



New York State Senator

# VELMANETTE MONTGOMERY

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## Senator Montgomery Unveils Landmark Reform of New York's Juvenile Justice System

*Chair of Children & Families Committee Joins Advocates to "Rightsize" System*

*Reform Package Proposes to Save NYS Approximately \$6 Million in 2010-11 Budget Year Alone*

### Re-Direct

**(S6711-A; MONTGOMERY / A10253; SCARBOROUGH):** This proposal provides for alternative to detention residential programs for court-involved youth. Senator Montgomery's goal is to shift New York's approach to youth crime away from the correctional model to a rehabilitative model. The proposal furthers her goal by giving localities a financial incentive to invest in therapeutic programs. Currently, a county is reimbursed by the state for fifty percent of the cost of traditional pre-trial detention or post-adjudication placement in a state facility. By establishing a sixty-five percent match for alternative-to-detention and alternative-to-placement programs, this bill will encourage counties to rehabilitate youth and keep them out of the system, which has proven to be costly, ineffective and unsafe.



Senator Montgomery and youth advocates discuss legislative strategies for improving the delivery of services for at-risk youth at a roundtable discussion, "Meeting of Juvenile Justice Minds."

### Re-Invest

**(S6710-A; MONTGOMERY / A10252; SCARBOROUGH):** This bill, if enacted, would reinvest savings resulting from the closure of State-operated juvenile facilities to the Juvenile Justice Smart Investment Fund. These dollars would support community-based services for at-risk and court-involved youth. The bill will ensure that funding earmarked to support the youth involved in the juvenile justice system is spent on them and not used for other purposes.

### Alternatives to Residential Placement

**(S6709; MONTGOMERY / A10449; LENTOL):** This bill requires Family Court judges to sentence court-involved youth to community placement instead of residential placement unless doing so would pose a risk to public safety. This action will continue to shift New York away from the correctional approach to juvenile justice and towards the therapeutic model. Institutional placement would be reserved for those youth who have committed the most serious offenses.



Speaking in support of the Senator's agenda, Rev. Dr. Emma Jordan-Simpson, executive director, Children's Defense Fund-NY, recommends decreasing the use of residential placement by increasing local alternative-to-detention and alternative-to-incarceration programs for young people.

### Legal Assistance for Youth with Mental Health Needs

**(S.6678; HUNTLEY):** This bill directs Mental Hygiene Legal Services (MHLS) to provide legal services and assistance to youth who have been ordered by the court into the custody of the Office of Children and Family Services (OCFS) and placed or committed to a state operated juvenile detention center. Mental Hygiene Legal Services is part of the Appellate Division and overseen by the NYS Office of Court Administration. It has a long history of providing legal representation and advocacy to individuals with mental disabilities regarding their admission, care and treatment in mental hygiene facilities.

## Juvenile Facility Oversight & Accountability

**(S.6474-C; MONTGOMERY / A. 10155; AUBRY):** This bill authorizes the Correctional Association of New York to inspect residential juvenile detention facilities and report incidents of wrongdoing to the NYS Office of Children and Family Services (OCFS) for prompt remedial action. This bill also authorizes Prisoners' Legal Services of New York to establish a Juvenile Justice Unit vested with the authority to represent the children in the State's residential juvenile detention facilities, to interview them, review their records, investigate their complaints, and advocate for their rights, safety and well-being. In August 2009, the Department of Justice issued a report which uncovered abuses at four OCFS facilities. This report shows the need for external, independent oversight of these facilities and the need to hold staff accountable for gross violations of policy on the use of force and the failure to properly evaluate, diagnose and treat the mental health problems of the youth. The Correctional Association has over 150 years of experience in providing much needed scrutiny in the adult correctional system and has expertise in the area of juvenile justice. Prisoners' Legal Services has over 34 years of experience representing and advocating for the humane treatment of those individuals held in the care of our state.



The Senator's proposal that creates a new funding reimbursement system for alternative-to-detention programs receives the support of DeAvery Irons, Associate Director, Juvenile Justice Project, Correctional Association of New York, who helped write the legislation and garner legislative support.

## Juvenile Rights

**(S5996; DUANE / A3472A; SCARBOROUGH):** This bill would require the Office of Children and Family Services (OCFS) to describe the rights afforded to youth in OCFS residential facilities in a pamphlet, and distribute that information to youth. This bill also establishes a youth advisory board within these facilities, so OCFS' administration will hear from youth directly on issues which concern them.

