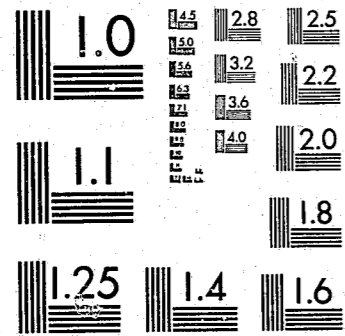


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9/28/83

LAST CHANCE:

JUVENILES BEHIND BARS

**A Survey of the New York State Division for Youth's
Secure Facilities**

89104

CITIZENS' COMMITTEE FOR CHILDREN OF NEW YORK INC.

105 EAST 22nd STREET • NEW YORK, NEW YORK 10010 • 212-673-1800

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LAST CHANGE:

JUVENILES BEHIND BARS

A Survey of the New York State Division for Youth's
Secure Facilities

A Report By
Citizens' Committee for Children of New York, Inc.

April 1982

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FOREWORD

The New York State Division for Youth has been given the formidable task of providing secure custody for the young people of the state who have been found guilty of committing serious crimes. We found much to commend in the way it is fulfilling these responsibilities, as well as some serious shortcomings. The strength and weaknesses in the secure custody facilities of the system, as we perceived them, are contained in this report.

We have been much heartened by the determination of the Division's administration that the time served in the secure custody of the Division be used to re-direct the lives of the young people assigned to it. In all too many instances, this may be our last chance to turn young lives around.

We found staff working with spirit and energy for a constructive turn-about in the lives of these young people, many of whom present daunting challenges to understanding and imagination, to tolerance and good will. It would be easy to be discouraged.

Why is this important? Serious crimes have been committed and incarceration is the punishment. True. Yet this is not a "final solution." Most of these youths will be back on the streets as young adults. Is it not sensible, then, to do everything possible to overcome pent-up rages of vengeance, to counter the all-too-real dreams of easy outlaw street life, to abort the acquisition of street-smart skills, to prepare for a non-criminal, non-violent life in the world of work? The answer for those of cool judgment must be "yes" or these young people will be lost from the labor force, from the military, from responsible adulthood.

ii.

Hurricane Jackson, the late boxer, held tenaciously to the view that "There's no such thing as a has-been....If you're still alive, you can't be a has-been, only a gonna-be." A particularly American view. The promise in these adolescents must be located and mined -- for our own benefit as well as theirs.

Citizens' Committee for Children is a citizen watchdog of laws, policies, and programs for children. Our interest in juvenile justice is a long one, going back to the first years of the Committee. Our current work in this subject is partially supported by a generous grant from the Veatch Program of the Unitarian Church, Plandome, Long Island. For this we are most appreciative.

Elizabeth H. Wolff
President

Bernard C. Fisher
Executive Director

iii.

INTRODUCTION

Citizens' Committee for Children, in 1969, conducted a study of the New York State Training School System, then operated by the State Department of Social Services, to observe the care and treatment of children placed in the schools by the Family Court. We reported then on a system that warehoused large numbers of children, providing little more than custody and control. As we have monitored the system over the years, we have been gratified to see the implementation of many of the recommendations contained in that report.

In 1980, we organized another task force, this time to look at what are known as "secure" and "limited secure" facilities operated by the State Division for Youth. The limited secure facilities house several categories of juvenile delinquents, at various stages of their confinement. The secure facilities also house a variety of juvenile delinquents and are the only institutions for juvenile offenders placed by adult criminal court. Altogether over a two year period, we have visited 17 facilities, eight secure, and nine limited secure. A number were visited several times. We have devoted hours to discussions of our observations of the institutions, evaluated the contents of volumes of statistics, rules and regulations, policies and procedures.

The material presented in this report is concerned with the secure facilities (except for thumbnail sketches of the limited secure ones in Appendix A). This is because the Juvenile Offender Law and the children and youth who are adjudicated and sentenced under it are our greatest concern in the juvenile justice system at this time. These children are being punished through long periods of confinement in facilities that are, for the most part, remote from their homes. We wanted to assure ourselves that, at the same time, they were being prepared for an eventual return to society.

We wish to thank the Director of the Division for Youth, the Honorable Frank Hall, and his staff who have fully cooperated with our study: facilitating our visits, supplying us with a great deal of written material, and meeting with us at our request. In addition, several members of the DFY Central Office staff read the draft of the report and submitted a series of thoughtful comments and suggestions thus adding to the accuracy and content of the document. We are aware that this was done at a time when the Division was buffeted by community, political and budgetary pressures and constraints, as well as lawsuits, and, so, are especially appreciative.

Our Task Force was co-chaired by Anne Woods Guzzardi and Migs Woodside. This report results from the combined efforts of our chairpersons, the Task Force members, and CCC staff members Mrs. Hermine Nessen, the late Mrs. Ethel Ginsburg, and Ms. Elizabeth T. Schack. The views expressed in this report appear with the endorsement of the Committee's Board of Directors following formulation by the Task Force.

BACKGROUND

The State Division for Youth operates a broad program of residential and community services for children placed with it by the court system. All told it operates 60 - 70 facilities that range from maximum to minimum secure institutions, from forestry camps to group homes. Over the last few years the Division has provided residential care for approximately 2,000 children at any given time, as well as after-care supervision for children released from care.

New York State has always had a divided approach to delinquent children. On the one hand, it is one of the few states that ends the juvenile court jurisdiction at the 16th birthday, thus sending thousands of 16 and 17 year old minors through the adult criminal justice system.¹

On the other hand, it was the first state to provide legal representation for alleged delinquents as well as most of the other procedural due pro-

1. In 1976 three other states (Alabama, North Carolina, Vermont) ended the juvenile court's jurisdiction at this early age. However, a majority of states provided for a waiver system permitting the juvenile court, after a hearing, to transfer a case to the adult courts. This procedure was not available in New York.

cess rights that were mandated later by the landmark Supreme Court decision, In Re Gault.²

The 1970s was the decade of change in New York's juvenile justice system. In 1970, without public debate or participation, the state's training schools were uprooted, removed from the child welfare system and assigned to the then small and experimental Division for Youth (DFY).³ Over the next six years, the number of training schools shrank from 14 to four and the capacity of those that remained was sharply curtailed.⁴ A series of law suits, as well as reform-minded directors of the Division, resulted in what were generally acknowledged to be greatly improved programs for the care, education and treatment of children placed in the training schools. A variety of new facilities was developed so that it appeared that the Division would soon be able to assign children placed with it to the type of residential care most suited to their needs. These developments began to grind toward a halt, however, beginning in 1976.⁵ In that year the State Legislature amended the Family Court Act to establish a category of delinquent acts to be known as "designated felonies." Fourteen and 15 year old children, and some 13 year olds, as well, found to have committed one or more of those acts, became liable to "restric-

2. In Re Gault, 387 U.S. 1 (1967)

3. DFY had been established in the 1960s to develop small experimental residential centers for adolescents referred by the juvenile and criminal courts. At the time the training schools were transferred, the Division operated some forestry camps, each with a maximum capacity of 60, and some smaller community based residencies and group homes.

4. The State Agricultural and Industrial School at Industry, N.Y. went from a capacity of 400 to 120; Tryon, in Johnstown, N.Y. was also reduced from a capacity of 300 to 120. Two secure facilities - Goshen and Brookwood - were also reduced from rated capacities of 100 to 75 and 60 to 50 respectively.

5. See Appendix B for a more complete description of the Juvenile Justice Reform Act of 1976.

tive placements." Such a placement was to be ordered after consideration of the needs and best interests of the child and, for the first time, "the need for the protection of the community."⁶ Restrictive placements had to be made to a secure facility, one "characterized by physically restricting construction, hardware and procedures and designated as a secure facility by the Division for Youth."⁷ The placement could be for a considerably longer period than before. These provisions took effect September 1, 1976.

Two years later, in the heat of a gubernatorial campaign and once again without any public consideration or debate, the Legislature met in special session and passed the state's Juvenile Offender Law, a law described at the time as the harshest juvenile law in the nation.⁸ Under this statute, which took effect September 1, 1978, 14 and 15 year old children alleged to have committed one of a number of enumerated offenses, and 13 year olds accused of murder, have their cases initiated in adult criminal courts. Under certain circumstances, the cases may be removed to the Family Court.

For some of the children whose cases remain in the criminal courts, much longer periods of confinement than those available to the Family Court may be ordered upon conviction. Depending upon the length of sentence the confinement must be in a DFY secure facility until at least the youth's 16th birthday and may be continued there until his 21st birthday. With the consent of the sentencing court, a youth between the 16th and 18th birthdays may be transferred to adult corrections. The Division may transfer a youth aged 18 to 21 upon certification that there is "no substantial likelihood" that the

6. Sec. 711, Sec. 753-a, Family Court Act.

7. Sec. 712-j, Family Court Act.

8. The Juvenile Offender Law in New York, Andrea Peyser, New York Law Journal September 27, 1978, p. 1, col. 1, New York, N.Y.

youth will benefit from the Division's programs. Transfer must be effected by the 21st birthday.⁹

In September, 1978, DFY had four secure facilities: one for 75 boys, another for 50 boys, one for 20 boys and a fourth for 30 girls. To Citizens' Committee for Children it was obvious that DFY would need to expand its capacity in order to confine more young people for longer periods of time. It was equally obvious that the Division would need different types of programs for an older group of adolescents; that the facilities might require different systems of incentives and control mechanisms.

CCC also recognized that DFY would have to develop new relationships with other state agencies. For example: Only the State Board of Parole may authorize the release of a Juvenile Offender prior to the end of his sentence. The educational requirements of 18-21 year olds are different from those of the younger children for whom the Division generally provided: would the State Education Department assist? How could the State Office of Mental Health assist with psychiatric problems, given the complexities of the new law?¹⁰

9. For a more complete description of the Juvenile Offender Act and pertinent statistics, see In Search of Juvenile Justice, Citizens' Committee for Children, New York, N.Y. April, 1979, and Appendix B to this report.

10. Because the Juvenile Offenders are arrested and tried as juveniles, regardless of the age attained while at DFY, they cannot be transferred to adult mental health facilities. However, since they have been tried and convicted of criminal offenses, they cannot be transferred to children's psychiatric centers. In April, 1982 the Office of Mental Health is expected to open a ten bed secure unit for JOs at the old Creedmoor State Hospital in Queens. Several times, DFY has proposed legislation to permit the transfer.

THE STRUCTURE AND FUNCTIONING OF THE DIVISION FOR YOUTH

The Division for Youth is now one of the largest of the state agencies and ranks as a department in everything except name.¹¹ Overall, it is responsible for providing residential care for "persons in need of supervision" (PINS), Juvenile Delinquents, "Restrictive Juvenile Delinquents," and Juvenile Offenders; some aftercare; oversight of local detention facilities; distribution of state delinquency prevention funds to local governments; reimbursement for a part of the cost of care of children in detention as well as that of delinquent and PINS children placed with voluntary child-care agencies; and the operation of the state's run-away youth program. In order to handle all of these responsibilities, in 1982 the Governor's executive budget requested \$186,545,371 and a staff totalling 2,481 persons.¹²

The Division is headed by a Director, assisted by an executive deputy

11. The State Constitution limits the number of departments that can be established.

12. As enacted, the budget was reduced in important areas. See below, Page 14, first paragraph.

director and four other deputies responsible for Program Services (education, health training, recreation, counselling), Rehabilitation Operations, Administration and Local Services. These persons, together with other key staff, meet in the Director's "cabinet" weekly to formulate policies, help deal with the multiple crises that seem to hit DFY almost daily, and develop plans for the future. DFY has a legal unit responsible for providing agency related legal services, including drafting proposed legislation for the agency and for defending or assisting in the defense of law suits. In addition there is an ombudsperson program to watch over the children's rights.

These planners and decision makers are located primarily at the Division's Central Office in Albany. For the purposes of local assistance and day-to-day operations of the various programs, the state has been divided into four areas: Region I, covering western New York counties; Region II, central and northern counties; Region III, eastern and lower tier counties; and Region IV, New York City, Nassau and Suffolk counties. ¹³

Each of the four areas is headed by a regional director, in whom considerable authority has been vested. In general, this authority consists of oversight of all facilities within the region, except secure ones; the admission to and discharge from DFY facilities and programs of children ordered placed by the courts within the region, and supervision of what are known as "Youth Service Teams."

Finally, and of particular importance in this discussion of the administration, policies and planning of DFY secure facilities is a Secure

13. The executive budget, if enacted as submitted, will provide funds to redesign the regional structure so that New York City and Nassau-Suffolk will be two separate Regions.

Facilities Management Unit created in February, 1981. As of January, 1982 there were nine secure facilities, the ninth having opened that month. This seven member committee functions out of the Division's Central Office in Albany. Three of the members function in the field, each providing oversight for at least two of the secure institutions.

They are expected to keep the Division's Director and Deputy Directors fully apprised of the overall situation within the secure facilities; to oversee program content; to handle issues such as the transfer of a resident from one secure facility to another; and to assist the facility heads in a spectrum of matters ranging from internal DFY budget negotiations to staff and resident discipline.

