

**Kings County District Attorney's Office
The Brooklyn Young Adult Justice Initiative
Strategic Plan**

Targeted Problem: While 18 to 24 year-olds comprise just 10 percent of the U.S. population, they account for almost 30 percent of criminal arrests.¹ In 2013, more than 30,000 cases involved persons up to 24 years-old in Brooklyn. In New York State, 16 to 17 year-olds are charged as adults and handled in the criminal—not juvenile—justice system. As part of the legislative effort to raise the age of criminal responsibility to 18 years-old, in 2012, Chief Judge Jonathan Lippman charged the Center for Court Innovation (“the Center”) with creating an Adolescent Diversion Part in nine counties throughout New York, including Kings County, Brooklyn. The Kings County District Attorney’s Office (“KCDA”) is one of the largest prosecutorial offices in the nation and handles approximately 100,000 criminal cases each year. In its first year, the Adolescent Diversion Part handled over 1,200 cases involving 16-year olds and 17-year-olds charged with low-level offenses. Building off these successes, in 2013, the program expanded to include certain misdemeanor-charged individuals up to 24 years-old, arraigned at the centralized criminal court and living in the neighborhoods of Brownsville or Red Hook. Brooklyn Justice Initiatives, an operating program of the Center located within King’s County Criminal Court, provided alternatives to incarceration for young people coming through the Adolescent Diversion Part.

Despite the successes of the Adolescent Diversion Part in 2012 and 2013, challenges in combating young adult crime remained, indicating the need for a special approach to persons ages 16 to 24. Young adults are more likely to be sent to prison for violent and property crimes

¹ Velazquez, Tracy, *Young Adult Justice: A New Frontier Worth Exploring* (2013). <https://chronicleofsocialchange.org/policy-paper/the-case-for-a-young-adult-criminal-justice-system-by-tracy-velazquez/2683> (last viewed July 14, 2016)

than any other age group. They also have the highest rate of re-arrest and return to prison with a new sentence than any other aged cohort.² They are also victims of crime at a rate almost double that of the general population.³ Further, justice system-involved young adults in New York—the vast majority of them young men of color—face severe collateral consequences arising from criminal convictions and incarceration, which impacts their ability to find a job, complete their education, secure housing, and maintain healthy relationships. Research has demonstrated that young people up to their mid-twenties are developmentally different than older adults.⁴ Their brains have not fully matured, making them more impulsive, less able to weigh consequences, less capable of managing stress, less focused on their futures, and more susceptible to peer pressure. This is especially true of young people who have been traumatized as children. When young people are exposed to adult criminal sanctions it can deepen trauma, undermine rehabilitation efforts, and increase recidivism.

To respond to the unique needs of young adults, appropriate interventions based on risk level were needed in the Young Adult Part. Research shows interventions for higher-risk individuals charged with crimes have a greater impact in reducing re-arrest rates.⁵ However, when lower-risk persons charged with a crime receive intensive interventions, it can have a counterproductive effect—exposure to higher-risk peers and overly-intensive interventions can actually *increase* their risk level. In order to have the greatest impact on reducing re-offense, interventions targeting higher-risk persons charged with crimes—rather than those at lower-risk—are needed.

² Lowencamp, C.T. and Latessa, E.J. (2004). “Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low-Risk Offenders.” *Topics in Community Corrections*. Washington, DC: National Institute of Corrections.

³ Velazquez, *supra*.

⁴ Monahan, K.C., et al. (2009). Trajectories of antisocial behavior and psychosocial maturity from adolescence to young adulthood. *Developmental Psychology* 45(6); 1654-1668; Mulvey, et al (2004). Theory and research on desistance from antisocial activity among serious adolescent offenders. *Youth Violence and Juvenile Justice* 2(3): 213-236.

⁵ Lowencamp, *supra*.

Additionally, the issue of forum shopping raised significant challenges for the Young Adult Part. Persons who were eligible for the Young Adult Part regularly turned down offers and alternatives to incarceration programs in hopes of getting better deals in the general criminal court parts. As a result, cases were referred to the adolescent part only to be sent out of the part after months of adjudication, resulting in judicial inefficiency. Further, the small volume of cases with persons ages 18 through 24 limited the impact of the court part. Due to the restricted scope of the program—KCDA only expanded to handle 18-to 24-year-olds from two neighborhoods, Brownsville and Red Hook—the court part only saw 130 cases in 2013. In order to affect substantive change in crime and policy for persons ages 16 to 24, KCDA needed to expand eligibility and increase volume.