## Educational Equality & Job Training

**(S6713; MONTGOMERY / A9805; SCARBOROUGH):** This bill establishes a pilot program to provide job and vocational skills training to youth who have been adjudicated juvenile delinquents or juvenile offenders, and who are residing in a facility overseen by the Office of Children and Family Services (OCFS). The program would be collaboration between the Department of Labor and OCFS and will be conducted in three residential facilities. It will focus on a combination of integrated support services as well as educational, vocational and job skills training to provide youth with the foundation they need to advance to higher levels of education and higher wage jobs in growing occupational fields. The program would also seek the participation of not-for-profit organizations, faith based organizations, local development corporations and small businesses.



Senator Montgomery discusses Juvenile Justice Reform with the "Dreams Youth Build & Young Adult Training Program".

## Peer Advocacy

**(S6961; HUNTLEY):** In many instances, youth in residential care have experienced traumatic events throughout their lives and associate some of these traumas with the adults in authority who are making decisions on their behalf. Youth who, in the past, have experienced similar settings and hardship and have turned their lives around in a positive way are uniquely equipped to gain their trust and serve as a role model for youth in care. This legislation instructs the Office of Children and Family Services, in consultation with the Office of Mental Health, to develop an effective Peer Advocacy and Mentoring Program to help ensure that troubled youth have positive role models as they heal wounds and prepare to transition back into the community.

## Presumptive Medicaid Eligibility

**(S6969; HUNTLEY):** This bill gives youth living with mental illness access to Medicaid upon their discharge from a juvenile justice facility to ensure that their treatment plan continues uninterrupted for up to 60 days while Medicaid eligibility is determined. New York State already recognizes the importance of providing health care coverage through Medicaid, for example, for individuals who leave hospitals and long term care and for those in need of treatment for various forms of cancer. The State also provides Medicaid coverage for children in foster care until they are 21. Youth who enter the juvenile justice system are not currently afforded the same protections for Medicaid coverage. Health care coverage for these young people is vitally important to their ultimate success in transitioning back into the community. It is also cost effective for the state and local communities that would otherwise pay the cost of recidivism and unnecessary hospitalizations.



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**Montgomery.NYSenate.gov**



Senator Montgomery announces her Juvenile Justice Reform Agenda at a press briefing in New York City.



*“The state’s system is built around punishment instead of rehabilitation, setting youth up for a lifetime of trouble that could be avoided with a system that offers proper resources and programs designed for troubled youth,” said Senator Montgomery.*

*“The time is long overdue for real reform of our juvenile justice system,” she added. “The current system is broken and it is breaking our children in mind, body and spirit. Our reform proposals seek to heal, not harm, by continuing to shift New York away from the correctional approach to a therapeutic, rehabilitative model. We want to help produce positive outcomes for our young people and this cannot be accomplished without rightsizing and rethinking the system.”*



## Statements in Support of the 2010 New York State Juvenile Justice Reform Agenda

“Creating the right fiscal incentives for the government entities that manage the juvenile justice system will be critical in the reform efforts for which you strongly advocate... Educational re-entry is the cornerstone of full societal re-integration for system-involved teenagers.”

**Richard R. Buery, Jr.**  
PRESIDENT & CEO  
THE CHILDREN’S AID SOCIETY

“The current [Juvenile Justice] system is set up to incentivize incarceration and out-of-home placement. The Governor’s Task Force on Transforming Juvenile Justice, of which the Children’s Defense Fund-NY was a member, recommends decreasing the use of placement by increasing local alternative-to-detention and alternative-to-incarceration programs. It is not only more effective, but it is less expensive to provide community-based supports for young people.”

**Rev. Dr. Emma Jordan-Simpson**  
EXECUTIVE DIRECTOR  
CHILDREN’S DEFENSE FUND - NY

“[New York State] has not done enough to provide localities with the resources needed to create and sustain a network of community-based programs that would in fact provide the supervision, education, health and mental health, and youth development services that are needed to ensure the success of youth in their home communities... The majority of juvenile placement facilities are located in upstate and rather than isolate youth in juvenile placement facilities far away from their home communities, community-based alternatives supervise and serve youth in their home communities.”

**Stephanie Gendell**  
ASSOCIATE EXECUTIVE DIRECTOR  
CITIZEN’S COMMITTEE FOR CHILDREN OF NEW YORK, INC.

“We are totally in support of the 2010 Juvenile Justice Reform Agenda. We have reviewed the recommended legislation and agree with your initiatives.”

**Black Veterans for Social Justice, Inc.**

“Senator Montgomery’s efforts to ensure effective oversight and advocacy on behalf of our incarcerated children demonstrate her keen understanding of the value and vulnerability of our youth. The Senator’s legislation will help ensure that our youth are safe and that their medical and mental health needs are being addressed during their incarceration. This, in turn, will help ensure their successful reintegration into society upon their release.”