Planning for Secure Facilities

As noted earlier, the Laws of 1976 and 1978 mandated that two groups of youths (RJDs and JOs) must be maintained in secure facilities if placement is ordered. There are two other groups of children that are candidates for these facilities if placed with DFY:

1. "Fennered" children. These are children in residence in an open DFY facility who, because of behavior at that facility, are transferred to a secure facility after a hearing. ¹⁴ It is reported that, because of problems in developing additional secure space, few requests for such transfers are being made now.

14. The proceeding takes its name from Fenner v. Luger, 73 Civ. 5522 (SDNY, September 23, 1976) in which the Court of Appeals ruled that a child may not be transferred from an open to a closed facility without a showing of necessity (persistent assaultive behavior, AWOL, for example.)

2. "Sixty-day options." This hybrid placement order, when issued by the Family Court, authorizes DFY to place a child in either a closed or open setting and then transfer within 60 days without the necessity of a Fenner hearing. It was a part of the 1976 amendment to the Family Court Act.

It should be noted that all of the children that comprise the four groups - JOs, RJDs, Fenners and 60 day options could have been placed on probation at the time of the Family Court order of disposition or sentencing by the Supreme Court.

What manner of information did DFY have, beginning in 1976, on which to base long range planning for the development of secure facilities for an increased number of youth? What kind of planning has taken place? What problems have arisen? What has been the response by the Governor and the Legislature? What information did DFY have about the kinds of programs that might be required for the older youth?

In 1976, DFY knew (1) how many classified cases it had had,¹⁵ (2) how many children had been "Fennered" from the open facilities to Goshen, Brookwood, the secure cottage for girls at Tryon, or transferred to the Bronx Center, the only secure facilities in existence, and (3) the average length of stay. What the Division could not know was how the Family Court judges would respond to the new requirement that they consider the protection of the community as well as the best interests of the child in

15. "Classified case" is an internal DFY designation, assigned to Juvenile Delinquents who were found to have committed a serious act but had not been given a restrictive placement.

ordering dispositions for Juvenile Delinquents. At the time the then Director of the Division and his research assistant indicated that they did not believe additional secure facilities would be required.

From September, 1976 through September, 1978, although there were a number of restrictive placements, and 60 day authorizations, the population of the secure facilities remained relatively stable. Tentative plans were made for the development of a secure facility on the grounds of Highland, an old training school where DFY still operated several specialized programs and negotiations began for a small facility at Oneida and another in Buffalo. The primary purpose was to keep the youths as close to their home communities as possible. The major emphasis of DFY at this time, however, appeared to be on the development of limited secure facilities where the RJDs might complete the remainder of their residential placements. These were to be available for the 60 day authorizations and classified cases as well if it was deemed appropriate. Two of these facilities were developed in New York City.

In 1978, when the JO Law was enacted, DFY had its cumulative knowledge of the Fenners, classified cases and RJDs on which to draw. While it could not know what the attitudes of the judges in adult courts would be toward this new category of defendants, there was other information on which to base predictions for population growths: the number of children in the DFY population who might have been tried and sentenced by the Supreme Court and the extended sentences that some of these youths might receive. It was obvious that more beds were going to be needed even if the facilities projected between 1976 and 1978 were opened.

The planning process has been fraught with problems: how would DFY fare in the multiple law suits to which it was subjected, with the Budget

Division, with state construction procedures and the like? Despite these problems, five additional secure facilities have been opened: Masten Park, in Buffalo; Oneida Secure in Oneida County; Harlem Valley Secure, near Wingdale, New York; Chodikey, on the grounds of the old Highland Training School near Highland, New York; and MacCormick Center in Tompkins County.

In November, 1980 a 19 bed program, the Oneida Secure Center, was opened in two wings of the Central New York Psychiatric Center located on the grounds of Marcy State Hospital in Oneida County. The building that houses the program is the one reserved for the criminally insane. This program, since its inception, has been described as a temporary program. However, its closing and the transfer of the youth has been repeatedly postponed. It seems to have fallen into the category of a "permanent temporary" program.

The Masten Park Secure Facility in Buffalo opened in 1979 with a capacity for 40 boys. Another building in this complex, a former convent, is now under renovation and will be capable of housing 60 boys. It is expected to be ready in mid-winter.

The program at the old Highland Training School, now named the Chodikey Secure Facility, finally opened in September, 1981. It went, almost immediately to a full capacity of 40 boys. Since it opened a small dormitory has been developed for 8-10 additional youths, bringing the total up correspondingly.

Another new facility, the Harlem Valley Secure Facility in Wingdale, N.Y., was opened in February, 1981. Located on the grounds of a state psychiatric hospital, it was planned as a facility for 160 boys. As of this writing, it houses 60 boys, some in a renovated building and others

in a building still undergoing renovation.

The last secure facility on the drawing boards, MacCormick Secure Center, opened in January, 1982 for 48 boys. This former forestry camp was under renovation following a fire when the "crunch" for secure beds became acute. Advance planning had led to renovation that included most of the security elements.

The problems DFY has encountered in its efforts to develop new facilities have been manifold: the old syndrome, "put 'em in some other neighborhood"; budget appropriations - too little, missing or withdrawn - and law suits.

Negotiations for the facility in Buffalo, Masten Park, began in 1977. From the beginning Erie County officials insisted that the facility must be limited in size and that it must be limited as to the number of New York City youths who could be sent there. When the political issues were worked out it was possible for the Division to move in with a minimum of renovation since the facility had been used as a residential drug abuse center earlier.

As noted, another building in the complex is being renovated. When it is completed the facility will have the potential to house a total of 100 youths in the two buildings. It remains to be seen whether the Erie County officials will agree or will insist that the Division limit its program to one building. Questions arise here: Why has the Division proceeded with the renovation of a second building without assurance that it can use both buildings? Even more to the point, the vast majority of the youth whom DFY must retain in secure facilities, that is the JOs and

RJDs, come from New York City. Is it, then appropriate to develop a facility so far from the City and, if the narrow limitation on the number of City youth remains in force - will the facility be needed?¹⁶

Finally, there is the question of the degree of assistance the Division, a state agency, has received from the Governor's office in its negotiations with local government officials. Considering other events, there are those who believe that it has been minimal at best.¹⁷

During 1979, as JOs were finally emerging from the process of adult criminal trials, the Division began renovating a building on the grounds of the Pilgrim State Hospital in Suffolk County. When some renovations had been completed and security elements were in place, it was planned to move the boys and staff from the Bronx Secure Unit (known at the time as the Long Term Treatment Unit) into it. Additional staff had been hired and the prospects were for a facility for 80 boys. The day before the first youths were to be moved into the facility, the Division was ordered to discontinue any plans for the program.

Strong community opposition had been generated. It was just before the 1980 election of state legislators. The newspapers speculated that the re-election of several assemblymen was jeopardized by the controversy. That, in turn, posed a peril to continued Democratic control of the State Assembly. Thus, due to community pressure and politics, this facility

16. We note that, in order to fully utilize the 40 bed building, 16 youths from Nassau and Suffolk Counties - even further from Buffalo than the City - had been placed there at the time of our visit.

17. The Division's response to our criticism is that they had extensive support and cooperation from the Governor's office, members of the State Legislature and local government officials; in the "meaningful and frank discussions which characterized the development and planning" of the facility.

has never opened despite the fact that many thousands of the taxpayers' money has been expended and the facility is needed for youths who are spending long months in detention facilities.

There were few among the juvenile justice advocates, or indeed at DFY, who contended that this facility was an ideal or even appropriate place to confine adolescents. However, the handwriting was already on the wall: "DFY ready," that is placed, JOs and RJDs were backed up in New York City's Juvenile Center (Spofford) and, reportedly, in other urban and suburban detention centers as well. This remains the case today - two years later and, again, preceding the election of a State Legislature.¹⁸ The problems are compounded since the voters in 1982 will also be choosing a Governor.

In 1980, after an extensive search, the Division once again found some empty buildings on the grounds of a state psychiatric hospital - this time, the Harlem Valley State Hospital near Wingdale, N.Y. Three connecting buildings were made available to the Division and one was promptly renovated in time for some youths to be moved in during February, 1981. Once again, there are questions as to the planning and the degree of support DFY receives from the Executive Branch of State Government.

Tall fences, topped with the razor coil wire, were erected around two of the buildings, but not the connecting building thus making it impossible for the youths to go back and forth between the buildings. The staff must "commute" between the buildings. As of January, 1982, 60 youths

18. In January, 1982 there were over 60 sentenced JOs at Spofford waiting for transfer to a DFY secure facility. A State Supreme Court decision, ordering the removal of a JO from Spofford within 10 days of sentencing, was on appeal to the State's highest court, the Court of Appeals.

were in residence - 30 in one building that is under construction and the other 30 in the renovated building. The facility has no gymnasium and only extremely limited outdoor playing areas. It is dependent upon the hospital, a facility now almost completely limited to geriatric patients, for the boys' daily meals.

Funds for 80 of the planned 160 secure beds, as well as for the construction of a gym and the development of a kitchen and appropriate vocation workshops, were removed from the 1981/82 budget as a result of pressures in the Legislature. In December of 1981, the Division received a deficiency appropriation that will permit it, in time, to construct a gym, central kitchen and workshops. In the meantime, for over a year the youths at Harlem Valley have remained in an incomplete facility - lacking even minimal services for growing adolescents. The legislature deleted funds for the additional 80 beds and reduced the funds for overtime, supplies and maintenance for existing secure facilities.

At least two law suits against the Harlem Valley facility have been filed, one in the state courts by a coalition of residents in the community and another in federal courts by a group of residents in nearby Connecticut. The development of the facility was approved by the State's highest court. The case in the federal court is under conference at this time leaving the facility's future uncertain.

Finally, in the fall of 1981, the Division opened a facility on the grounds of a former state training school. Except for construction delays, this facility has been well planned as a modern facility for 40 boys. It has not been plagued, as have the other facilities, by law suits and political difficulties. This is probably due, in large part, to the fact that DFY already owned the facility and had operated programs there for

delinquent children for many years. It is, in addition, quite isolated from any sizeable population centers.

Two law suits against the Division have had a major and spiraling impact on all of the Division's facilities, whether secure or not. Both were brought by the Legal Aid Society of New York City and seek to require DFY to move youth who are placed with it from the City's detention center on a timely basis.

The first, Ronald W.v. Hall, dealt with the movement of Juvenile Delinquents, both those with a "regular" placement order and those re-strictively placed. Under a temporary stipulation and order entered in the case, the Division is¹⁹ required to move these youths within 15 days after the Family Court issues the order of placement. This requirement has resulted in some youths being placed in facilities that are not the most appropriate for the youths' needs. Other youths have been discharged earlier than they might have been otherwise while still others have been transferred to less appropriate facilities in order to make room for newcomers.

The second suit, Angel Crespo v. Hall, et al, is on appeal to the state's highest court, the Court of Appeals, at the time of this writing.²⁰ At the trial court level in August, DFY was ordered to remove JOs from the detention center within 10 days of sentencing in the adult courts. Possibly as a show of good faith, DFY almost immediately increased the maximum capacity of the two older secure facilities, Goshen and Brookwood; transferred

19. Ronald W. v. Hall, 80 Civ. 1776 (S.D.N.Y. July 9, 1980; August 3, 1981)

20. Crespo v. Hall, Index No. 14848/80, (Sup. Ct., N.Y. City July 23, 1981)

thirty youths to the Harlem Valley facility within a three month period and rushed through the opening of Chodikee.

Neither Harlem Valley nor Chodikee was fully prepared for the admission of the youths, in its physical attributes or in the recruitment and training of staff. For example, the youths moved to Chodikee had to remain indoors for six weeks because the fenced in area was full of large rocks that could conceivably be used as weapons.

Harlem Valley, that had enjoyed the luxury of careful staff recruitment and training in its early stages, had to almost double its staff when the second group arrived and, this time, it had little opportunity for appropriate training. Some boys and staff exist with the daily din of jackhammers, falling plaster and dust.

Finally, it seems unlikely that the two temporary facilities at Oneida and at the Bronx State Psychiatric Center will be closed. As the Crespo case enters its final stages, DFY is reported to be developing contingency plans to remove additional numbers of sentenced JOs from New York City's detention center. It will not disclose those plans but one can imagine gyms turned into dormitories, quonset huts and trailers as some of the resources that may have to be employed to meet the crisis.

Before attempting to summarize the status of available spaces in DFY secure institutions there are two issues that should be raised.

One is the manner in which children and adolescents proceed through the system: RJDs may be detained in detention centers prior to a dispositional placement and while awaiting transfer to DFY or be paroled to a responsible adult. JOs may be detained, released on bail or recognizance prior to sentencing. After sentencing to a term of confinement, JOs are

detained. Because of the lack of DFY spaces and court delays, the youths back up in detention centers, particularly New York City's.

