



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF PROBATION AND CORRECTIONAL ALTERNATIVES
80 WOLF ROAD, ALBANY, NEW YORK 12205
TELEPHONE: (518) 485-7692
FAX: (518) 485-5140

ELIOT SPITZER
Governor

ROBERT M. MACCARONE
State Director

**“Reducing Youth Violence in New York State”
Sponsored by
The New York State
Division of Criminal Justice Services**

**February 4-6, 2008
Holiday Inn
Albany, New York**

**Preventing Recidivism Panel
“Probation Strategies to Prevent Recidivism”
Wednesday, February 6, 2008
8:30 AM – 10:00 AM**

**Address by State Director Robert Maccarone
NYS Division of Probation and Correctional Alternatives**

Good Morning. Certainly, reducing Youth Violence in New York State is very important to all of the youth service, school and law enforcement professionals gathered here. Today, I want to impress upon each of you that we are in a unique place and time in our opportunity to make real change and address the needs of youth and families in New York State. We have been empowered by the public to do our very best to improve the lives of New York State’s youth and families during the small window of time we have been granted the authority and privilege of leadership positions within public service. Now, we must lead.

1. Brief Overview of Cases Involving Juveniles and/or Youthful Offenders Under Probation Supervision with Attention to Particular Challenges Posed by Youth Involved with Violence or Violent Crime.

First, I want to address what I commonly refer to as the dimensions of probation. Probation in New York State is performed by 57 County and the City of New York Probation Departments which employ 3,100 probation officers statewide.

Adult Probation/Criminal Courts

Probation Departments supervise 125,000 adult offenders statewide—twice the size of the state prison population (63,000) and greater than the state prison and parole (45,000) populations combined. Half of the adult probationer population are convicted of felony offenses and half of course, misdemeanor offenses. Nearly twelve percent (12%) of the adult probation population are convicted of Violent Felony Offenses (VFO's); 26,000 are convicted of DWI and an equal number (26,000) are convicted of Drug Offenses. Probation Officers supervise 6,000 sex offenders, 4,000 of whom are listed on the Sex Offender Registry (SOR), including 400 juvenile sex offenders.

Increasingly, probation is supervising a difficult population of young and violent offenders. In 2007, adult probationers committed 18 homicides, 8 of which were committed by young offenders aged 16-21 years. During the first five weeks of 2008, 7 homicides were committed by probationers, 5 of which were committed by young offenders aged 16-21 years. Like you, I find this alarming and it is a matter of grave concern to us in probation.

Probation departments also perform nearly 130,000 pre-plea/sentence investigations for the Courts each year, a vital function that drives judicial decision-making and informs state prison and parole authorities.

Juvenile Probation/Family Courts

Nearly 25% of probation resources are dedicated to the Family Courts. In many ways, the Family Court is even more important than the Criminal Courts, for it is in this venue that the needs of youth and families are addressed. If we can address the needs of youth and families in the Family Court, we can prevent subsequent and more egregious behaviors as youths age to adults. Our Family Courts in New York State were really designed in the 1960's with a great deal of thought and care. "In loco parentis"—the Latin term meaning "in place of the parent" is the goal of our Family Courts and the "best interests of the child" remains a standard. In many ways the function of the Family Courts are far more complex, especially for Probation, than the Criminal Courts.

Annually, 81,000 Intakes or cases come through the Family Court. Probation professionals perform a critical intake function in the Family Court, assessing, referring and diverting cases from the Family Court. Without probation, the Family Courts would simply be overwhelmed by cases. Of the 81,000 annual intakes, 25,000 are Juvenile Delinquency matters and nearly 18,000 are PINS or Persons in Need of Supervision. The remainder of intake cases include Support, Paternity, Adoption, Custody, Visitation and Family Offenses—all of which probation support through screening, assessment and investigation. Probation departments conduct 21,000 investigations each year and produce Pre-Dispositional Reports (PDI's) for the Courts. Probation officers supervise 12,000 Juvenile Delinquents and 5,000 Persons in Need of Supervision, accepting 6,000 Juvenile Delinquents and 2,700 Persons in Need of Supervision to caseloads each year.

2. Description of Probation Strategies Intended to Reduce Recidivism

Probation's primary goal is to reduce recidivism. We do this by holding offenders accountable and by assisting them change their behavior. Probation Officers also work with Victims in ensuring they are heard through Victim Impact Statements and by collecting Restitution.

DPCA's primary strategies in reducing recidivism are realized through providing quality training to probation officers in Evidence-Based Practices (EBP)—well-researched practices. We train probation officers in case-planning, Motivational Interviewing, understanding the Stages of Change and we teach Probation Officers how to engage offenders in skill-building exercises.

Our strategies to reduce recidivism also include the provision of risk and need actuarial assessment instruments to local probation departments. Uniform and continuous assessment of the offender is essential. Measuring the risk of recidivism for the juvenile as well as the adult is essential in determining which offenders fall into the low, medium and high-risk categories. Like risk and need assessment, the risk principle is a primary component of what we commonly refer to as EBP. It determines how we allocate resources. There is strong evidence that over-supervising low risk offenders can actually increase their overall risk of recidivism. We need to divert low-risk offenders from the system because there is a low probability they will re-offend.

Over the past six years, DPCA has worked with local probation departments in implementing the Youth Assessment and Screening Instrument (YASI) – a fully validated tool in 54, soon to be 56 counties. Similarly, we have worked since April of 2007, in implementing the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) Instrument in 56 counties. Today, 1,350 Probation Officers across New York State have completed nearly 20,000 assessments of adult offenders utilizing the COMPAS instrument.

Why is Uniform Assessment so important?