**Karen Murtagh-Monks, Esq.**

EXECUTIVE DIRECTOR  
PRISONERS’ LEGAL SERVICES

“We are supporting legislation called Re-Direct New York in our efforts to provide resources to communities for programs that are proven to help get troubled kids back on track. The overarching purpose of the bill is to create a stable source of funding, similar to the child welfare side of the equation, that counties and communities could count on year-to-year in building their community-based services for troubled youth.”

**Fight Crime: Invest In Kids**

“The New York Juvenile Justice Reform Agenda addresses the core problems plaguing NY’s juvenile justice system. The agenda creates accountability and oversight for the Office of Children and Family Services, provides fiscal incentives that will encourage localities to utilize alternatives to detention and placement, and supplies the re-entry supports and services necessary for youth leaving incarceration. The Correctional Association enthusiastically supports the reform agenda and applauds Senator Montgomery and her colleagues for their leadership and commitment to a more fair, effective, and humane juvenile justice system.”

**The Correctional  
Association of New York**

“These reform bills will go a long way to begin repairing our state’s dysfunctional and ineffective juvenile justice system. . . . The state’s system has needlessly separated children from their families, offered little alternative for community based treatment, inadequate treatment for children that are in placement, and inadequate after-care and reentry services.”

**James Brodick**

PROJECT DIRECTOR  
RED HOOK COMMUNITY JUSTICE CENTER

“Well over half of the youth in the juvenile justice system have a psychiatric disability. The Mental Health Association in New York State (MHANYS) has strongly advocated for development of alternative and diversion models for youth with psychiatric disabilities who are currently incarcerated. We applaud the leadership of Senator Montgomery as well as the efforts of Senators Huntley and Duane and Assemblyman Scarborough in introducing a series of initiatives that will help create alternative models, provide greater protection and oversight for incarcerated youth and also insure that they have continued uninterrupted access to Medicaid.”

**Glenn Liebman**

CEO, MENTAL HEALTH ASSOCIATION  
IN NEW YORK STATE (MHANYS)

“Well structured community based alternative-to-detention, and alternative-to-placement programs will engender a more rehabilitative setting for these children by allowing them to continue to see and interact with positive role models within their communities.”

**Freddie Hamilton**

PRESIDENT, PURGE

“If more young people who do not pose substantial risk are diverted from institutional placement, it will be crucial that sustainable alternative programs provide links to necessary services and support.”

**Anthony Ng**

DEPUTY DIRECTOR OF POLICY & ADVOCACY  
UNITED NEIGHBORHOOD HOUSES (UNH)

“Your Reform Agenda strikes the right balance between meeting public safety needs and serving the needs of youth who need positive intervention at critical points in their lives.”

**Georgina Ngozi**

PRESIDENT & CEO, BROOKLYN CHILDREN’S MUSEUM

“Youth are more likely to trust their peers than adults especially if they have experienced trauma. . . . The Peer Advocacy Program is an important piece of the plan to transform New York’s juvenile justice system.”

**Families Together**

“In order for these youth to be successful when receiving supportive, therapeutic services, they must be allowed to remain in their own community in order to continue to be supported by those individuals in their lives [who] are able to provide them a safe, supportive, home environment.”

**Ann-Margaret Foley, MSW**

“As members of the Human Services Council, a non-partisan intermediary between government and the human services community, we support alternatives to incarceration such as rehabilitation and educational programs that help keep youth, mostly Black and Latino, out of the juvenile justice system.”

**The Committee for Hispanic  
Children and Families, Inc.**

“Each year, more than 1600 adolescents enter juvenile correction facilities and more than 60% of them end up back in the system after they are released. If the system currently in place in NYS was working, the number of kids ending up back in the system would be much lower. Re-Direct New York (S.6711-B and) and Re-Invest New York (S.6710) are both important to the youth of New York. It is imperative that this legislation gets passed and that this important cause gets the support and attention it deserves.”

**Fiver Children’s Foundation**

“On behalf of Prevent Child Abuse New York, our board and staff, I’m writing to support your many efforts in reforming the juvenile justice system.”

**Christine S. Deys**

EXECUTIVE DIRECTOR  
PREVENT CHILD ABUSE NEW YORK

“Fight Crime: Invest in Kids New York is supporting legislation called Re-Direct New York in our efforts to provide resources to communities for programs that are proven to help get troubled kids back on track.”

**Fight Crime: Invest in Kids New York**

“Juvenile Justice Reform is long overdue and we applaud your leadership in sponsoring the reform bills. . . . If we invest in the Reform Bill, it will not only yield a significant return in investment but will also lead to a system that betters the future of our youth and families.”

**Jewish Board of Family  
and Children’s Services**