Commentators have pointed out some basic inequities here. JOs receive credit toward their sentences for time served in detention. RJDs do not. On the other hand, RJDs may be transferred after minimum periods to other less secure DFY facilities while JOs can only be released before completion of their sentence by the State Parole Board. The Parole Board has contended that the JOs must show progress in rehabilitation programs in a state facility. Detention facilities are operated by the localities and are not rehabilitative in nature.

Second, DFY is required, because of costs and time constraints, to utilize vacant buildings rather than enter upon new construction. The available facilities appear to be under-used state hospitals, closed drug abuse centers or abandoned religious facilities. Most of them are remote from New York City from whence come the majority of RJDs and the vast majority of the JOs. As will be noted later, the remote location of secure institutions has an impact on their staffing and their appropriateness for the residents.

In an effort to estimate the need for additional secure beds, we drew upon two documents: (1) a carefully prepared statistical document submitted in one of the court cases, Ronald W. v. Hall, dated September, 1981 and prepared by the Division's Bureau of Program Analysis and Information Services, and (2) an affidavit filed by the Division's director, in the Crespo case, dated December 22, 1981. Both documents arrived at roughly the same figures, indicating that the Division had a total of 346 youths in secure facilities with 88 additional places planned by April 15. It was predicted

that the 88 new places (bringing the total to 434) would establish an equilibrium between available beds and need for the time being.

The difficulties that DFY has experienced in planning and developing these facilities is illustrated by what occurred between the time of the affidavit and mid-March, however. Since the enactment of the JO Law, youths have entered the system at a greater rate than they were paroled or discharged. By mid-March, the Division had a total of 405 secure places with a population of 396. (See chart on the following page.)

The possibility of reaching an equilibrium appeared to be a mirage: it was reported that almost twice as many JOs were being placed with the Division each month and that the JOs were receiving longer sentences. There were 29 youths at New York City's detention center waiting transfer to a secure facility and many others awaiting trial or sentencing. These figures do not take into account the other candidates for secure placements: RJDs, 60 day options and Fennered children.

In summation, since the enactment of the Juvenile Offender Law in 1978, DFY has developed its secure bed capacity to 405. Using standards developed by a special committee of the American Correctional Association, the Division is attempting to secure accreditation for these facilities. It is generally accepted that accreditation establishes minimums below which a facility may not fall and carries built-in incentives for improvements.

In the three and 1/2 years since the law took effect a total of 500 JOs have been placed with DFY for secure confinement. Of these 474 actually entered DFY facilities while 26 were discharged from detention centers at the end of their sentence. One hundred and eight have been

DFY Secure Facilities

<u>Facility</u>	<u>Available Permanent Beds</u> 21	<u>Temporary Beds</u> 22	<u>Actual Population</u>	<u>Planned Beds</u> 23	<u>Date For Planned Beds</u>
Goshen	75	10	85	--	--
Brookwood	50	5	54	--	--
Masten Park	40	--	40	20	4/15/82
Tryon for Girls	30	--	26	--	--
Bronx Center	18	--	18	--	--
Oneida	19	--	19	--	--
Harlem Valley	60	--	60	20	4/15/82
Chodikey ²⁴	40	10	48	--	--
MacCormick	48	--	46	--	--
	<hr/>	<hr/>	<hr/>	<hr/>	
	380	25	396	40	

21. The Bronx Center and Oneida are listed in the affidavit as they appear here. However, they are referred to as "temporary programs."

22. The additional beds at Goshen and Brookwood are listed in various records as "temporary." They were added in response to the trial court decision in Crespo. The Division hopes to return the capacities of the two facilities to 75 and 50, respectively, in the future.

23. Shortly after the affidavit was filed, Camp MacCormick opened and the population is approaching the 48 number.

24. Since the time of the affidavit, a small dormitory for 10 boys has been developed at Chodikey.

paroled from the facilities and 23 discharged at the completion of their sentence. During this period, only 18 of the paroled youths have been returned on parole revocation or as parole violaters.

Policies, Procedures, Guidelines

We have discussed above the planning and construction of physical facilities as DFY has attempted to meet its responsibilities under the laws of 1976 and 1978. There is, of course, much more than mere "bed space" involved in the development of programs for confined adolescents.

Prior to our visits to the facilities our Task Force reviewed some of the voluminous policies and procedures developed over time by DFY. They set forth eloquently the purpose of the Division: to rehabilitate its charges; to prepare the children and youths for a constructive role in society through education, counselling and appropriate care. The qualifications and responsibilities of each category of staff are defined and the preferred ratio of staff to youths are stated. Program statements indicate the kind and variety of services that should be available in different kinds of facilities.

These documents appear to provide excellent guides for the development of new institutions. However, as one top DFY official said "The agency has been so pre-occupied with creating beds in response to the numbers placed with us - and shifting kids from pillar to post in response to law suits - there's been little time to develop quality education, vocational experiences, recreation, counselling and all the other services these kids need."

As a result of this pre-occupation - as well as budget cuts, hiring

freezes, and the inadequacies of some of the facilities some of the basic elements of a rehabilitation program vary from facility to facility. The Executive Law provides that services at secure facilities shall include but not be limited to "residential care, educational and vocational 25 training, physical and mental health services and employment counselling."

DFY's guidelines establish the minimum standards for education; each institution must have a "comprehensive Facility Educational Plan," and "Employability Development Plans." However, it is in this area - education, vocational training and employment counselling - that the institutions appear to have been or to be developing on a less than uniform basis. Given the pressures under which they have been established, this is perhaps unavoidable.

A number of facility directors told CCC monitors of negotiations with nearby public or private colleges, hoping that they would be able to provide the older youths with college level courses. One has arranged for a boy to take correspondence courses with the Empire State College.²⁶

Similarly, one director was conferring with employment guidance experts about future job opportunities in order to determine how best to develop vocational training at his facility. Another was developing contracts in the community for piece work that the residents could perform within the facility.

Yet another was producing attractive mess hall units, tables and attached chairs, that were being used in other newer facilities.

25. Executive Law, Sec. 515-b

26. This is a part of the State University. There is a small tuition charge.

Some of these variations stem from differences in the physical facilities and some, from available local resources. As will be shown later, differences between facilities in the provision of recreation depends much more on the buildings and grounds. The ability to recruit professionals in the various regions as well as appropriations force differences in the provision of health and mental health services, as described below, in the institutions.

Questions arise about these differences, however. Would it be more efficient if college level courses were handled by the Central Office staff in consultation with the State Education Department? Should the facilities have a planned specialization in vocational education so that a youth may be assigned to a program that can best provide for his ability or meet his interest?

There are two other matters in program planning for secure facilities that should be discussed, one quite briefly and one in detail.

Late in 1981 the Division began to consider the development of work and education release programs. Such programs have been available in the Federal and New York State adult correctional systems for many years and are generally believed to provide a helpful "bridge back to the community." These programs must be developed with cooperation of the State Division of Parole.²⁷

The other matter concerns the rights of children and youths and discipline within the facilities.

27. Executive Law, Sec. 515-b, 7.

RIGHTS AND DISCIPLINE

In 1971, DFY received a federal grant to establish an ombudsperson program, one of the first such programs in training schools anywhere in the country. It has since been funded by the State as a part of the overall DFY budget. The ombudsperson unit is comprised of five attorneys with some clerical assistance. The attorneys visit the major facilities on a weekly, monthly and "as needed" basis, receiving and investigating youths' complaints that have ranged from illegal orders of placement, failures to discharge from care on a timely basis, alleged staff brutality, and peer assaults, to missing clothes, docked allowances and poor food.

The unit is largely credited with ending some of the abuses of the old system and alerting the Division about incipient problems out in the facilities. Although the attorneys are hired and paid by the Division, efforts have been made to safeguard their independence. An outside group, the Independent Review Board, meets every other month with the ombudspersons, the Director and his top associates. One of the charges to this group, composed of private citizens but appointed by the DFY Director, is to support and help assure the independence of the ombudspersons. It remains to

be seen how effective either the ombudspersons or the IRB will be permitted to be as the Division moves more decisively into secure operations.

There are straws in the wind, however. In 1976 when restrictive placement and secure facilities were first defined in statute, the Division was required to ".....promulgate regulations governing secure facilities, including.....a grievance procedure for residents to be run by the division, with the use of personnel separate from that of the facility....."²⁸ It was believed by some that the ombudspersons would meet the requirement since they are not on the staff of the individual facilities.

However, in 1981, several meetings were held with the directors of secure facilities to begin the process of developing a grievance procedure and, at the same time, there began to be talk of the "differences" between Juvenile Offenders and Juvenile Delinquents that required differential disciplinary procedures.

As of this writing it appears there will be several types of grievance procedures, developed according to the individual determinations of the facility directors or their immediate management supervisors. Some will involve the residents themselves in the process, others will not. Firm decisions have not been made as to what is and is not grievable. The reasons given for this diversity are "to see what works" and "to bring the facilities' staffs along willingly." It is questionable whether these are sufficient reasons to extend disparate rights to children and youths.²⁹

The development of new disciplinary procedures raises other issues.

28. Executive law, Sec. 515-a, 3 (c)

29. DFY's response to this criticism is that the grievance procedures will be "standardized" with uniform procedures in similar facilities; that although the processes may differ somewhat, each youth will be afforded equal due process rights.

No explanation has been given of the differences between the Juvenile Offenders and Juvenile Delinquents beyond the fact they they are tried in different courts and that JOs have a criminal status.³⁰ At our request, DFY provided additional reasoning: Juvenile Offenders are governed by rules applicable to inmates of the Department of Correctional Services upon temporary release or parole. "This provision very clearly sets parameters within which disciplinary procedures for JOs can be established."

The Legislature, however, has several times indicated that JOs must be treated in the same manner as juvenile delinquents: (1) by providing at the time of the law's passage that a JO sentenced to confinement must be placed with DFY and safeguarding against easy transfer to adult correctional services before the age of 18 and (2) clearly defining JOs as children by amendment of the statute in 1981.³²

The Division's rules and regulations governing the discipline of children in its facilities were developed in the early 1970s following litigation initiated in federal court by the Legal Aid Society of New York City.³³

30. The Family Court, where hearings are held for delinquents, is a civil court and a finding of delinquency does not carry any criminal penalties or impose any civil disabilities.

31. Executive Law, Sec. 515-b. DFY may transfer a JO between the 16th and 18th birthdays only with the consent of the sentencing court. Only one youth has been transferred since the law's enactment.

32. Executive Law, Sec. 510, 2 (d)

33. Lollis v. New York State Department of Social Services, 322 F. Supp. 473 (1970) Lollis v. New York State Department of Social Services, 328 F. Supp. 1115 (1971)

Because the persistent and extensive abuse of children (primarily long hours, in some cases days, in room confinement) continued at some facilities the case was reopened. This time the judge pointedly ordered DFY to obey its own rules and regulations and added some additional restrictions as to the permissible length of confinement as well as on the use of mechanical and medical restraints. By September 1976, with the situation still out of hand at Goshen, an outside monitoring committee was agreed to by stipulation.³⁴

The committee travelled to Goshen monthly, received all reports of room confinement and appearances in an area known as the counselling area,³⁵ and discussed with the staff and the boys what were, or appeared to be, serious violations of the rules and regulations governing discipline. Over the five years the situation has stabilized. Room confinement is rarely used and psychotropic medication, almost never.³⁶

Despite this, the Division has announced that new disciplinary proceedings will be developed for Juvenile Offenders. The Legal Aid Society has indicated that if this becomes a reality, it will seek relief in federal court.

34. Pena v. New York State Division for Youth, 419 F. Supp. 203 (1976)

35. The counselling area is a part of Wing I which contains infirmary and isolation rooms. Boys are permitted to go there almost at will to "cool off" or discuss problems. They may be sent there for various infractions by staff members. Chodikee has adopted the same procedure. It is believed that the existence of the counselling area is largely responsible for the decrease in room confinement.

36. Statement of a member of the Monitoring Committee to the Ombudsman Independent Review Board.

LIFE IN THE SECURE FACILITIES

The Residents and Staff

When the population of all the DFY facilities - secure, minimum secure and open - is surveyed, it reveals that at most times approximately 43% are Black; 9.8%, Hispanic; 46.1%, White; and 1.1%, other. Roughly 50% come from the lower tier counties (New York City and the suburban areas) while the other 50% come from the middle and upper tier areas. Almost without exception these children and youths come from very poor, disadvantaged families. It is a rare day that a child from a middle income family enters the Family Court, let alone is placed with the Division for Youth.

The population of the secure facilities, taken alone, presents a different picture, both as to the home residence and the ethnic background of the youth. Approximately 80% of the youths, as of the fall of 1981, were Juvenile Offenders (JOs); approximately 8% were Restrictive Juvenile Delinquents (RJDs), and the remainder were Fennered or sixty day option youths.³⁷

37. Population Growth in DFY Secure Programs, 1981 Projection, Bureau of Program Analysis and Information Services: Analysis Group, DFY. It is expected that there will be fewer and fewer children, Fennered or optioned into a secure facility. Also see Appendix D for statistics on 1980 admissions.

Approximately 80% of all the JOs, sentenced to placement with DFY, come from ghetto areas of New York City and are, for the most part, either Black or Hispanic. Goshen and Harlem Valley, the largest facilities and those closest to the City, have been virtually segregated institutions - Harlem Valley since its opening and Goshen for the last several years.

