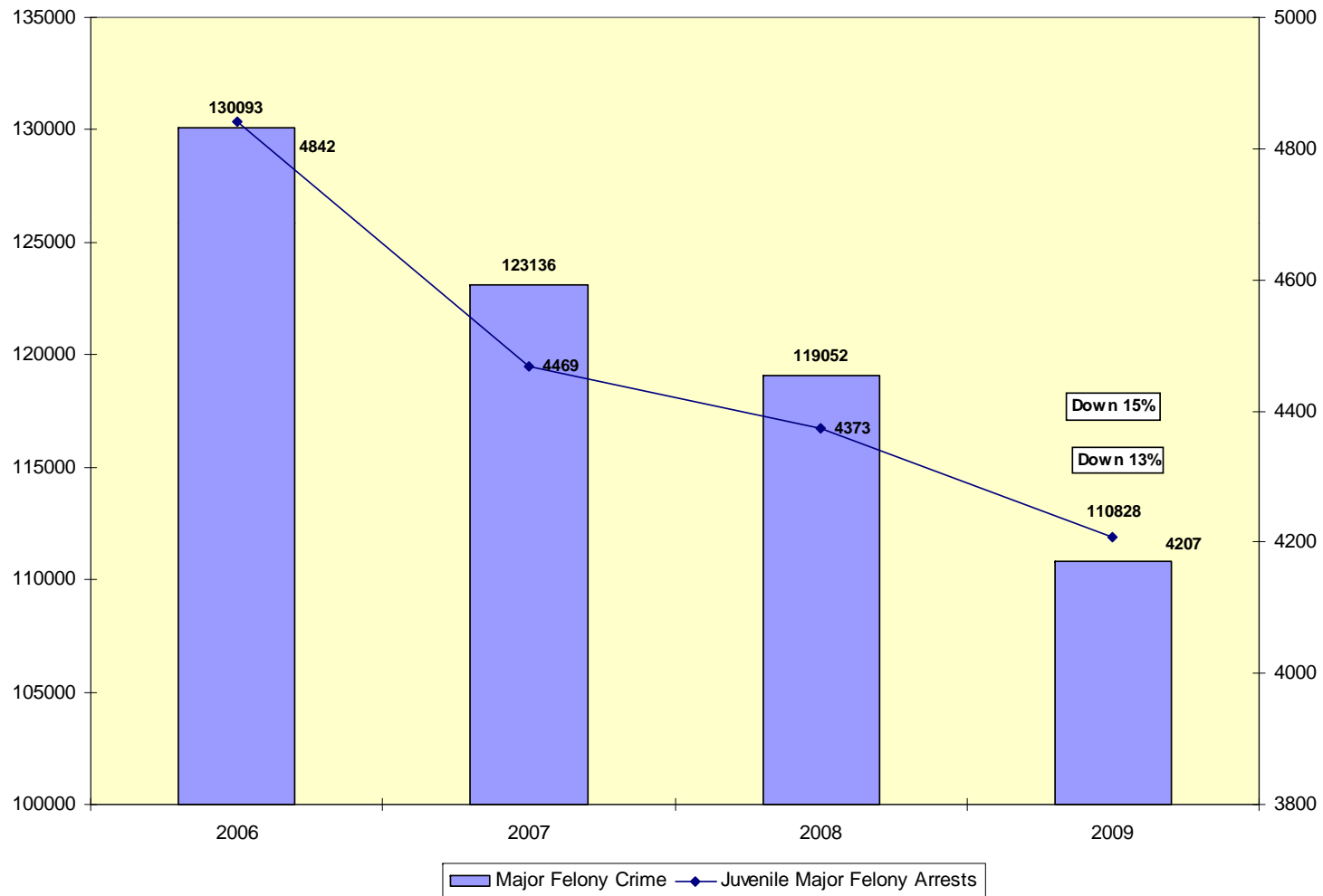
Data current as of 01/20/2009
 Generated on: 09/25/2009

Placements by Risk Level

Placement by Risk Level



Major Felony Crime: 2006-2009



Specialized populations

- Sex Crimes Prosecution Unit
 - Specialized prosecution on par with Major Case Unit
 - Links with Child Advocacy Centers and specialized training
 - Specialized assessments and coordination with Probation and treatment providers
 - Grant proposal for “sexting” prevention
- Family Violence
 - At higher risk for detention and placement
 - Problems of proof
 - Related child welfare/dv history/mental health issues
 - Gaps in service
- Project SAFETY
 - Accelerated case processing
 - Specialized dispositions
 - Complete dismissal upon compliance with services

NYPD's Juvenile Robbery Intervention Program (January 2007-present)

- Focused intervention based on crime/area (e.g. PSA-2)
- Coordination with prosecutors, Probation, child welfare, community-based agencies
- Carrot-stick approach
- Alerts from Real Time Crime Center
- Reduction in robbery arrests of participants (one year before enrollment vs. one year after): 180 to 29
- Services provided include employment assistance, GED referrals, social service referrals (Bodega de la Familia, Children's Aid Society), educational assistance, holiday visits
- Robberies in PSA-2: 26% decrease 2006-2007; 11% further decrease 2007-2008
- Expanding to East Harlem

Still to be done

- Enhanced, community-based, prevention-focused diversion
- Victim notification/protection/restoration
- Geographically-focused outreach to at-risk youth
- Front-loading of services (family-based)
- Improved mental health interventions (continuum of services)
- Foster care and preventive programs for dual-system involved that do not present as risks to public safety
- Focused violence reduction strategies for dangerous youth