

# The Adolescent Diversion Program

A First Year Evaluation of Alternatives to Conventional  
Case Processing for Defendants Ages 16 and 17 in  
New York

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## Executive Summary

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New York is currently one of only two states in the country that defines 16- and 17-year-old defendants as criminally responsible adults. Other states handle these defendants in their juvenile justice systems, which are oriented to the best interests of the child. By comparison, New York places 16- and 17-year-olds in the same jails and courtrooms as much older adults; forecloses pretrial diversion options that would otherwise exist in the juvenile justice system; and produces case outcomes that potentially involve adult jail and prison sentences and lifetime collateral consequences in the event of a criminal conviction. Among 16- and 17-year-old defendants statewide in 2010, only 9% were in fact sentenced to jail or prison, and only 5% received a permanent criminal record; yet, these percentages involve more than 3,500 cases. All told, nearly 50,000 16- and 17-year-olds are annually prosecuted in New York's adult criminal justice system.

In the fall of 2011 New York State Chief Judge Jonathan Lippman called on state policymakers to pass legislation that would foster a more developmentally appropriate approach to 16- and 17-year-old defendants. Judge Lippman's proposal calls for a pre-filing diversion mechanism, mirroring one now in place in the state's juvenile justice system, which would enable some 16- and 17-year-old defendants to avoid formal prosecution. The legislation is also expected to establish policies linking more 16- and 17-year-olds to age-appropriate services and ensuring that those who complete their assigned services will not receive a criminal record.

On January 17, 2012, Judge Lippman also established a pilot *Adolescent Diversion Program* (ADP) in nine counties, including the five boroughs of New York City, the suburban counties of Nassau and Westchester, and the upstate counties of Erie and Onondaga (housing the respective mid-sized cities of Buffalo and Syracuse). The program established specialized court parts that handle 16- and 17-year-old defendants. Participating defendants receive a clinical assessment; age-appropriate services; rigorous compliance monitoring; and non-criminal case outcomes should they complete assigned services. Accordingly, the ADP initiative seeks to spread a rehabilitative, developmentally appropriate philosophy and approach to late adolescent criminal behavior; to reduce the use of conventional criminal penalties; and to achieve these benefits without jeopardizing public safety.

With funding from the New York Community Trust, the Center for Court Innovation evaluated the early operations and effects of the ADP initiative. The analysis was largely quantitative, focusing on ADP participants in all nine pilot counties whose criminal cases began in the first six months of operations (January 17, 2012 through June 30, 2012). For six of the nine counties, where case volume was sufficient to support more rigorous analysis, an impact study compared outcomes between ADP participants and a statistically matched comparison group, whose cases began one year prior to implementation (January 17, 2011 through June 30, 2011). This report is a snapshot of a work in progress; while we expect the results from this study to remain relevant to the population, we plan to conduct further research as the initiative becomes more established and more data is available.

## Program Policies

- Eligibility: All nine ADP pilot counties accept misdemeanor cases, two counties accept at least some felonies (Nassau and Erie), and three counties accept non-criminal violations (Bronx, Nassau, and Erie). Cases are only ADP-eligible if they are not resolved in their first (arraignment) court appearance, except in the Bronx and two community courts respectively located in Red Hook (Brooklyn) and Midtown (Manhattan).
- Assessment: All nine counties administer a clinical screen or assessment. Nassau, Westchester, and Onondaga use the Youth Assessment and Screening Instrument (YASI), which was previously validated with NYS juvenile defendants ages 15 and younger (Orbis 2007). Consistent with evidence-based principles, Nassau grants a case dismissal in lieu of intensive services to most youth that the YASI tool classifies as “low-risk.”
- Services: Court-ordered services vary widely by county, ranging from several sessions of community service, individual counseling, or family mediation to three to six months of drug or mental health treatment, or educational/vocational programming.
- Pretrial Diversion: Seven of the nine counties (except Manhattan and Staten Island) allow at least some youth to begin court-ordered services prior to a case disposition—as part of pretrial diversion agreement. Whether or not cases are diverted in this fashion, program a completion at all sites leads to a final case outcome that avoids a permanent criminal record (usually involving a case dismissal or guilty plea to a non-criminal violation-level offense).

## Caseload and Compliance

- Case Volume: Through June 30, 2012, 1,302 defendants became ADP participants.
- Program Scale: Across the nine pilot counties, 9% of all 16- and 17-year-old defendants participated, and 15% of all defendants meeting local eligibility criteria participated. Two counties, Nassau and Erie, implemented universal screening and assessment protocols, producing a significantly higher enrollment rate than elsewhere. (For example, Nassau enrolled 62% and Erie enrolled 69% of all eligible defendants.)
- Participant Characteristics: Across the nine counties, reflecting charge-related eligibility restrictions, most ADP participants (82%) were arraigned on a misdemeanor, and relatively few were arraigned on a violent felony (2%), a nonviolent felony (8%), or, on the other end of the spectrum, a non-criminal violation (8%). Of further interest, 28% of ADP participants were female, 38% had a prior arrest, and 21% had a prior conviction.
- Compliance: In the Bronx, Brooklyn, Manhattan, and Nassau, 80% of ADP participants completed their court mandate. (Compliance data was unavailable for the five other counties.)

## Impact on Criminal Penalties

The impact study compared outcomes between matched ADP and comparison cases in six of the nine pilot counties: the Bronx, Brooklyn, Manhattan, Queens, Nassau, and Erie.