Thus, DFY's secure facilities - as is the case with adult and juvenile correctional systems across the country - are housing some of the most deprived young people in the State. The staff and the program provided for this group of young people becomes crucially important. Are they being helped or are they being warehoused?

There are variations in the staff to resident ratios between the facilities and differences in the amount of advance training available. This is understandable since the facilities have been in a state of flux for several years, required to open suddenly or increase their population on short notice because of the pressures of numbers and court cases.

With the exception of Masten Park, all of the larger facilities are in rural areas where the recruitment of qualified minority staff persons is difficult. Over the years DFY executives have made a conscious effort to recruit such staff, both because of what they perceive to be the needs of the young for role models and because of equal opportunities/affirmative action issues. During the CCC monitoring visits these efforts appeared to have been successful in so far as recruitment of Black staff is concerned. Blacks are well represented in decision making positions in the Central Office and in the facilities where they occupy such positions as director or teacher or senior counselor and on down. This is not the case with Hispanics however.

The adequacy of the institutional staff - numbers, past experience, training and supervision - varies widely from facility to facility. Filled and unfilled positions turn on fluctuations in the state budget process and periodic hiring freezes as well as the phase to which an institution has progressed. During hiring freezes a position is not filled when it is vacated and the budget line may be lost for an indefinite period.³⁸ In general, however, there is a strong effort on the part of DFY to keep these facilities well staffed.

Some of the variations in numbers, or the ratio of staff to residents, result from physical structures that require more (or less) personnel. Others stem from the importance some directors give to specialized staff. For example, some directors place little value on psychiatrists and prefer to have psychologists and authorization for psychiatric consultations when needed. Youth Division Aides (child care workers) must have several years of experience in similar work and at least a high school degree. Rehabilitation coordinators, senior youth division counsellors and youth division counsellors must have similar experience and college or graduate degrees depending upon their place in the institution's hierarchy. What serves to meet the experience qualification is often work in other DFY positions, in mental hospitals, drug abuse centers, as a teacher or counsellor. In addition, however, new facilities recruit from the older DFY

38. We were told that, on occasion, this has resulted in a staff member being kept on after an unsatisfactory probationary period; charges not being filed against an inappropriate staff member. This is not in accord with agency policy, however.

facilities and all recruit from the ranks of voluntary child care agencies.

Training is almost entirely "on the job" training. Harlem Valley and Chodikee had the advantage of recruiting some staff in advance of opening however. Training was provided in their own facilities and some persons, new to DFY, spent time observing and assisting the staff at Goshen. Supervision of line staff in the large institutions flows from the director to the groups into which the youths are divided with specialized staff (a psychologist, for example) reporting to the director.

Each facility is headed by a director who reports to a member of the Secure Facilities Management Unit. The directors are appointed by the head of DFY. Some of them have worked their way up through the DFY ranks and others have been recruited from similar facilities in other states.

Within the larger facilities the youths are divided into groups according to the living arrangements - single rooms opening off a corridor or day room - and staff is assigned accordingly to the group throughout the day's activities. Generally there will be a rehabilitation coordinator or senior counselor for each wing and sufficient junior level staff (youth division counselors or aides) to provide at least double coverage around the clock.

Each facility has a school and every effort is made to maintain a ratio of one teacher to 10 youth for both academic and vocational classes. Again, all but two of the institutions provide recreation that ranges from the ever present TV sets and pool tables to organized activities in the gym and playing fields. It should be noted that the Bronx Secure Center does not have secure outdoor areas and Harlem Valley does not have a gym

or outdoor recreation space other than a small yard. Recreation is the responsibility of a supervisor or the physical education teacher depending upon the facility.

Health and Mental Health

Health and mental health care are provided in a variety of ways, apparently depending to an extent upon geography, history and budgets. An effort is made to have a full time psychologist on the staff of each secure facility. There are part time psychiatrists on the staffs of some of the facilities while other facilities are authorized to secure outside psychiatric consultations. In addition there are "mobile mental health teams" - psychologists, community mental health nurses and social workers assigned by the State Office of Mental Health (OMH) - who visit some of the institutions on a regular basis.

For the most part the psychiatrists are on the staffs of nearby State Psychiatric or Developmental Disabilities Centers and supplement their incomes with part time work for the Division. In general they provide crisis intervention or diagnoses and advice to the staff. Because of the earlier noted complexities in the law, DFY cannot transfer a Juvenile Offender to a psychiatric hospital. It has always been difficult for the Division to transfer any of its charges to those facilities. If the proposed secure unit at the Queens Psychiatric Center (Creedmoor) actually opens and if the proposed legislation to permit transfer of Juvenile Offenders there is enacted one serious problem may be resolved for the Division.

The psychologists administer a variety of tests and conduct group therapy sessions with selected groups of youths. Both psychologists and psychiatrists provide some one-to-one therapy when needed. In addition,

the psychologists sit in on case conferences throughout a youth's period of confinement.

The teams from OMH are considered a valuable asset for those facilities they serve. In general they supplement the work of the psychiatrists and psychologists in direct work with residents and in advising staff when a consultation is requested.

The institutions have infirmaries and, again, a variety of staffing patterns. Local doctors come to the facilities for routine health examinations and treatment. Day to day health supervision is provided by nurses or physicians' assistants.³⁹ The youths must be taken to a local hospital in case of a major illness, broken bones or other problems that require hospital care. When this occurs a serious drain is placed on the institution staff since the Division must provide around-the-clock security supervision. Most of the facilities have dental equipment and contract with a local dentist to provide care within the institution.

Education

Academic classes are provided at all of the secure facilities and, at the larger institutions, vocational courses as well. As a rule the youths spend three hours a day in academic work and three hours in shop courses. Each youth, on admission to an institution, is tested for reading and math and placed in classes accordingly. An individual education plan is developed for each of the youths.

39. The position of physician's assistant is relatively new to DFY and is considered by those institutions that have one to be a definite improvement.

The education programs are generally flexible so that the youths may move from one level to another, choosing electives as they master the basic requirements. For example business education courses - accounting, typing, completing job application forms - are available in some of the facilities. As reported earlier, the types of vocational training that is or will be available in the newer facilities seems to be left to the individual directors to a great degree.

CCC monitors found the classrooms well equipped for the most part, with reading and math labs and other modern equipment. The youths, many of whom were school dropouts in their home communities, are obviously learning. Some have received their General Equivalency Diploma (GED) and, as noted earlier, some hope to take college level courses. It seems that along with the good there must always be some bad: some of the older youths who have gotten the GED are protesting the requirement for continued academic work, desiring instead more vocational courses.

The vocational shops include carpentry, auto mechanics and body work, building trades, maintenance, food services, arts and crafts and pottery. The youths are placed in the shops on the basis of a skills assessment, their particular areas of interest and space availability. In 1982 DFY is seeking an amendment to various statutes so that the products of vocational courses can be sold. The money would be used to replenish supplies, pay stipends to the youths and provide additional recreational activities.

Here, again, the CCC monitors found the vocational work shops well equipped for the most part. The vocational program goes far beyond the old arts and crafts programs and prepares the youths, at least to an extent, for the job market. From vocational classes, some youths who qualify may go onto apprenticeship training and jobs in the facility for which they

are paid a stipend. Holding a job is considered a privilege for which the youths must qualify both by ability and in behavior.

Recreation

The daily schedules in all facilities provide time for recreation. Depending on the physical plant and the availability of staff, this may range from indoor ping-pong and pool to team sports on the institution's playing field. Organized sports activities are a part of physical education courses as well as "after school recreation" at the larger facilities.

As a rule each living unit in an institution has a television set and an area for quiet recreation - cards and other games. Movies are shown periodically. Each facility tries to find resources in the community - for example, local drama club - to supplement their built-in recreation.

Discipline/Behavior Modification

The Division's movement to develop new discipline and grievance procedures has been described above. Each of the institutions have room confinement rooms, several have developed counselling areas for problem solving, and one has developed a "special services wing."

DFY's regulations provide that a child may not be held in "room confinement" for more than 24 consecutive hours unless the institution's director has secured permission from the Central Office.⁴⁰ While in confine-

40. For the complete text of these regulations, see Codes, Rules and Regulations of the State of New York, Park 168

ment, a youth must be visited at least once each day by administrative staff (at least at the level of a senior youth division counselor), clinical staff (psychiatrist, psychologist or social worker) and medical staff. Under the terms of the federal court order, a youth may be placed in confinement only when he is clear and evident danger to himself or someone in his immediate vicinity and should not remain there for longer than six hours.⁴¹

Room confinement, once extensively used throughout the system along with metal restraints and psychotropic medication, is no longer the automatic response to an acting out youth although, as noted, it is available in all the secure units. The change appears to have come about partly because of the court case, partly because of the vigilance of the ombudspersons, and partly because of the DFY leadership.

A closed wing (group confinement) existed only at Brookwood at the time of the CCC monitoring visits. We were told that other facilities intend to establish group confinement wings. The regulations provide that group confinement may only be used in cases where ".....a child constitutes a serious and evident danger to himself or others, is himself in serious and evident danger, or demonstrates by his own behavior or by his own expressed desire, that he is in need of special care and attention in a living unit separate from his normal surroundings."⁴²

There is some form of level system, or behavior modification technique, in operation at all the secure facilities. These systems are applied with varying degrees of rigidity. There are usually four levels through which

41. Pena v. New York State Division for Youth, 419 F. Supp. 203 (1976)

42. See 44, supra

a youth moves, receiving or losing points for positive or negative behavior. On the basis of points he may move up or down or stay on the same level.

The director told CCC monitors of various efforts made to see that the point system was not used capriciously or with either favoritism or vengeance. The level system for the non-JO population can result in positive rewards of home and off campus visits. For the JOs, however, the incentives are limited to opportunities for facility jobs, later bed times, positive reports to the Parole Board, unless and until the Division develops temporary work and educational release programs.

Entry into and Exit from the System

The categories of youths who may be confined in secure facilities have been described earlier. Because of the increased numbers of JOs and RJDs, it appears probable that changes will be made in what is described currently as the admission procedure.

In 1977 a network of Youth Service Teams (YST) was established which reflected the restructuring of DFY procedures for intake, assessment, placement, case supervision and aftercare. The teams are composed of a supervisor, two to six counselors, a para-professional and a stenographer. They are based in home communities and are responsible for providing services to all youths placed with the Division who reside within their particular geographic area of responsibility.⁴³

When a youth is ordered placed in a secure facility, the YST counselor

43. Oral description provided by a DFY deputy director.

identifies the youth's individual needs and, if the luxury of choice exists, recommends as to which of the secure facilities would best serve those needs. The kind of material that accompanies the youth to the facilities varies widely, often depending upon the location of the placing court, whether the youth was in detention, and the staffing of the teams.

Some JOs have arrived from the Supreme Court without any background information at all. Others have arrived with the YST worker's assessment and a proposed Problem-Oriented Service Plan ("POSP") together with medical, psychiatric, psychological, educational data, social history, court and probation records. If this material does not arrive with the youth, the YST worker is expected to secure it. If the youth has been transferred from another DFY facility, the case record is expected to accompany him.

During our monitoring visits the institution staffs, evaluated the usefulness of the information as "very useful" to "not very," depending upon the amount of time the YST worker had given to the assessment. If he had relied on the court or probation record rather than his own assessment of the youth's current situation, the facility received information that was said to be "skinny and out of date."

When the prior information is adequate and is received well enough in advance of the admission date, the facility staff can use it to plan for admission and assignment of the youths to the appropriate wing or unit of the facility. When emergencies arise or a youth arrives without any information, he may have to be placed wherever there is a bed.

On arrival at one of the secure facilities a youth will enter into an orientation process which varies from one institution to another. There are several procedures that are routine, however. These include: a de-

scription of the facility and its purpose; discussion of why the youth has been admitted and for how long; discussion of rules and regulations and signing of the list by the youth as proof that he had heard it all; visit to the infirmary for preliminary medical examination, a shower, clothing; a tour of the facility; introduction to the staff. The youth may be assigned to a wing or unit immediately or spend several days in a special area. The youth is also given a copy of the Youth Rights Handbook prepared by the ombudspersons. This handbook will be elaborated on for the youth during the next visit of the ombudsperson assigned to the facility.

The YST worker in the home community initiates the "POSP," a device introduced in DFY in 1979 ".....as part of an overall effort to improve the process by which youths' experiences with DFY are planned, implemented and monitored....."⁴⁴ Originally devised by a physician for use in the health field, it was adapted by DFY for application to the juvenile justice system.

In this plan, specificity is stressed as opposed to the more customary general statements concerning behavior, health and mental health needs, educational problems, and family and related problems. Such categories are listed on forms which provide for specific listing of problems in each category and a plan of action to solve or alleviate each of them. It also calls for periodic progress reports and modification of the action plan in light of a review of developments to that point. The YST worker is expected to participate in staff evaluation of progress and the youth is

⁴⁴ Problem-Oriented Service Planning: Concepts and Procedures. New York State Division for Youth, February 15, 1979

also to be involved in both the original POSP and subsequent review.

