



**REPORT ON LEGISLATION BY THE JUVENILE JUSTICE COMMITTEE,  
CHILDREN AND THE LAW COMMITTEE,  
AND COUNCIL ON CHILDREN**

**A.3006-A / S.2506-A (Budget Article VII) – Part H**

Enacts into law major components of legislation necessary to implement the state education, labor, housing and family assistance budget for the 2021-2022 state fiscal year; to amend the executive law, in relation to facilities operated and maintained by the office of children and family services and to authorize the closure of certain facilities operated by such office; and to repeal certain provisions of such law relating thereto (Part H)

**THIS BUDGET PROVISION IS APPROVED WITH RECOMMENDATIONS**

On behalf of the New York City Bar Association, we are writing to express our support for this proposed budget provision, which would close four state-operated juvenile placement facilities and reduce the State’s investment in youth incarceration.<sup>1</sup>

This bill would authorize the Office of Children and Family Services (OCFS) to close Goshen Secure Center (Orange County), Columbia Secure Center (Columbia County), Red Hook Non-Secure Residential Center (Dutchess County), and Brentwood Non-Secure Residential Center (Suffolk County) in calendar year 2021, as part of the continued effort to right size the State's juvenile justice system. These facilities have been chronically underfilled, with a total capacity of 142 beds and a total of 50 youth currently placed. These closures would result in Fiscal Year 2022 savings of \$10.9 million. This provision would take effect immediately, with the closures taking effect on October 1, 2021.<sup>2</sup>

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<sup>1</sup> Executive’s FY2022 Budget Article VII Legislation, Education, Labor and Family Assistance, <https://www.budget.ny.gov/pubs/archive/fy22/ex/artvii/elfa-bill.pdf>. (All sites last visited March 23, 2021.)

<sup>2</sup> Executive’s FY2022 Budget Article VII Legislation, Education, Labor and Family Assistance Memorandum in Support, <https://www.budget.ny.gov/pubs/archive/fy22/ex/artvii/elfa-memo.pdf>.

**About the Association**

*The mission of the New York City Bar Association, which was founded in 1870 and has 25,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.*

## **I. RAISE THE AGE YOUTH JUSTICE REFORMS HAVE REDUCED OUR NEED FOR YOUTH PLACEMENT FACILITIES**

Now fully implemented state-wide, Raise the Age reforms have contributed to a decade of declines in youth arrest, detention, placement and incarceration. Fewer youth are facing incarceration as more emphasis is placed on providing appropriate supports and services for young people and their families in the community.<sup>3</sup> The State is ready to close these facilities now because of this shrinking need for institutional placements.

## **II. NEW YORK SUCCESSFULLY CLOSED FACILITIES IN THE PAST, CONTRIBUTING TO REDUCTIONS IN YOUTH INCARCERATION**

Between 2007 and 2013, the State closed 23 youth facilities and reduced capacity in others.<sup>4</sup> Overall, OCFS reduced its residential capacity by more than 1,000 beds, which was part of a steep reduction in youth justice placements that continued for a decade. As New York has reduced its use of confinement, it has shifted focus instead to approaches that prevent youth from becoming justice-involved, developing community-based options that can hold youth accountable, and reducing the number of youth held in secure confinement.

Research shows that institutional settings can pose significant risk to young people's health and well-being, educational attainment and future employment.<sup>5</sup> Moreover, juvenile placement facilities in New York are the site for extreme racial disproportionality. During 2019, almost 75% of children admitted to Office of Children and Family Services (OCFS) custody were Black or Latinx, while they represent only 40% of New York's children.<sup>6</sup> Closing juvenile placement facilities must be a necessary part of a larger racial equity agenda for our State.

## **III. CLOSURE BRINGS NEW OPPORTUNITY FOR COMMUNITY REINVESTMENT**

These closures provide an opportunity for increased economic reinvestment in alternatives to incarceration, and to support more youth in the community instead of, or after, confinement. New York spends more than any state on secure placement, at a cost of nearly \$900,000 per child per year.<sup>7</sup> Significant resources are at stake.

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<sup>3</sup> New York State Raise the Age Implementation Task Force Final Report, <https://www.criminaljustice.ny.gov/crimnet/ojsa/FINAL%20Report-Raise%20the%20Age%20Task%20Force%2012-22-20.pdf>.

<sup>4</sup> Staying Connected, Keeping Justice-Involved Youth "Close to Home" in New York City, <https://johnjayrec.nyc/wp-content/uploads/2015/03/c2h2015.pdf>.

<sup>5</sup> Sticker Shock 2020: The Cost of youth incarceration, [http://www.justicepolicy.org/uploads/justicepolicy/documents/Sticker\\_Shock\\_2020.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/Sticker_Shock_2020.pdf). The total annual per child costs are \$892,206. This calculation is based on state-published rates for placement in OCFS-operated facilities.

<sup>6</sup> OCFS, *2019 Annual Report Youth in Care*, at Table 1; Citizens' Committee for Children of New York's analysis of American Community Survey, Public Use Microdata Sample file (2018 1-year estimate).

<sup>7</sup> Sticker Shock 2020: The Cost of youth incarceration, [http://www.justicepolicy.org/uploads/justicepolicy/documents/Sticker\\_Shock\\_2020.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/Sticker_Shock_2020.pdf).

Following the OCFS facility closures in prior years, a new fund was created under New York’s Executive Law called the Supervision and Treatment Services for Juveniles Program,<sup>8</sup> which authorizes and allocates annual grants from the State to counties to support prevention, alternatives to detention/placement and reentry supports. This is one of the most important mechanisms for reducing youth incarceration. Communities can access resources to develop programs that courts can trust instead of sending youth to OCFS-operated placement facilities.

**Recommendation**

We recommend that the legislation be amended to include an explicit reinvestment of these savings, directing State funds to existing Supervision and Treatment Services for Juveniles Program grants for communities, or another mechanism to support prevention, alternatives to detention, placement and incarceration, aftercare and re-entry supports for adolescents and young adults.

Thank you for considering our position on these important proposals impacting youth in the criminal justice system.

Juvenile Justice Committee  
Jennifer Gilroy Ruiz, Co-Chair  
Maura Keating, Co-Chair

Children and the Law Committee  
Melissa J. Friedman, Chair

Council on Children  
Dawne Mitchell, Chair

March 2021

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<sup>8</sup> Executive Law § 529-b.