

# Adolescent Diversion Program Research Findings

In January 2012, Chief Judge Jonathan Lippman and the New York Court System created the Adolescent Diversion Program (ADP) to rethink the court system's approach to 16- and 17-year-olds with pending criminal cases. The pilot was conducted in nine locations: the five boroughs of New York City and the counties of Erie, Nassau, Onondaga, and Westchester. At each site, criminal cases involving 16- and 17-year-olds were sent to judges who received special training and access to age-appropriate services for adolescents. Researchers from the Center for Court Innovation conducted an evaluation on the early effects of the initiative, comparing cases from the first six months of the initiative with similar cases from the prior year (2011). The major research findings are below.

## Program Implementation

*Volume:* In the first six months of implementation, 1,302 cases participated in the ADP initiative.

*Scope:* Across all nine sites, 15% of all cases meeting technical legal eligibility criteria in fact participated. These percentages varied from location to location with Nassau and Erie enrolling the largest percentages of eligible cases (62% and 69%).

## Compliance

In the Bronx, Brooklyn, Manhattan, and Nassau, 80% of ADP cases successfully completed their service mandate. (Compliance data was unavailable for the five other counties).

## Impact on Criminal Penalties

The impact analysis focused on six counties (the Bronx, Brooklyn, Manhattan, Queens, Nassau, and Erie).

*Case Outcomes:* ADP and comparison cases had similar distributions of guilty pleas, adjourned

in contemplation of dismissal, and dismissal outcomes (36% in both samples pleaded guilty).

*Criminal Convictions:* The number of cases receiving convictions that led to a criminal record was minimal, both before and after implementation of ADP. This suggests that one concern with ADP—that it would set participants up for failure—has not occurred.

*Use of Jail:* Use of jail did not significantly change overall, but ADP cases were significantly less likely than comparison cases to be sentenced to jail in Brooklyn (0.4% v. 2%) and Nassau (0% v. 4%).

## Impact on Recidivism

The recidivism analysis compared re-arrests over six months.

*Overall:* The ADP initiative did not jeopardize public safety. Over six months post-arraignment, the re-arrest rate was statistically identical between ADP and comparison cases (21% v. 20%). However, ADP cases were significantly less likely

than comparison cases to be re-arrested on felony charges (8% v. 10%).

*Effect of Defendant Risk Level:* Further analysis indicates that ADP services are most effective with 16- and 17-year-old defendants who pose a high recidivism risk. Among those whose criminal history, charges, and other background characteristics indicate that they are particularly likely to re-offend, ADP participation reduced their re-arrest rate (39% in the ADP group v. 46% in the comparison sample). These results are consistent with other research demonstrating that intensive interventions work best with high-risk individuals and can have counter-productive effects with low-risk individuals.

*General Predictors of Risk Among 16- and 17-Year-Old Defendants:* In general, those at highest risk of re-offense—i.e., those who benefit most from ADP participation—are male, age 16, with at least one prior arrest, with at least one prior felony arrest, with a misdemeanor or felony arraignment charge (not a violation charge), and with a charge not involving marijuana. Interestingly, a prior or current violent charge had no statistical relationship with re-arrest, felony-level re-arrest, or violent felony re-arrest.

## **Full Report**

Rempel, M., Lambson, S. H., Cadoret, C. R., and Franklin, A. W. 2013. *The Adolescent Diversion Program: A First Year Evaluation of Alternatives to Conventional Case Processing for Defendants Ages 16 and 17 in New York*. New York, NY: Center for Court Innovation.

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