The plan of action is based on four components known as "SOAP" (Subjective, Objective, Assessment, Plan). The Subjective component calls for the youth's own perception of each specific problem in his own words. The Objective component calls for concrete factual data concerning a specific problem; i.e., test scores, school records, health reports. The Assessment component is described as an interpretive statement based on all the available data. It represents the worker's evaluation of the youth's total situation as a prelude to the Plan component which should "state clearly what will be done by whom and why, with specific dates for review of developments for each particular problem."

A strategic component in each youth's plan of action is the Initial Release Plan which is to be recorded at the time of the first review 45 days after admission and then updated in subsequent reviews as changes occur. The youth is expected to participate in this review and to sign the revision that is agreed on by the YST worker and facility staff.

The official DFY Procedures provide detailed instructions and time schedules for establishing the POSP: reviewing and, when necessary, revising it at monthly intervals. These instructions cover the role of the YST worker, facility staff members, and the regional director. DFY notes that flexibility in determining a release plan is limited by court mandate as to length of placement. It should be noted that the law eliminates this flexibility for JOs since their release depends upon the Parole Board under most circumstances.

During our monitoring visits several directors suggested that the POSP has limited usefulness. Some went so far as to say that it is re-

dundant and less relevant to the service needs of the youths than their own customary methods of recording and case review. Apparently it is being used for some new admissions but there is little reason to believe that periodic review and updating of the POSP takes place in more than a few of the facilities.

As can be seen the YST workers are expected to have significant involvement with the youth throughout his stay with the Division. However, it should be noted here that the greatest amount of staff turnover appears to be among the YSTs. Some directors told CCC monitors that many of their JO youths had been assigned a second or third YST worker since arriving at the institution. Additionally, because of budget problems, limiting funds available for travelling, there have been times when the workers have not been permitted to visit the institutions.

Procedures for the discharge or release of youths from the secure institutions vary according to their legal status. RJDs normally spend an additional period of residence in a less secure facility before returning to the community. (See Appendix B). Except for the JOs the other categories of children in secure facilities may return to their homes when the court order expires (a year to 18 months) or when the Division determines it to be appropriate. When release occurs the YST worker is supposed to provide aftercare, helping these youths to re-enter school, get a job or secure other needed services.

The procedures for JOs differ markedly, if the youth is released prior to the end of his sentence. In these cases all information about the youth, his family and his adjustment while in placement is made available to the institutional parole officer who prepares a report for the Parole Board.

If the youth is granted parole status, he leaves the DFY facility and is thereafter under the care and custody of the New York State Division of Parole. There is an informal agreement that the YST worker will cooperate with the parole officer for a particular youth for a 60 day period after release from DFY, so long as sufficient staff is available.

Some Amenities

Our CCC monitors found the institutions to be clean, warm in the winters; with three exceptions the food we ate with the boys ranged from mediocre to quite good.⁴⁵ Some of the facilities are cheerful, some grim and some just dreary. However, all of them lacked that institutional odor so common in such facilities and the grounds were uniformly well kept.

Efforts are obviously made to keep the institutional life as normal as possible. The youths are allowed to decorate their rooms and do some hang curtains and put down rugs; posters and pictures of families and friends abound; radios of every dimension and other personal items are to be seen. The youths are allowed to wear their own clothes, supplemented by state-issued garments when necessary or desired.

Each youth receives a weekly allowance of \$2.50 which he is free to spend as he pleases: for soft drinks or cigarettes at the canteen, personal toiletries, and the like. This allowance can be docked up to \$1.25 a week if the youth has destroyed another's possessions or state property,

45. The food provided the youths at the centers on the grounds of state psychiatric centers (Bronx, Harlem Valley and Oneida) is extremely bad. However, efforts are made to provide the boys with fresh fruits and salads.

deliberately or through negligence.

The youths are free, our monitors were told, to write anyone they wish and each is allowed at least one free stamp a week. They are, of course, free to spend their allowance for this purpose. Outgoing mail is not monitored or censored. Incoming mail - letters or packages - is opened in the youths' presence, not to be read by staff but to make sure that it does not contain contraband. With few exceptions all the facilities noted that these youths send and receive more mail than the normal adolescent.

Incoming and outgoing telephone calls are allowed without restrictions except when a caller is known to have a disturbing effect on a youth, we were told. There is little variation in telephone schedules -- calls may be made and received in late afternoon and evening. The number of outgoing calls varies from one free call per week to five, with collect calls permitted in most facilities. One problem, not surprising among adolescents, is the matter of time -- no call may exceed 10 minutes.

Privacy is provided for phone calls so far as the other youths are concerned but staff is present for several reasons. Among them are: to provide help in completing the call; to monitor the impact of the conversation on the youth; and to call time when he has exceeded his allotment.

Visiting is permitted at all of the institutions with members of the immediate family urged to do so. The stipulated visiting days and hours are subject to modification on request. Other relatives may visit, as may a youth's contemporaries if accompanied by a responsible adult. Food, gifts and money may be brought to the youths but are checked for contraband. The money must be placed in the youths' accounts.

The visiting is a sometime thing. Some youths receive visits on a regular basis while others seem to have been virtually abandoned by their families. As noted, all of the facilities except the small Bronx Center are rather remote from New York City and require both time and money to get there. Some of the facilities provide free bus rides from the City, others provide transportation from the local bus or train station, others provide no assistance. In all cases the facility director reserves the right to deny visiting privileges to parents who abuse these privileges by transporting contraband, arriving intoxicated or under the influence of drugs or for other reasons such as disturbing a youth's adjustment by what they do or say.

YST workers are sometimes involved in arranging visits and accompanying parents. Depending on the budget situation, they have limited funds that can be used to facilitate visits for those who cannot meet the cost of the trip. When a YST worker accompanies a parent, he may use that time for counseling and at the facility for meeting with staff and the parent.

Weekday as well as weekend visiting is permitted in most facilities if the administration is notified in advance. Some directors noted that weekdays are preferable because it is less crowded and staff can meet with parents. Privacy is a problem in most facilities where visiting parents must use the main lounge or unit dayroom.

In Conclusion

We have come to the conclusion of our report and now should do a little summing-up.

The youths (about whom we are concerned here) are among the most difficult of all those who enter the juvenile justice system. They are being isolated from the "real world" in institutions and the staff that care for them is almost as isolated.

The rules, regulations and policy statements our Task Force has reviewed are, in greatest part, fine statements about the need to provide for the rehabilitation of the youths. As the body of our report indicates we have found most of the facilities to be adequate, or reasonably adequate, and to provide adequate education, both academic and vocational, as well as recreation and mental and physical health care.

We found a full range of individual and group programs variously described as "therapy," "treatment" or "counseling." Some were concerned with individual treatment of emotional difficulties; others with group discussion of day-to-day experiences in the facility; some were one-to-one "role modeling," others were "confrontational."

Does all of this add up to rehabilitation? On average a Juvenile Offender will spend 21 months in a secure facility before being paroled or discharged. Some have now returned to the community and some have been returned to DFY as parole violators.

We need to know what happens to these youths after their time with DFY: are they prepared for that "real world"; are they able to secure jobs; are they able to "stay clean"? How do we measure "success" and who should do the measuring? This is an important research project that should begin promptly.

SUMMARY

The New York State Division for Youth operates nine facilities for the secure confinement of youths placed with it by the Family Court under the 1976 Juvenile Justice Reform Act and by the adult criminal courts under the 1978 Juvenile Offender Act. Five of the facilities have been opened since 1978. Altogether these institutions housed 396 youths as of mid-March, 1982.

The facilities have been developed on an emergency basis through renovations of empty buildings on the grounds of state hospitals, abandoned drug abuse centers, an unused building on the grounds of a former training school, and similar facilities.

At no time have the State Legislature and the Governor provided sufficient appropriations for the development of the facilities on a timely basis; neither have they provided the necessary political "clout" so that the Division can withstand community pressures.

All except one small facility are remote from New York City from whence most of the youths come. Staffing is uneven, depending upon the ability to attract professionals to rural areas. Training has been equally uneven, depending on the pressures to open new institutions to meet the increasing placements.

In the fall of 1981 approximately 80% of the youths in these facilities were Juvenile Offenders and 8% were restrictively placed by the Family Court. The remaining 12% had been transferred there for a variety of reasons. The vast majority of youths in the secure facilities come from New York City and are, for the most part, Black or Hispanic.

The Juvenile Offenders spend, on average, 21 months in the facilities before they are discharged or paroled. As of March, 1982 there were 108 JO youths on parole; and additional 23 had been discharged either from the institutions or from parole at the completion of a sentence. There have been 18 youths returned to the facilities as parole violators.

Four years after the passage of the Juvenile Offender Law little is known about the fate of those who have returned to the community and the extent to which they have benefited by the programs.

The ombudsperson program, which has protected the rights of all children and youth placed with DFY since 1972, appears to be threatened - at least as to the youths in secure facilities - by discussions of differential disciplinary policies.

The institutions, except for two, provide the youths with academic education, vocational training, counselling and indoor and outdoor recreation. Except for the same two, the food and physical care appear adequate. The exceptions are Oneida, occupying two floors at the New York Central State Hospital for the Criminally Insane, and the Secure Center at the Bronx State Psychiatric Center.

The academic education in the institutions has improved as witnessed by the fact that a number of the youths have received the General Equivalency Diploma. The vocational programs vary from one facility to another but appear to be preparing the youths for jobs that exist in their home communities.

Health services are provided by doctors and dentists in the community who come to the facility and by hospital emergency rooms when necessary. When a youth must have hospital services, the Division must provide around-the-clock security guards.

Mental health services run the gamut from "rap" sessions with child care workers to group sessions with psychologists to one-to-one therapy from psychiatrists or psychologists. The latter occurs infrequently since the Division does not have sufficient professional staff to provide it.

The Division has been able to attract a significant number of Black staff for management and line positions. It has not been able to do the same type of recruitment for Hispanics, however.

The Division is moving to have its secure facilities accredited according to the standards developed by the Commission on Accreditation for Corrections.

FINDINGS AND RECOMMENDATIONS

Citizens' Committee for Children concludes its concentrated review of the development of additional secure facilities by the Division for Youth with this report. We have spent almost two years on this study, with the result that we have both positive findings and serious questions. Overall, we believe that DFY has done better in the development of new institutions in a relatively short time than could have been expected in view of:

- o Budgetary limitations
- o Political pressures
- o Community pressures
- o Law suits
- o Lack of strong support from Governor
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and the Legislature

46. It should be noted that DFY's director speaks positively about the "high degree" of support he has received from the Governor and some legislative leaders.

The new facilities and the old ones, Goshen and Brookwood, bear little resemblance to the training schools we visited in 1969. At each of the facilities, we found staff members who spoke of the need to rehabilitate as well as control the youth, to help prepare them for the future. For the most part we believe these were genuine expressions of concern although there were, at times, lingering overtones of the very real punitive attitudes we had found in 1969. The atmosphere is not as oppressive as it was 13 years ago and procedures (despite the attitude of a few) do not appear to be punitive as of this writing. Major strides have been made in the provision of academic and vocational education. The youths in most of the secure facilities do not appear to be warehoused.

Despite these positive changes there are problems. There are changes that should be made in the management of the nine secure facilities and in procedures. There are some issues that cause us deep concern.

Each of our 13 recommendations is followed by the most salient reasons for it. Others will be found in the text of the report.

Recommendations to the Governor, the Legislature and DFY

Adequate support must be provided for thorough, rigorous and continuing follow-up studies of the "graduates" of the State Division for Youth. The studies must go far beyond a documentation of recidivism and follow the lives of these young people into the community long enough to evaluate the extent to which they have been turned away from criminal activity. In the case of juvenile offenders important aspects of the studies will have to be conducted in cooperation with the State Division of Parole under whose jurisdiction some of these young people will remain after release from DFY facilities.

CCC believes that without adequate follow-up of DFY graduates there can be no definitive evaluation of the effectiveness of the custody, care and treatment DFY provides. DFY itself must have such information for its own program and management improvement and correction. Without available public information concerning adequate follow-up and support for DFY graduates it will always be open season for all informed and uninformed critics of the juvenile justice system, especially for those who believe or pretend to believe that "rehabilitation" has been tried and has failed.

With identification of strengths and weaknesses, as evidence from the follow-up studies reveals, DFY should also be given the resources to undertake experimental programs to improve and strengthen its operations and practices.

Recommendations to the Governor and the Legislature

The Legislative and Executive branches of government must provide adequate resources for the Division for Youth, including but not limited to:

- o Additional and appropriate physical facilities for the youths who are placed with the Division;
- o Sufficient staff and adequate staff training at all levels;
- o A high level of sustained programing;
- o Political support in site selection.

Citizens' Committee believes that youths are punished when they are removed from home and community and placed in secure confinement. While punishment is appropriate for violent juveniles, it is essential for the

protection of the community that the time spent in these facilities prepares them for a return to the community.

