



## **MYTHS AND REALITIES ABOUT THE JUVENILE JUSTICE SYSTEM II** **January 1999**

**Myth:** *Violent juvenile crime is on the rise.*

**Reality:** The juvenile crime rate has fallen in New York City and nationally. **Arrest rates for violent juvenile crime have decreased by 28% in New York City** since 1994.<sup>1</sup> Young people arrested for violent crimes constituted one-tenth of all arrests in New York State in 1997.<sup>2</sup> Juvenile arrests for violent crime have decreased by 26% in New York State since 1994.<sup>3</sup> Nationally, the arrest rate of juveniles for violent crimes has declined 23% since 1994.<sup>4</sup> Only about 0.5% of young people commit violent crimes nationally.<sup>5</sup> The dire warnings made by leading criminologists in the mid-1990's predicting the coming of age of a generation of superpredators has proven false. According to Howard Snyder, Director for Research at the National Center for Juvenile Justice, youth entering the juvenile justice system today are no different than youth who entered the system a generation ago.<sup>6</sup>

**Myth:** *Sentences must be lengthened to deter juveniles from committing crimes.*

**Reality:** Tough penalties for youth already exist. Under the Family Court Act, a judge has discretion to sentence a juvenile delinquent guilty of a serious felony offense to a facility run by the New York State Office of Children and Family Services (OCFS)<sup>7</sup> for three to five years depending on the severity of the crime. Under existing law, these sentences can be extended until the youth reaches his/her 21<sup>st</sup> birthday. Even tougher sentencing provisions exist in the New York State Penal Law for juvenile offenders who are tried as adults. For example, **juvenile offenders can be sentenced to a maximum of ten years for most offenses.** Early release decisions for juvenile delinquents are made by OCFS and not the Family Court.

**Myth:** *More youth should be tried as adults in criminal court to reduce juvenile crime.*

**Reality:** **No evidence has been presented that shows that trying youth as adults results in lower crime rates.** In fact, according to a study of 15 and 16 year old felony offenders from New York and New Jersey, trying young people as adults did not guarantee longer sentences nor were youth less likely to commit another offense.<sup>8</sup> Similarly, a study of juvenile offenders in Florida who were tried in adult court found that those sentenced to adult prisons were more likely to reoffend than those sentenced to juvenile facilities.<sup>9</sup> New York State already has the toughest laws for juveniles and is one of only three states in which a youth at age 16 is automatically considered an adult for all offenses and serves his/her sentence in an adult prison.<sup>10</sup>

**Myth:** *Ordering probation rather than incarceration reflects a court system that is weak on juvenile crime.*

**Reality:** Probation becomes a significant penalty when youth are ordered to participate in an Alternative-to-Placement program (ATP) which offers rigorous programming for nonviolent youth and requires strict compliance by the juvenile, demands accountability and provides intensive supervision and support services for every youth and his/her family. **And ATI programs have been proven to reduce juvenile crime and cost less.** Juvenile offenders enrolled in one ATI program in Manhattan had a 17%<sup>11</sup> re-arrest rate versus 69% re-arrest rate for juvenile offenders incarcerated in OCFS facilities.<sup>12</sup> Furthermore, ATI programs are cost effective at approximately \$9,000 per year for a youth in an ATI program<sup>13</sup> versus \$80,000-\$104,000 per year for a youth placed in a juvenile facility.<sup>14</sup>

## **MYTHS AND REALITIES ABOUT THE JUVENILE JUSTICE SYSTEM II (continued)**

**Myth:** *All youth in detention facilities are violent and dangerous, therefore a new maximum security facility is necessary to properly deal with this difficult population.*

**Reality:** Only 9% (202 juveniles) of the total 2,262 youth admitted to OCFS facilities in 1997 were initially placed in secure facilities, which are reserved for the most violent youth.<sup>15</sup> **There have been no reports published by OCFS demonstrating the need for a new maximum secure facility due to the violent behavior of young people in custody.** In addition, current OCFS regulations permit the automatic transfer of certain juvenile offenders to the adult prison system upon their sixteenth birthday, if necessary to better control their behavior.

**Myth:** *Incarcerated youth are inherently bad kids, therefore special programs are extravagant and unnecessary.*

**Reality:** Youth entering OCFS facilities suffer from multiple problems that must be treated to enable them to safely re-enter the community upon release. In 1997, 50% of youth admitted to OCFS facilities had substance abuse problems and 22% required special education. OCFS has identified separate facilities to work with youth who have substance abuse problems and is creating an intensive aftercare program for these youth to better support their transition home. Additionally, 37% of youth admitted to OCFS facilities in 1997 had mental health needs serious enough to warrant treatment, including a history of in-patient psychiatric treatment or recent out-patient treatment for an existing condition, and/or acute psychotic or suicidal symptoms.<sup>16</sup> There are only two mental health units (10 beds each) in the entire OCFS juvenile justice system. Mobile mental health teams provide treatment to only 900 youth a year in OCFS facilities.

**Myth:** *Most juvenile crime occurs at night.*

**Reality:** **Juvenile crime triples after school between the hours of 3:00-8:00 p.m.**<sup>17</sup> For the past two decades State spending on after-school and youth development programs has remained stagnant. Taking inflation into account, there has been a 46% decrease in State spending on youth services over this period. The Governor's \$10 million investment in Advantage Schools begins to make up for some of the lost dollars, however more of an investment is needed to provide safe and structured activities for children and youth during non-school hours.