To combat these issues, KCDA implemented the following steps using the Bureau of Justice Assistance Smart Prosecution grant: (1) developing a special approach by creating a dedicated prosecution unit to handle persons up to 24 years-old charged with misdemeanors and a Young Adult Court part to handle these cases. KCDA and the Center also held a specialized training for prosecutors, defense attorneys, judges, and service providers on the science of young adult and adolescent behavior and brain development led by a national expert; (2) The Center is employing their new Criminal Court Assessment Tool (CCAT), which is based on Risk-Needs-Responsivity (RNR) principles that will identify criminogenic risks, proven interventions, trauma, health, and vocational needs; CCAT was also be discussed at the specialized training; (3) To confront the issue of forum shopping by individuals hoping to get “better deals” in general criminal court, the Brooklyn Young Adult Court handles all cases in one court, regardless of the person’s choice to “accept the deal” or reject the deal and set a trial date; (4) The new

Brooklyn Young Adult Court accepts all misdemeanor cases borough-wide for persons ages 16-24 (excluding specialized bureaus such as domestic violence, special victims, and DWI cases). It is estimated that up to 9,000 cases involve persons in the age group and about 1,500 to 1,600 cases will be eligible for the court.

Approach: With the help of our research partner, the Center for Court Innovation (“The Center”), KCDA is developing innovative, evidence-based strategies in our approach to handle persons up to age 24. In particular, the Center’s Criminal Court Assessment Tool (CCAT), which is validated in New York City and funded by the Bureau of Justice Assistance, will be used to inform interventions for young adults in the part. Research shows that interventions are most effective when they are based on RNR principles.⁶ The Risk Principle holds that those at higher risk of re-offense should receive more intensive intervention, whereas those at low risk should be mandated to less demanding (or no) interventions.⁷ The Need Principle holds that the criminogenic needs of each person should be identified and treated to reduce risk of reoffending, ideally through proven cognitive-behavioral methods (which are, in turn, recommended by the Responsivity Principle). In keeping with the Risk Principle, and to ensure that individuals at the highest risk of re-offense or incarceration/conviction are the focus of the unit’s resources and expertise, the Center is developing protocols for screening an individual’s risk of re-offense to ensure that jail-or prison-bound and high-risk persons are considered for this specialized approach.

Partnerships and Collaborations: The Brooklyn Young Adult Court Part includes collaborations and partnerships with many city agencies and community organizations, including

⁶ Andrews, D.A. and Bonta, J. (2012). *The Psychology of Criminal Conduct*, 5th edition. New Providence, NJ: LexisNexis

⁷ Lowencamp, C.T. and Latessa, E.J. (2004). “Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low-Risk Offenders.” *Topics in Community Corrections*. Washington, DC: National Institute of Corrections

KCDA, the Center for Court Innovation, New York State Court Unified System, the Legal Aid Society, and Brooklyn Defender Services. Furthermore, KCDA and the Center are working with city agencies, such as the Department of Probation, Department of Health and Mental Hygiene, the Department of Education, 18B defense attorneys who represent indigent clients when a conflict prevents Legal Aid from representing them, and the New York Police Department to develop interdisciplinary and cross-collaboration communication as part of the Young Adult Court Part. Community partnerships include, among many others, the Museum of Tolerance (a guided tour of the museum and a facilitated discussion around bigotry) Young New Yorkers (an art-based diversion program for young adults), and Exalt (vocational training for young adults, ages 15-19).

While still early in the developmental stages, the goal for these collaborations is to develop programs targeted to the needs of youth on probation and young women. KCDA is partnering with the New York City Department of Probation to create a Young Adult Offending Team. The team will consist of a team of agencies and is designed to foster a continuity of services and supervision for young probationers. Programs targeting young women will include gender-responsive assessments and interventions as well as partnerships with organizations to respond to risks and needs of adolescent girls and young women. In addition, specialized trainings will be held on a quarterly basis for stakeholders, city agencies, and community organizations/service providers on related young adult topics such as domestic violence, bullying, and gang involvement.

Long-term Vision and Sustainment: With this plan in place, KCDA seeks to decrease incarceration and recidivism for persons up to 24 years-old, increase alternative sentencing, connect persons to meaningful court-mandates, and encourage voluntary, positive engagement in the community. Procedurally, KCDA aims to decrease the amount of time between arraignment

and disposition, which will now be feasible with the young adult population consolidated into a single court part. In addition, KCDA will increase public trust and promote the message that communities and justice agencies can work together in a fair and respectful manner.

KCDA has been a citywide and national leader in alternative prosecution and sentencing programming, including youth alternative-to-incarceration programs that offer interventions like counseling, mentorship, and monitoring. The Center has implemented numerous problem-solving court projects, including the Red Hook Community Justice Center, Brooklyn Drug Treatment Court, Brooklyn Mental Health Court and the Adolescent Diversion program, as previously mentioned. The partnership between KCDA and the Center will meet the goals and will share its success on a national platform for other prosecutors' offices to model.