It is reported that youths are being sent to DFY secure facilities in ever increasing numbers; that they are being sentenced for longer terms. The Division for Youth has struggled to meet the demands of the Juvenile Offender Law for long enough. If it is to meet its responsibilities, then the Governor and Legislature must fulfill theirs.

Recommendations to the Division for Youth

1. A strong Planning Committee for the Secure Facilities System should be established in the Central Office of DFY. It should report directly to the Director. The Planning Committee should develop basic policies for the institutions (for example, academic and vocational diversity, adequacy of recreation, assistance with legal issues, grievance and discipline procedures). The Committee should consult with the institutions' directors and members of the Secure Facilities Management Unit but those persons should not participate in the Planning Committee's deliberations.

Citizens' Committee was disturbed that in significant ways the secure facilities had been permitted to operate or develop in a somewhat haphazard fashion. However, since February, 1981 a Secure Facilities Management Unit (SFMU) has been in existence. It is our understanding that the SFMU is intended to locate new sites and develop secure facilities as needed; to oversee the day to day operations of the facilities; keep the Central Office well apprised of conditions in them; assist the director of a facility with red tape problems and the like.

We applaud the establishment of the SFMU, in the belief that it has and will continue to be important in the development and operation of the institutions. The Planning Committee will serve a complementary function.

Directors of the institutions must deal daily with the most troublesome youths in the juvenile justice system. Members of the SFMU must deal with the myriad problems described in the preceding report. We do not question the intentions of either group. However, there are some policies and procedures that must be uniform across facilities to assure the youths' rights to fair play, to education, to recreation and to other basic human services. We believe that the directors and members of the SFMU may be too close to the situation at times to be as objective in their judgment as might be desired.

2. The ombudsperson unit should be strengthened:

- a. Through the appointment or employment of additional staff;

- b. Through the promulgation of rules and regulations (with the force and effect of law) that clearly establish:

1. the ombudspersons' right of access to all of the children and youths in DFY's custody and the corresponding right of the children to contact the ombudspersons;

2. the qualifications of the ombudspersons, in addition to that of attorney, and their responsibilities;

3. the ombudspersons' direct access to the DFY director;

4. the role and responsibilities of the Independent Review Board.

Under no circumstances should the responsibilities and authority of the ombudsperson program be diminished. Citizens' Committee first proposed the ombudsperson program in 1969 when we discovered the extent of the abuse of children in the old training schools. We believe that the

unit has played a major role in improving the facilities. This recommendation is directly related to the following one.

3. Differential discipline and grievance procedures for youths confined to secure facilities should be established only upon a showing, documented and accepted by the Federal Court, that there is a real and persuasive difference between categories of youths.

Citizens' Committee is not persuaded that sufficient grounds exist for the notion that juvenile offenders are somehow different from juvenile delinquents and require differential disciplinary procedures. They are the same youths who would have been placed with DFY by the Family Court had the Legislature not passed the Juvenile Offender Law. They are the youths who are doing well at Goshen under present procedures.

We believe that facility directors are reacting to youths with a new label rather than youths that are different from those with whom they have dealt in the past. The Pena case raised significant questions of constitutional importance in the Federal Court: the right of confined youths⁴⁷ to treatment, the right to decent and humane treatment.

CCC takes no position on the need for grievance procedures in view of the ombudsperson program. However, if such procedures are established, it is essential that they be the same in each facility.

In both cases - discipline and grievance procedures - human rights are too fundamental to be left dependent upon the happenstance of where, in

47. Pena v. New York State Division for Youth, 419 F. Supp. 203 (1976)

this case, a youth happens to be confined.

4. DFY should consider the advisability of developing a reception/assessment center and further develop the nine existing secure facilities and any future ones along the line of specialization: academic skills, vocational adeptness, length of sentences, pre-release status and the like.

A reception/assessment center could permit the Division to perform a thorough evaluation of a youth and assign him to the most appropriate program when and if there are sufficient places. It is worthy of study.

However, two general conditions must be met in considering specialization: (1) there must be a satisfactory level of services (academic education and vocational training, recreation, health and mental health care) available in all facilities; and (2) to the extent possible the youths should be placed near to their families and home communities.

We understand that the Division is seeking to have its institutions accredited in accord with the standards developed by the American Correctional Association. We endorse this effort as an important step in insuring present and continuing appropriate care and custody for the youths.

5. DFY should (1) evaluate the education programs in the secure facilities and (2) provide college level courses for those youths who have secured their General Equivalency Diplomas and will benefit from further education. As they progress through the education program in the institution, there must be a sophisticated plan for continuing education after institutionalization.

Citizens' Committee monitors were impressed with what appeared to be considerable improvements in the education program and by the reports of

youths receiving GEDs. We recommend an evaluation for three reasons: the JOs remain in the facilities much longer and it may be that they are progressing because of greater exposure to schools from which they cannot drop out; an evaluation may provide clues as to incentives that may be effective in encouraging the youths to continue their education on discharge or in the institution; it can guide in the provision of academic and vocational programs geared to the present and potential job market.

We believe the evaluation should be an on-going one, under the general oversight of the Planning Committee that we have recommended. College level courses should be developed by DFY's deputy director for education in cooperation with the State Department of Education. This, too, is not something that should be left to ad hoc arrangements by the facilities.

6. DFY should begin immediately to plan for educational and work release programs in cooperation with the State Division of Parole.

On average the Juvenile Offenders, to date, have spent 21 months in secure facilities before discharge or parole. Generally, they are young men, 17 to 19 years of age, upon release. Under work or educational release programs selected youths would be permitted to leave the facilities to attend specific high school or college classes, or to enter the work force on a part or full time basis. In each case, they would be confined to the facility during evenings, weekends and holidays.

A strong bridge back to society, to the life of work and learning, could be of major importance, helping to reinforce the positive values that the youths' stay at DFY had instilled. These programs have long been available for adults and now should be provided for the youths in DFY se-

cure facilities.

7. DFY should proceed immediately to close the programs now in operation at the Bronx State Psychiatric Center and the Marcy Hospital for the Criminally Insane.

a. The Secure Center at Bronx State was established as a cooperative program with the State Office of Mental Health to provide special care for youths who did not fit into either DFY or Mental Health populations.

b. The program at Marcy Hospital was established simply because there was room there for the confinement of 20 youths.

Citizens' Committee recognizes the need for the 38 beds provided by these two programs. We also recognize the need for services for some of the seriously disturbed youths that are being placed with the Division. However, there are some absolute entitlements that young human beings have - decent food, appropriate recreation and education, both academic and vocational.

The boys confined at these two programs do not receive vocational education. Those at Bronx State never get out to smell the fresh air. Recreation for the boys at Oneida can only be described as inadequate. The food is described by the boys as "dog food" and by some staff members as inedible.

Since the Office of Mental Health has withdrawn from participation in the program at Bronx State, we question the extent to which it meets the purposes for which it was opened. We believe other and more appropriate ways should be found to meet the perceived need.

At both programs we have been impressed with the concern and care of the staff and trust that they will be able to stay on in the system.

8. DFY should provide for continued links between youths and families where the relationship is a positive and sustaining one. It should provide transportation on a regular basis so that families may visit their children, no matter where the secure facility is located. There should be positive plans, beginning early in the youths' confinement, for their continuing education or employment upon release irrespective of whether release will be to DFY's aftercare system or to the Division of Parole.

We recognize that the future of the majority of the youths confined in DFY secure facilities may well rest with the Division of Parole since the considerable majority of them are Juvenile Offenders. However, planning for the future of young adolescents must be undertaken by those who work with them on a daily basis so that it encompasses their growth and progress in education and employment opportunities. This will, of course, require cooperation with the Division of Parole when the release or discharge date for Juvenile Offenders approaches.

These adolescents will be returning to the community at some point and require continuity in relationships, particularly if the relationship is a supportive one. Regular visits by parents can enable DFY staff to develop a better understanding of the youths' background, provide an opportunity to work with the parents when amenable, and assist the staff in developing realistic plans for the future. Subsidies must be provided for family visits when necessary.

9. DFY should increase its present efforts to recruit qualified minority staff, particularly Hispanics; to provide thorough orientation for new staff and on-going training for all staff.

Citizens' Committee believes that role models are important, partic-

ularly for deprived youths in institutions. It is important for both residents and staff to have a distribution of authority and responsibilities between ethnic groups.

We also believe that advance and on-going training for new and existing staff is essential. DFY has not had the ability to provide thorough training although it is making some strides in that direction now. The Planning Committee that we have recommended should have a major responsibility for staff training.

10. DFY should evaluate the role of the Youth Service Teams as they relate to Juvenile Offenders held in secure facilities.

Citizens' Committee believes that continued and positive links between children, youths, their families and neighborhoods are important. On paper the YST concept would appear to provide those links. We question how effective, in fact, the system is however. Budget constraints, hiring freezes and rapid staff turnover appear to have limited their effectiveness.

The system was developed in 1977. After five years it is time for a long, hard look at ways to provide the most effective links, particularly for the Juvenile Offenders, many of whom will spend long periods in a secure DFY facility.

11. DFY should evaluate and redesign the Problem Oriented Service Plan ("POSP").

Citizens' Committee believes there are positive benefits that may be

achieved through use of the POSP. However, we believe it should be balanced with emphasis on the strengths of the youths as well as their problems. Additionally, there are some sections that do not apply to JOs and restrictive juvenile delinquents (RJDs); for example, release and discharge date.

DESCRIPTION OF 17 DFY FACILITIES

There are three levels of DFY facilities that CCC monitors visited:

Level I - secure; Level II - limited secure; and Level III - special residential centers.

THE BRONX SECURE CENTER,
Bronx, N.Y., Spring, 1980

Level I

This facility was a "special" secure facility for 18 boys, housed on two floors of one building of the State Psychiatric Center in the Bronx at the time of our visit. On the day of our visit there were 12, all from New York City; eight were Black and four, Hispanic.

This Center was opened in the mid-1970s as a joint project of the State Office of Mental Health and the Division for Youth. It was intended to provide intensive services for severely disturbed youths who did not fit into the populations of either agency. Since then OMH has withdrawn from the program. The Bronx Secure Center is comparable to other DFY Secure Centers so far as intake is concerned. Its psychiatric and psychological services are, however, considered to be some what more intensive than those available at other facilities.

When we visited, the boys were in temporary living quarters which consisted of individual rooms joined by bathrooms which were kept locked when use was not requested. The permanent space also provides single rooms. There is one large dayroom on the floor and a pool table and ping pong table provided for recreation on the permanent floor. In small classrooms on another floor, boys shared tables. There was a wood-working vocational shop but no teacher available. The dining room is small, with four small tables. Food is brought from the central hospital kitchen and portioned out here. Also on this floor, is a small nurse's station where medication is dispensed.

Boys are transported to a gymnasium in a nearby building (Children's Psychiatric) which is used for recreation. An open space adjacent to the clerical area is used as a library.

BROOKWOOD CENTER
Claverack, N.Y., May 1980, October 1981

Level I

This secure facility had space for 50 boys at the time of our visit. It is located in rural Columbia County about two hours from New York City. When we visited in 1980 Brookwood had 23 boys from New York City and Long Island out of a total of 47.

The facility consists of a large multi-winged, multi-level modern building. Residents are housed in single rooms on four wings with a common room on each wing. The academic and vocational school rooms, gymnasium, weight room, dining room and infirmary wing are all under one roof. There is an outside courtyard used for barbecues when the weather permits. There are outdoor playing fields and garden areas. The dining room was rather small with tables accommodating four persons. Staff served or passed food family style. The classrooms hold individual desks, blackboards, maps and were well lit and roomy. The Title I reading lab is very large and there is a library set up in an English classroom. Since our first visit, construction has begun on three large vocational

workshops: welding and metal, automobile mechanics, and wood working. The capacity has been increased to 55.

CHODIKEE
Highland, N.Y., Fall 1981

Level I

This facility, on the grounds of a former state training school, is one of the newest of the DFY secure facilities. The boys live in single rooms, ten to a wing. Overall, the facility is a bright, cheerful place. Special furniture - extremely heavy - made of molded rubber in several colors appears throughout. This furniture is quite comfortable and, in addition, is considered a safety factor in the institution: too heavy to be used as a weapon yet soft so that a person falling on it would not be hurt under most circumstances.

Chodikee has a large gym which it shares with the other programs located on the Highland campus. There is a well-equipped infirmary as well as dental facilities. The classrooms include a modern "module education room" consisting of small video machines which provide a variety of vocational instruction.

Our monitors were unable to see the outdoor recreation areas. The facility is all under one roof and completely enclosed by a high fence that is topped off with razor coil barbed wire.

At the time of our visit 90% of the boys were from New York City, some two hours away by automobile.

GOSHEN CENTER
Goshen, N.Y., June 1980

Level I

This secure facility for boys only, located in rural Orange County about 1½ hours from New York City, housed 82 boys from New York City and Long Island when we visited. Fifty-six were Black and 26, Hispanic.