- It provides empirical versus anecdotal information to Probation Officers in assisting them develop effective case plans for supervision. It assists in identifying the “criminogenic” factors that drive juvenile delinquency and adult criminal behavior. The most important factor is criminal thinking. We teach Probation Officers to employ the Strength-Based Approach in working with offenders. If we can identify a strength or protective factor in a youth—perhaps a single caring adult—we can work with the youth to address their criminal attitudes and thinking and lower the risk of recidivism.
- The risk and need assessment helps probation officers to measure the risk of recidivism among offenders—identifying low, medium and high risk offenders (The Risk Principle). It then enables probation to make referral to services and allocate resources to the offender at the greatest risk of re-offending.
- Completion of the risk and need assessment (YASI and COMPAS) produce a pre-formatted investigation report for the Court. It requires editing and the addition of information, but it ensures that we address uniformly the needs of every offender.

- Use of the risk and need assessment instruments document program gaps and deficits and empower probation to measure the outcomes of individual programs and then advocate for change to ensure we get the best results with offenders. During the last week, DPCA convened three regional Probation Director Data Workshops, where probation professionals across the state were asked to invite school and youth bureau administrators, directors of community services from their county social services departments and police to join them in reviewing data concerning youth and families in their respective counties. For the first time, Probation Directors were the conveners—empowered by having detailed and accurate data.
- Use of assessment tools can assist Probation Directors allocate resources at the department level.
- And lastly, statewide data derived from risk and need instruments can inform our reconsideration of the supervision rule—enabling us to move from a system of quantitative contacts to qualitative contacts or interventions with the offender.

3. Evidence-Both Data-Based and Anecdotal—of the Impact of these Strategies.

DPCA’s consultant, Orbis Partners, Inc. of Ottawa, Canada, has just completed the “Long-Term Validation Study (LTVS) of the YASI Instrument’s use in New York State. A sample of 3,200 cases of New York State youth based on a pool of 17,500 assessments gathered between 2000 and 2005 has rendered some impressive results. While the time allocated here this morning does not permit us to discuss the details of this validation study, the evidence presented in this study demonstrates the validity of the tool and the benefits of addressing the protective factors—a 24.2% reduction in recidivism among juvenile offenders was realized when protective factors increased. DPCA is also working with its consultant Northpointe, Inc. to complete the outcome validation for the adult risk and need assessment instrument—the New York COMPAS. However, a sample of nearly 1,200 adult cases when analyzed, demonstrated accuracy in identifying low, medium-low, medium-high and high-risk offenders.

Anecdotally, Probation Officers continue to inform us that they like using risk and need assessment instruments. It guarantees a comprehensive and uniform approach to case assessment and planning.

4. Challenges: What has been learned? Considerations for the Future?

What has been learned?

What has been learned is “What Works” and what works is training Probation Officers in Evidence-Based Practices through quality training in assessment, case planning, the risk principle, skill-building, etc.

DPCA has been able to implement new program models based on what we have learned. We recently defunded our Juvenile Intensive Supervision Program because the research indicated that intensive supervision by itself simply was not effective. This year we developed a statewide Request for Proposals and funded a new approach to juvenile services. We call it J-RISC or the

Juvenile Risk Intervention and Services Coordination. DPCA is funding seven (7) new J-RISC Programs in counties that combine effective supervision and small caseload sizes with the use of proven Cognitive Behavioral (i.e. Aggression Replacement Therapy) and Family Therapies (i.e. Functional Family Therapy, Multi-Systemic Therapy). We will be carefully evaluating this new program model.

Considerations for the Future?

To be effective, we must move our interventions to an earlier time in the lives of our youth and families.

By the time our youth are placed in detention, on probation supervision or in placement, it is far too late. For example, truancy is a critically important issue. Truancy is not about the child; it's about the family. It concerns the multi-systemic needs of youth and families, mental illness, chemical dependency, the lack of skill development, training and employment as well as perhaps a lack of appreciation for education as an essential value for advancement and success.

We need to determine how we can best assess and determine the needs of families are met. We should look carefully at the opportunities presented:

- The birth of the child—pre-natal care
- Abuse/Neglect Reports and Findings
- School Registration—speak with the family to determine if the family really understands the value of education and ultimate importance of their child completing their education. Determine what obstacles may prevent the family from ensuring their child completes their education.
- Truancy—New York State has committed unprecedented resources to primary and secondary education in recent years. This is so vitally important. 63.1% of children graduate from high school or alternatively stated, 37% fail to complete their high school education. The link between poor school performance and failure and juvenile delinquency is well-documented.

In November of 2007, James Heckman (University of Chicago) addressed the National Association for the Education of Young People and delivered a paper entitled “Investing in Disadvantaged Young Children is Good Economics and Good Policy”. In his paper, Mr. Heckman said:

“Early Family Environments are Major Predictors of Cognitive and Socio-Emotional Abilities, as well as Crime, Health and Obesity”.

His point is well taken. To be successful in reducing juvenile recidivism—particularly youth violence—we must begin to work with families at the earliest time in their lives when we first identify dysfunction.

Today's Conference: Reducing Violence in New York State is vitally important. But today's conference is about more than reducing violence—it's about building healthy families in New York State and across our great country. In his well-known book, "The World is Flat", social researcher, commentator and author—Thomas Friedman points out that America can effectively compete in a global economy but it must have a well-educated workforce to do so.

In this century and next, our children will not only be competing with children from other states, but from other countries, including China, India and Pakistan. The competition will be challenging because their children will be working very hard to acquire the quality of life we have here in America. Consequently, it is vitally important that our children are skilled and educated to succeed.

Thank you.