**Myth:** *Incarceration is the most cost effective way to reduce juvenile crime.*

**Reality:** **New York State Office of Children and Family Services spends more than 75% of its budget on incarceration** and only 20% of its budget on prevention and aftercare services.<sup>18</sup> According to a RAND study, delinquent supervision, graduation incentives and parent training programs are more cost-effective ways to reduce juvenile crime than three strikes laws.<sup>19</sup> In addition, community programs emphasizing collaboration, enforcement and prevention, such as in Boston, have proven successful in reducing juvenile crime. Every \$1 spent on prevention programs produces savings of \$140 in later juvenile justice and law enforcement costs.<sup>20</sup>

**Myth:** *The juvenile justice system is color-blind.*

**Reality:** **Disproportionate racial disparity exists** among the youth sentenced to OCFS facilities. Of the youth admitted to OCFS facilities in 1997, approximately 56% were African-American, 29% were Latino, and only 14% were white.<sup>21</sup> This contrasts dramatically with the percentage of African-American and Latino children in the population overall. African-American children make up 30% of the total number of children in New York City and 37% are Latino children, while 25% of children in New York City are White.<sup>22</sup>

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## ENDNOTES

- <sup>1</sup> New York State Division of Criminal Justice Services, Uniform Crime Reporting System, 1994-1997. These figures are based on the F.B.I. standard of categorizing violent offenses. 7,010 arrests in 1994 versus 5,066 arrests in 1997.
- <sup>2</sup> New York State Division of Criminal Justice Services, Uniform Crime Reporting System, 1997.
- <sup>3</sup> New York State Division of Criminal Justice Services, Uniform Crime Reporting System, 1994-1997. These figures are based on F.B.I. standard of categorizing violent offenses. 8,953 arrests in 1994 versus 6,634 arrests in 1997.
- <sup>4</sup> Juvenile Justice Bulletin, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, December 1998. Please note that "juvenile" refers to persons below 18.
- <sup>5</sup> U.S. News & World Report, Crime Time Bomb, 3/25/96.
- <sup>6</sup> New York Times, Guns Blamed for Rise in Homicides by Youths in 1980's, December 10, 1998.
- <sup>7</sup> The New York State Office of Children and Family Services was created in 1997 and includes programs formerly run by the Division For Youth.
- <sup>8</sup> Columbia School of Public Health, The Comparative Advantage of Juvenile Versus Criminal Court Sanctions on Recidivism Among Adolescent Offenders, Jeffrey Fagan, 1996.
- <sup>9</sup> Bishop, Donna et al. "The Transfer of Juveniles to Criminal Court: Does It Make a Difference?" *Crime and Delinquency*, 42(2)(April 1996).
- <sup>10</sup> Griffin, Patricia, et. al., Trying Juveniles as Adults in Criminal Court: An Analysis of State Transfer Provisions, Office of Juvenile Justice and Delinquency Prevention, US Department of Justice, Office of Justice Programs, December 1998.
- <sup>11</sup> New York Law Journal, The Youth Part and Juvenile Justice, Michael A Corriero and Mollie Faber, 2/4/97, p.1, col. 2.
- <sup>12</sup> New York State Division of Criminal Justice Services, Recidivism Among Youth Released from the Division For Youth in 1988 and 1991 – A Comparative Report, March 1995.
- <sup>13</sup> Center for Alternative Sentencing and Employment Services (C.A.S.E.S.), 1998.
- <sup>14</sup> New York State Office of Children and Family Services, Office of Budget Management, 1998.
- <sup>15</sup> New York State Office of Children and Family Services, Division of Rehabilitative Services, Youth in Care, Annual Report, 1997.
- <sup>16</sup> New York State OCFS 1997 Annual Report, "Youth In Care", Division of Rehabilitative Services and DFY Technical Report, Volume 7, Number 1 (Winter 1997).
- <sup>17</sup> Fox, James Alan Ph.D., and Sanford A. Newman, J.D., Fight Crime, Invest in Kids; After-School Crime or After-School Programs: Tuning In to the Prime Time for Violent Juvenile Crime and Implications for National Policy, 1997.
- <sup>18</sup> New York State Office of Children and Family Services, Office of Budget Management, 1998.
- <sup>19</sup> Greenwood, Peter W. et al., Diverting Children from a Life of Crime, RAND Corporation, 1996.
- <sup>20</sup> Hurley, Delinquency Prevention Works, Office of Juvenile Justice and Delinquency Prevention, United State Department of Justice. 1995 – as reported in Keeping Track of New York City's Children, Citizens' Committee for Children of New York, Inc., 1999.
- <sup>21</sup> New York State Office of Children and Family Services, Division of Rehabilitative Services, Youth in Care, Annual Report, 1997.
- <sup>22</sup> New York City Department of Health. Office of Vital Statistics and Epidemiology. Birth and Death Master Files. 1996; and 1997 population estimates by Claritas – as reported in Keeping Track of New York City's Children, Citizens' Committee for Children of New York, Inc., 1999.



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