KCDA and the Center will work to support the Young Adult Court part in many ways. To keep stakeholders engaged, monthly meetings are hosted by the judge and a quarterly meeting will be held to provide training and a forum for discussion on relevant topics about adolescent development and alternatives to incarceration. KCDA plans to host trainings and seminars for all KCDA staff to establish ourselves as in-house experts on young adult justice. In the coming months, KCDA will partner with local bar associations and host seminars on the same topic, offering CLE credits to attorneys as an incentive to attend. After the grant period, KCDA and the Center can leverage existing court and state funding streams to maintain programming. Media spotlight surrounding police altercations that disproportionately target young males of color and legislative reform to raise the age of criminal responsibility have increased attention and support for youth justice. In addition, KCDA will look to foster relationships with private funding organizations interested in issues affecting young adults.

Impact Evaluation: The Center will conduct a formal impact evaluation comparing program participants to a matched comparison sample composed of similar persons up to age 24

who were arrested the year before the program’s implementation. This matched sample will only contain persons who did not receive an alternative sentence in a specialized court part and had similar demographics, criminal histories, and current charges as the participants. This comparison is done in order to compare the differences between persons whose cases are disposed in all-purpose court parts in Brooklyn Criminal Court to those in the newly created Young Adult Court. The impact of the initiative will be measured in two ways. First, researchers will examine the extent to which pretrial detention, bail, disposition, and sentencing decisions changed between the participant group and the comparison group overall, as well as for the low-, medium-, and high-risk subgroups. Second, researchers will measure impacts on both re-arrest rates and “survival” (i.e., days to re-arrest for those re-arrested) over at least a one-year tracking period for each person in both groups following their initial arrest. Data for the impact evaluation will be obtained from the New York State Office of Court Administration.

Participants will be given a procedural justice survey during their programming at Brooklyn Justice Initiatives. This survey and analysis will examine the views and experiences of participants, who are in contact with various components of the new Young Adult Court including the court, judge, attorneys, and service providers. Potential domains for the survey include: demographics; criminal history; procedural justice during recent court involvement; respect by various court players (judges, prosecutors, defense attorneys, court officers, etc.); and other procedural justice components involving police and correctional settings. Analyses will be designed to pinpoint the factors that correspond with increased or decreased perceptions of system legitimacy and procedural fairness.

Researchers will both examine factors that criminal justice strategies can directly affect (e.g., positive and negative interactions, perceptions of system fairness during specific interactions, courtroom communication), and factors that criminal justice systems cannot affect,

but can potentially take into account (e.g., poverty, employment status, race/ethnicity). Findings from the survey will show if participants' current experience is different from any past experience they had in Brooklyn Criminal Court. Findings will also help stakeholders to understand how participants define fairness and respect and what additional procedural justice trainings are needed.

The Center will assist in creating data collection, reporting and research capacity, and will engage in ongoing monitoring of program volume; service/treatment mandates; compliance rates; and court outcomes. The Center will also analyze the risk-need characteristics of program participants. Based on results from administering the Criminal Court Assessment Tool to all participants, researchers will report the distribution of risk levels, as well as the prevalence of key needs in areas including employment/education, housing, drug abuse, criminal thinking, trauma, and mental health problems. Researchers will then examine model fidelity. (For example, are those scoring low-risk off-ramped as early as possible? Are high-risk young adult targeted for intensive services? Are specific services assigned consistently with the constellation of indicated needs?). Data for the performance monitoring will be obtained from Brooklyn Justice Initiative's case management software.

Logic Model: Attached as Appendix A

Training and Technical Assistance: KCDA and the Center will work with the Association of Prosecuting Attorneys (APA) and will rely on APA for training and technical assistance needs. KCDA participates in monthly calls with APA and attends Final Friday webinars hosted by APA on various topics. For upcoming meetings with stakeholders, KCDA is consulting with APA on best practices with this multi-agency approach as well as help with administrative tasks like agendas and surveys. KCDA also attended the Smart Prosecution Intersite Meeting where KCDA engaged peer-to-peer learning with other sites. In the upcoming

months, KCDA will reach out to APA for any subject-matter experts in their network to lead the quarterly stakeholder convening on topics affecting youth in the court-system.

In June, KCDA requested technical assistance from APA on the following projects: (1) a peer-to-peer conference with Harris County to discuss their practices and solutions as a Smart Prosecution site; (2) public outreach (APA is giving feedback on the pamphlet KCDA created for the Brooklyn Young Adult Justice Initiative); and (3) developing a survey for prosecutors and paralegals in the KCDA prosecution unit. We hope to have all of these projects completed by the end of the next reporting period.

Other Materials: A copy of the Cooperative Agreement with KCDA and the Center is available upon request.

Goals and Tasks: Attached as Appendix B