Goshen is a large multi-winged modern building. Residents are housed in

single rooms on five wings with a common room on each wing. The academic school rooms, dining rooms, counseling wing and infirmary are on one floor and the vocational classrooms on a lower level. There is a gymnasium and recreation area as well as an outdoor swimming pool and ballfields. The dining room is a large cafeteria style room with windows along one wall. The classrooms hold individual desks, blackboards, maps and were airy and light. The Title I Reading Lab doubles as the library.

A high fence with razor coil barbed wire surrounds the facility. The capacity of Goshen has been increased to 85 since our visit.

HARLEM VALLEY
Wingdale, N.Y., Spring and Fall 1981

Level I

This secure facility occupies three buildings of a state psychiatric hospital located some two hours distance from New York City. When and if the renovation is finally completed, the facility will provide for 160 boys.

At the time of our visit, 60 boys were in residence: 30 in one building that was under extensive construction and 30 living in comparative comfort in another building. There the boys lived in two units of 15 single rooms opening off long carpeted corridors. A dining room and quiet recreation room are adjacent.

DFY was forced to open this facility long before it was ready because of the need to move youths from detention centers. A gym is to be constructed in the center building along with vocational workshops and a kitchen. In the meanwhile recreation is limited to a weight-lifting machine, pool and ping pong tables, and a small outdoor area. Food, prepared primarily for geriatric patients, is brought from the hospital's main kitchen. The workshops are inadequate. The high fence with razor coil barbed wire is in place.

The director of Harlem Valley has plans for a variety of vocational programs

when the construction is finally completed.

MASTEN PARK
Buffalo, N.Y., Fall 1981

Level I

This secure facility is located in a residential area in the heart of Buffalo. The complex of buildings was originally a convent and has since been a home for "wayward" girls and a drug abuse program.

The present program for 40 boys is in two connected buildings. There are three wings with rooms of varying size. The youths progress through the wings and to bigger rooms on the basis of seniority and behavior. The level and point system, i.e., behavior, also determines whether the boys may decorate their rooms and the kinds of personal property (a set of drums for example) they may have.

Academic education seemed to be particularly good at this facility and the vocational shops appeared adequate. It was distressing to find boys from New York City and Long Island placed in this facility since it will be difficult, if not impossible, for their families to visit.

Another building on the grounds, when renovated, will house 60 boys. It is uncertain at this point whether the program will be limited to 60 or 100 boys.

A high brick wall is topped by wire fencing and surrounds the building and outdoor recreation areas.

ONEIDA SECURE
Utica, N.Y., March 1982

Level I

This secure facility has a capacity for 20 boys. It is a "temporary" program which consists of part of two floors in the New York Central Hospital for the Criminally Insane, on the campus of Marcy Psychiatric Center. On the date of our visit 14 months after it opened in January 1980, there were 19 boys

there, 17 from New York City. The boys live in single rooms in two units of 10, on two floors. There are four classrooms, a dining room, a recreation room with pool table as well as two lounges with a hi-fi and television in each. All the rooms are light and airy. Outdoor activities take place in a small yard for one hour a day and a baseball field is available from 6:00 p.m. to 8:00 p.m. The field can be used during the spring and summer before it gets dark.

Initially conceived of as a three month stop-gap placement, the continuing need for secure beds has forced the retention of this program in this most inappropriate and inadequate physical plant. Our monitors were favorably impressed with the quality of the staff, their involvement with the residents and their attempt to provide as varied a program as possible within the physical limitations that exist. There has been no gymnasium available to date, although the director is currently trying to arrange for youths to use a gymnasium on the grounds of the psychiatric center. There are no vocational shops and exposure to this area is provided only through a class with an emphasis on vocational behavioral expectations.

Under a shared service agreement all food is prepared by hospital kitchens and the food prepared is not appropriate for teenage boys. Again, staff effort has produced some changes in the menus and sizes of portions, but this remains a problem area.

No resident has been in this facility more than a year and most for considerably shorter periods of time before being transferred to one of the other secure facilities, released by the Parole Board, or given conditional release.

There is no doubt that all concerned recognize the inadequacies of this facility program.

TRYON SECURE (Girls)
Johnstown, N.Y., June 1980

Level I

The Cedar Cottage Complex consists of two secure cottages that together house 30 girls in single rooms. Tryon is in Johnstown about four hours from New York City. The girls placed there are Juvenile Offenders, restrictively placed juvenile delinquents or delinquents transferred in after a Fenner hearing.

At the time we visited, there were 26 girls; 12, Black; five, Hispanic; and nine, White; eight of them were from New York City and Long Island.

These cottages have their own dining rooms and are two of a number of cottages on the grounds of the Tryon School for Boys. The girls go to the school, a short walk across the campus, which is also attended by the 80 boys who are housed in separate cottages on the same campus. The school has a large gymnasium, swimming pool and library and vocational classes available to the girls. The setting is very rural and although the cottages are locked this facility is very different in appearance and atmosphere from the other DFY secure facilities.

BRENTWOOD START CENTER

West Brentwood, N.Y., Summer 1981

Level II

This facility, in Suffolk County on Long Island, provides for 16 delin-
48
quent boys placed by the court as Title II or Title III. The boys were all from New York City or Long Island; 13 were Black; two, Hispanic; and one, White when we visited. Most boys live three in a room, in a building which also contains a living room with television, a dining room and various other rooms and offices, and a Title I reading room. The school is across the yard. Boys can come here from a more secure program as a way of re-entering the community, or directly from the court on 12 or 18 month placements.

The dining room is open, light, and adjacent to the kitchen on the one side and the living room on the other. The boys sit at three large tables. Meals are set out buffet style and each boy helps himself. The school is a large single room in a garage-like building. The room is colorfully decorated and the boys work at individual chair desks. The Title I room doubles as a library, in the main house. There is no indoor active recreation space other than the weight machine and pool table, and no formal outdoor recreational area. Boys use recreational facilities at a nearby state park.

48. Title II and Title III refer to sections of the Executive Law. Title II Facilities are open, generally community based residencies. Title III covers the secure and limited secure facilities.

BUSHWICK CENTER

Brooklyn, N.Y., June, 1980

Level II

This facility was budgeted for 18 boys when we visited and now accomodates 27. It is located in the Bedford-Stuyvesant section of Brooklyn. The boys were all from New York City and all minority youths when we visited. Ten were Black and eight, Hispanic. The boys slept in two units of nine single rooms, (now three units), Bushwick consists of two adjoining buildings, a 70 year old five and one half story building and a 40 year old four story building. There is a day room on each unit for lounging.

The classrooms are upstairs and have basic individual desks, blackboard and maps. A Board of Education school is operated on another floor for youths in other community programs and there are a variety of art and vocational classes that the Bushwick residents now use cooperatively. There is a large dining room downstairs with food served cafeteria style. Boys sit at large tables. There is a limited indoor and no outdoor recreational space. The boys are bussed to a nearby gymnasium.

CAMP BRACE

Masonville, N.Y., July, 1980

Level II

This facility, planned for 40 boys, is in a rural setting in Delaware County about three hours from New York City. The boys are placed for 12 or 18 months in this Title III limited secure facility. Some boys are placed directly from Family Court, others are serving the second part of a restrictive placement after an initial period in one of the secure facilities. Of the 39 boys in residence when we visited, 29 were Black; six, Hispanic; and four, White. Thirty-one of the boys were from New York City or Long Island.

Campers live in four units of 10 to a room in the main building. There are lounge areas within this building for relaxation. The classrooms are

appropriately furnished and there are vocational classrooms as well as a small library room. The dining room was reasonably attractive and comfortable. There is a large gymnasium and outdoor area for recreation. The infirmary is a small room that was closed when we visited.

THE HIGHLAND INDIVIDUALIZED LEARNING CENTER
Highland, N.Y., June, 1980

Level III

This facility which is budgeted for 20 boys and girls (10 of each) is located on the grounds of an old training school near New Paltz in Ulster County about two hours from New York City. HILC accepts both PINS⁴⁹ and Juvenile Delinquents, directly from court or from other DFY facilities, who have specific learning disabilities. There are admission criteria that must be met before the youth is accepted.

There are two cottages, one for boys and one for girls. The bedrooms are single and there is a common living room/dining room in each. The academic classrooms and an art room are in a building opposite the cottages. The rooms are quite large, with appropriate furnishings. The Title I reading room doubles as a library. The large Highland gymnasium is used for active indoor recreation, the playing fields, lake and basketball courts for outdoor recreation.

HIGHLAND YOUTH CENTER
Highland, N.Y., June, 1980

Level II

This facility provides for 30 boys who are placed either directly from the Family Court for 12 or 18 months as Title III limited secure, or as a

⁴⁹"Persons in need of supervision" (PINS) are some times referred to as "status offenders." They may not be placed in a secure facility but may be placed in this specialized residence

second step in a restrictive placement. This is one of four DFY facilities on the same campus near New Paltz in Ulster County, about two hours from New York City. Of the 28 boys in residence when we visited, 22 were Black and six, Hispanic. All but three of the boys in this rural facility were from New York City or Long Island.

The boys live in two cottages. There are single rooms in one and a large dormitory in the other. There are living rooms in each cottage and a small apartment for independent living for one resident who was on his way back to the community at the time of our visit. All the boys eat at small tables in a large airy dining room. The school and vocational shops are housed down the road with vocational shops below the academic classes. This is a former garage-like building and the classes are good sized and light but the walls do not reach the ceiling and create a make-shift feeling. There is a small library space in one of the cottages. Construction has altered this.

The gymnasium on the Highland grounds is used by a number of other nearby facilities. A large lake on the property is used for boating and fishing. There is also an outdoor swimming pool, two athletic fields, basketball courts, nature trails and an obstacle course.

Visually this campus has the feeling of a summer camp, composed of a number of small cottages and buildings. The co-educational Highland Individualized Learning Center is among them.

OVERBROOK CENTER (Now EDDY PARKER CENTER)
Red Hook, N.Y., June 1980, June 1981

Level II

This facility, housing 20 boys when we first visited, had been increased to a capacity of 50 by our second visit. It accepts boys aged 11 to 13 who are placed for 12 or 18 months in this Title III limited secure, rural facility about two hours from New York City. There were 18 boys when we first visited;

nine, Black; six, Hispanic; and three, White; 13 of them from New York City, or Long Island.

Initially, boys slept in rooms of two to five, upstairs in this large old farm house. There was a dining room in the residential building utilizing an enclosed porch as well. There is a large living room with television and stereo. The school is housed in a separate building. There is no indoor recreational space but a small swimming pool and basketball court are available outdoors. There is a ping pong table in a separate building some distance away. The boys are taken by van to gymnasiums nearby for indoor recreation. A furniture refinishing workshop has been set up in another building on the grounds. There is a small well-equipped medical examining room in the main building and a library housed in a separate small building with tables and chairs used also for family visits.

The new building was ready and occupied on our second visit. It had two large dormitory rooms for 10 double-decker beds in each, and an adjacent living room for each unit. The dining room and kitchen are also in this building. Some boys live in the old farm house as they progress through the program.

PYRAMID HOUSE
Bronx, N.Y., June 1980

Level II

This closed facility in the Bronx provided for 30 boys when we visited. At that time there were 32, all from New York City or Long Island; 16 were Black; seven, Hispanic, and nine, White. This was a Title III placement directly from Family Court initially. It is now a re-entry program for youths returning from upstate.

The residents were housed in double rooms, with no doors on them and a common room for relaxation. There was a reading room on the floor as well,

locked unless in use. A newly renovated additional floor had large rooms intended to be single rooms and meant to house twenty when the necessary staff is hired. The building, a former YMCA, houses a New York City Board of Education run school with well equipped classrooms, individual desks, maps, blackboards. There are various indoor recreational areas, including a large swimming pool but no outdoor recreation.

The dining room which has no windows, is rather long and narrow and set with long tables in a U-shape. There is a large professional kitchen and the food was served cafeteria style by food service personnel under contract. The infirmary wing contains a full dentist's office and several other offices.

SOUTH LANSING FOR GIRLS
South Lansing, N.Y., Summer 1980

Level II

This facility was budgeted for 45 girls when we visited. It is a limited secure facility in Tompkins County about four and one half hours from New York City. When we visited, there were nine girls from New York City and Long Island with 32 others from the rest of the state for a total of 41. Fifteen were Black; five, Hispanic; 20, White; and one American Indian. This facility and Tryon Secure are the only Title III residential facilities for girls.

The girls live in three units of 15 girls each. Some are in single rooms, others three to a room. Each unit has its own living room. An adjacent building houses educational and vocational classes and recreation programs. School classrooms are equipped with desks, blackboards, and the like, as well as vocational classrooms. There was a library on the second floor of the main building. The comfortable dining room was used by the girls eating in separate units.

There is an outdoor swimming pool, playing field, and racquet ball court. A new gymnasium was scheduled to be completed in May 1981. The infirmary has a complete examining room and dental clinic, and one room for sick girls. Substantial physical modifications have been made since our visit.

THE TRYON SCHOOL (Boys)

Johnstown, N.Y., June, 1980

Level II

This facility has a budgeted capacity of 80 boys who live in a total of four cottages. (Three open and one closed). On the day of our visit 11 of the 83 boys were from New York City and Long Island. The majority were from nearby counties. Of the 83 boys, 32 were Black; three, Hispanic; and 48, White. The majority of the boys are placed for 18 months by the Family Court as Title III juvenile delinquents.

There are both single rooms and dormitory space in the cottages. Each of the cottages has its own kitchen, dining room and lounge area with television. Several of the cottages operate special programs and house them in separate or adjacent areas (pheasant nursery, greenhouse for plant raising, woodworking furniture production.) The school building across the campus houses the gymnasium, swimming pool, classrooms, library, and a large dining room and professional kitchen (used by food preparation classes). An adjacent building houses a variety of vocational shops. All of these classes and shops are used by both boys and girls. There is a dentist's office located here as well. The infirmary is in an adjacent building which also houses office staff and mental health personnel offices. There are outdoor playing fields available to the residents and the neighboring community.

THE JUVENILE OFFENDER AND DESIGNATED FELONY STATUTES

Juvenile Offender Law

Youths alleged to be JOs, have their cases initiated in the adult criminal courts. Under certain circumstances, the cases may be removed back for determination in the Family Court and, in fact, a majority (60%) have been so removed or have been dismissed.

The youths who are tried, convicted and sentenced in adult court are criminally responsible for their acts and incur the same civil disabilities as adults. They may be placed on probation supervision if given youthful offender status or committed to one of the Division for Youth's secure facilities. There are specified minimum/maximum terms established for the acts. Prior to the expiration of their terms, they may only be released with the consent of the State Board of Parole and thereafter remain under that agency's supervision.

<u>Age</u>	<u>Crime</u>
13, 14, 15 year olds	Murder 2 ^o
14 and 15 year olds	Arson 1 ^o & 2 ^o Kidnapping 1 ^o Assault 1 ^o Attempted Kidnapping 1 ^o Attempted Murder 2 ^o
	Burglary 1 ^o & 2 ^o Manslaughter 1 ^o Rape 1 ^o Robbery 1 ^o & 2 ^o Sodomy 1 ^o

The sentence structure ranges from a minimum of 5-9 years and a maximum of life for Murder 2^o, to a maximum of 3-7 years for a Class C Felony. That carries a minimum of one third of the maximum imposed. A JO may be given "youthful offender status." Under this sentence the records are sealed and the judge may order confinement for up to four years, rather than a crime specific sentence, or a five year sentence to probation supervision.

Designated Felony Acts/Family Court

These are the most serious acts, committed by 13, 14 and 15 years olds, that may be heard by the Family Court depending on removal from the Criminal court or the age of the youth or both. They are divided into two categories (Class A & Class B) with differing lengths of placement possible.

<u>Age</u>	<u>Class A Designated Felony</u>
13, 14 and 15 years olds	Murder 1 ^o & 2 ^o Attempted Murder 1 ^o Kidnapping 1 ^o Arson 1 ^o

When found to have committed one of these acts, a youth may be placed in restrictive confinement for five years if it appears necessary after a consideration of the youth's needs and the need to protect the community. Placement must be in a secure DFY facility for a minimum of 12 to 18 months. Thereafter the youth must be confined in a less secure facility for an additional year. The youth, thereafter, remains under the intensive supervision of DFY's after-care staff until the end of the five year period.

<u>Age</u>	<u>Class B Designated Felony</u>	
13, 14 and 15 year olds	Arson 2 ^o Robbery 1 ^o Rape 1 ^o Attempted Murder 1 ^o Sodomy 1 ^o	Kidnapping 2 ^o Assault 1 ^o Manslaughter 1 ^o Attempted Murder 2 ^o Aggravated sexual abuse

Upon a finding and after due consideration of the youth's needs and that of the community a three year restrictive placement may be ordered. The youth must be confined in a secure DFY facility for a period of six to 12 months; then in a less secure facility for an additional six to 12 months; and thereafter, must be under intensive supervision until the expiration of the three year term.

<u>Age</u>	<u>Other Class B Designated Felonies</u>
14 and 15 year olds	Burglary 1 ^o & 2 ^o Assault 2 ^o & Robbery 2 ^o when there has been a prior finding of Assault 2 ^o , Robbery 2 ^o or any other designated felony act except burglary.

It should be noted that there are other designated felony act provisions: A restrictive placement must be ordered when the youth has caused serious physical injury to a person 62 years of age or more.

The provisions also cover any felony committed by a child between his seventh and 16th birthday if he had been found to have committed two felonies earlier.

COMMENTS ON DFY FROM
DIRECTORS, STAFF AND YOUTHS

As seen by facility directors:

Program goals, as described by the directors did not differ perceptibly from those specified in DFY's official Policy and Procedures Manual. In a variety of ways, they all expressed the same goals for the youths who were in a facility designed to contain them while endeavoring to effect changes in "the attitudes, behavior and value systems" which brought them to this point in the juvenile justice system. They stressed the need to provide as individualized a program as possible on the basis of a comprehensive assessment of need. Each aimed at providing relationships and opportunities for accomplishment and for improving their self-image as important in preparing the youths to face and conquer the hazards awaiting them on their return to the community. Some stressed structure and its value to the youths coming from disorganized, unstructured settings. Others underscored the importance of close one-to-one relationships with staff to encourage trust and the controls that are often lacking in these impulse-ridden youths.

One director expressed concern that in teaching the youths to trust he might be depriving them of the skills needed to survive in the jungle from which they had come and to which they would return. Without a compendium of other skills -- education, vocation, recreation, cultural identity -- they might not be able to withstand the pressures to which they will be subjected. Several noted that for non-JO's the stay in a DFY facility may not be long enough to achieve the goals for some youths.

As seen by the staff:

Staff members echoed the directors' comments on helping the youths to achieve a more positive self-image and develop skills that will help them survive on the outside. Few had any illusions about the pressures to be faced in the home and community but several emphasized the importance of their "positive role modeling." Of prime importance was their conception of this role as friend, teacher, counselor, advocate to whom a youth might turn for support and guidance. Out of this grows the ability to trust an adult -- often for the first time. But again and again it was emphasized that "Realistically, staff is aware that what they can teach the boys may not prove sufficient once they are back on the streets."

In general, all staff seemed to feel that their directors were accessible and that they understood the problems inherent in day-to-day work with these youths. There are provisions for regular meetings: weekly team meetings on wings or units to evaluate behavior and plan next steps; full staff meetings with the director bi-weekly or monthly to exchange information, learn about DFY rules and regulations and make recommendations to the director.

As seen by the youths:

In the course of discussion, the youths corroborated the directors' reports concerning telephone privileges and lack of censorship of the mail.

Our monitors had an opportunity to talk with youths as they escorted them through the buildings or at lunch. For the most part, they talked freely and often critically but apparently without fear of retaliation. Individual estimates of a facility and its staff might vary from youth to youth but on one issue there was agreement within and among facilities; i.e., that the teachers were either "good" or "OK" and that the small classes were helpful.

About the facility itself, one JO said it was OK if you have to be locked up. Being locked up is what's bad. Another said there's nothing good about the place; we just have to do our time and get out. This level thing is no good -- up and down -- not accomplishing anything. If you fight or swear, you get a bad log or lose points for level. If you behave you go to higher level. If you don't, you stay on same level -- and that's not good for the parole board.

The food is OK -- not bad, not good. To the question, what would you do if you were in charge here -- give better food, more recreation, more parties with girls. And to the question, how will things be when you leave here, one replied that it won't be better, I'm mad and when I get out I'll blow again. Another was of the opinion that things will be better. I'll do better at school and control my temper better.

In another secure facility, the boys' comments included:

- o It's OK if you have to be somewhere, good counselors, good athletics, learning a job skill.
- o Food OK, you can get seconds and snacks.
- o Teachers OK.

- o If you do something bad you lose points, drop a level or go to Wing II.
- o The director is the strictest person but OK. Other staff that is strict not so OK.
- o Allowances can be docked, from \$2.50 down to \$1.25/week.
- o Some have paid jobs if they earn enough points.

Also, in response to questions, none of the boys to whom we spoke had seen staff hit anyone but scolding was frequent. One of the boys added that he had learned not to fight so fast and to stay out of trouble. They weren't sure but hoped that things would be better when they got out.

In most of the other facilities, the youths' spontaneous responses to questions ranged from "terrible" to "very good;" from "the level system is terrible" to "the rules make sense, if you do something bad you take the consequences."

In the limited secure facilities, there was evidence of a more hopeful attitude. In those serving youths on their way to the community it was clear that while the food might not be good in some facilities and some counselors are too strict, the youths were comfortable with the directors. They reported that the teachers were great, most of the staff was friendly and helpful and things will be better for them when they leave than before they entered DFY.

APPENDIX D

1980 ADMISSIONS TO DFY FACILITIES

Total admissions, all residential facilities ⁵⁰	2,215
New admissions	1,740
Readmissions (children who had been released from a residential facility but not discharged from DFY custody)	269
Prior Service new placements (children who had been placed with DFY and then replaced on a new court order)	206

<u>Ethnicity</u>	<u>All Facilities</u>	<u>Secure Facilities</u>
Black	924 (43.0%)	84 (69.4%)
Hispanic	210 (9.8%)	21 (17.4%)
White	990 (46.1%)	15 (12.4%)
Other	24 (1.1%)	1 (0.8%)
Unknown ⁵¹	67	

Region of Placement Order for Secure Facilities (See text, page)

Region I	7 (5.8%)	Region II	13 (10.7%)
Region II	7 (5.8%)	Region IV	94 (77.7%)

NOTE: These are the latest figures available. We have been told by DFY staff that the figures for 1981 are similar as to ethnicity and place of origin. The numbers of youths in secure facilities has tripled.

50. The figures in these tables represent only those admitted during 1980. They do not include those children and youths already in residence as of January 1, 1980 or the total number of children in care.

51. These 67 youths are listed as of "unknown" ethnicity because at the point of data entry the information was not provided to the Central Office. We were told they had not "folded" into the other categories.

STUDY PROCEDURES

CCC has carefully followed the developments under the Juvenile Offender Law over the past three years as more and more young people have been processed through the adult courts and transferred to DFY. In the spring of 1980, we determined to conduct a close scrutiny of the facilities to which these adolescents are sent. Since it is current law, we wanted to assure ourselves that the youths sentenced under it to terms of secure confinement are receiving appropriate care, treatment, education and preparation for an eventual return to society.

Members of our Task Force and staff have perused policy statements, rules and regulations; examined statistics, met with the Director and his top assistants, as well as lower echelon staff, of DFY; conferred with parole officers, judges, attorneys for the defense and prosecution, legislators and a host of other public and private persons concerned with the juvenile justice system.

We have followed the steady stream of court cases that have sought, sometimes successfully, to prevent the opening of new facilities or - in

the reverse - to force the prompt removal from local detention centers of young people who had been tried and placed with DFY. We have observed the extent to which the Governor and the Legislature sought to provide DFY with the political and fiscal clout to meet its new responsibilities.

We have watched to determine whether there exists a rational and coordinated planning process for the implementation of New York's public policy for the handling of young people who commit serious acts against persons or property. Finally, we made extensive visits to seventeen facilities.⁵² At each we observed the physical premises, examined the program content and met with the staff and young people.

With two exceptions, our monitoring teams were composed of three or four members of the Task Force and CCC staff.⁵³ Each member of a given team was assigned the responsibility to observe and gather information on a particular area of concern; i.e., education, recreation, living quarters, nutrition, medical and psychiatric care and the like. In addition to a group discussion with the facility director or his designee, the team members spoke with other staff members and the children.

Each of our team members completed a written report shortly after a visit. These were then coordinated into a single profile of each facility. The directors were asked to provide information, concerning the residents of their facility and staffing patterns, which was also analyzed and tabulated together with information received from the central administration. Lastly, we developed a picture of the programs within the facilities - as

52. See listing and thumbnail sketches, Appendix A

53. Only one person was able to visit Masten Park, a facility that opened in 1979 in Buffalo, N.Y. Two visited Oneida.

seen by the directors and staffs and by the many children and adolescents to whom we spoke, and finally, as we ourselves perceived them. (This material appears as Appendix C.)

As our study progressed DFY's situation was changing rapidly. New facilities were opening. Staffing patterns at some facilities abruptly changed as a result of state hiring freezes and budget cuts. Since this and the elapse of time resulted in change, it was thought better to eliminate the staff and resident profiles carefully garnered by Task Force members as to each institution visited. We present, instead, general commentary. Other issues - primarily the large numbers of youths placed with DFY as Restrictive Juvenile Delinquents (RJDs) or Juvenile Offenders (JOs) - led us to believe that our report should concentrate on the secure facilities and not extend the study to a full review of the limited secure ones. As noted earlier the secure facilities are the only ones that may receive JOs and RJDs must reside there for the first part of their court ordered confinement.

We present to the people of New York sobering observations and findings as to the care and services available for that tiny segment of the state's youth population now labelled "Juvenile Offenders" or "Restrictive Juvenile Delinquents." The problems we have found are more those of omission, than of commission, brought on in large part by an ill-conceived, hastily enacted law and a failure of the Legislative and Executive branches of government to provide appropriate and needed resources.

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