- Criminal Convictions: Few cases in the comparison sample (1.9%) received a felony or misdemeanor criminal conviction leading to a permanent criminal record. There is no indication that ADP participation changed this percentage in either direction.<sup>1</sup>
- Other Case Outcomes: The ADP initiative had relatively little effect on guilty pleas (36% in both samples). Results were similar across individual counties with two exceptions: Relative to their comparison groups, Nassau ADP cases were significantly *less* likely to plead guilty (16% v. 45%) and Erie ADP cases were significantly *more* likely to plead guilty (51% v. 36%). Nearly all guilty pleas resulted in violation-level convictions or youthful offender (YO) findings, neither of which produces a permanent criminal record.
- Use of Jail: The percentage of cases sentenced to jail did not change overall (4% in both samples), but ADP cases were significantly less likely to be sentenced to jail in Brooklyn (0.4% v. 2%) and Nassau (0% v. 4%). Nassau produced a particularly large change in sentencing practice. Concerning only cases that pled guilty in Nassau, 2% of ADP compared to 22% of comparison cases were sentenced to either jail or probation.

## Impact on Recidivism

In the same six counties, the recidivism analysis compared re-arrests within six months of arraignment for all cases and re-arrests over a longer timeframe (up to 350 days) for some cases.

- Any Re-Arrest: Over six months, the re-arrest rate was statistically identical between ADP and comparison cases (22% v. 21%).
- Felony Re-Arrests: ADP participants were significantly less likely than comparison cases to be re-arrested within six months on felony charges months (8% v. 10%) and appeared less likely to be re-arrested on violent felony offense (VFO) charges as well (4% v. 5%,  $p < .10$ ). The Queens ADP initiative produced a particularly large reduction in felony re-arrests (3% v. 19%) and in violent felony re-arrests (1% v. 8%).
- Survival Analysis: After extending the recidivism analysis to the longest possible tracking period for each case (maximum = 350 days) and adjusting statistically for differences in each case's exact tracking time, there was not a significant difference in the time to first re-arrest between ADP and comparison cases.

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<sup>1</sup> Uncertainties related to the meaning of case disposition data entry for certain ADP participants precluded determining the precise percentage of ADP participants that received a permanent criminal conviction, but available data points to a percentage that closely approximates the 1.9% figure for the comparison group.

## Offender Risk Level

- General Predictors of Recidivism: Some youth have background characteristics indicating that they are especially predisposed to re-offend. Across all nine pilot counties, the most important risk factors for re-offending were male sex; prior arrest; prior felony arrest; current charge severity at the misdemeanor or felony level (but not at the violation level); and current offense other than marijuana possession (which is associated with a *lower* risk of re-arrest). Notably, neither a prior violent arrest nor a current violent charge increased the likelihood of a re-arrest, felony re-arrest, or violent felony re-arrest.
- Moderating Effect of Risk Level on Program Impact: The ADP initiative was most effective with high-risk youth. Among the highest-risk cases—those that are especially predisposed to re-offend—ADP participants were re-arrested *less* than comparison cases (39% v. 46%). Conversely, among the lowest-risk cases, ADP participants were re-arrested *more* than comparison cases (10% v. 6%). These results support the Risk-Need-Responsivity principle, which is based on prior research and holds that criminal justice interventions work best with moderate- and high-risk individuals and can have counter-productive effects with low-risk individuals (Andrews and Bonta 2010; Lowenkamp and Latessa 2004; Lowenkamp, Latessa, and Holsinger 2006).

## Conclusions

In its first six months, the ADP initiative enrolled more than 1,300 participants. This total, however, represents a relatively small fraction of the 16- and 17-year-old defendant population for two reasons. First, seven of the nine pilot counties exclude felony cases—although state data indicates that felony cases (and violent felonies especially) are the most likely case types to receive a criminal conviction and permanent record. Second, only Nassau and Erie have universal screening protocols to maximize the number of eligible defendants who are referred and considered for ADP participation. Nassau has implemented a two-step screening process, involving a brief risk screen, followed by a longer risk/needs assessment for moderate- and high-risk defendants, which might serve as a model for other jurisdictions.

Importantly, the first 6 months of data suggest that ADP participation does not jeopardize public safety and, in fact, produces a lower re-arrest rate for new felonies. Further analysis indicates that ADP participation is most effective with high-risk youth, while having a potentially deleterious impact on low-risk youth. Thus, consistent with prior research, public safety can be maximized through policies that treat youth who pose the greatest future threat to public safety, while avoiding intensive services for those who pose little risk.

Virtually all ADP participants receive age appropriate services, and four in five participants successfully comply with their court mandate. This evaluation indicates that, mainly due to the focus on misdemeanor cases during pilot implementation, the ADP initiative does not reduce permanent convictions and does not significantly change case outcomes in other ways. By holding case outcomes similar to preexisting practice, the ADP initiative also does not engage in “net widening,” enrolling a population that might otherwise face lighter penalties.

# Chapter 1

## Introduction

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Since the Family Court Act passed in 1962, New York State has set the age of adult criminal responsibility at 16 years. Along with North Carolina, New York is one of only two states in the country that treats 16- and 17-year-old defendants as adults rather than juveniles. New York the cases in the same courtrooms used for adults. By comparison, young people ages 15 and younger are handled in New York State's juvenile justice system. These youth first participate in a probation intake process that often results in diversion from formal prosecution. When prosecuted, the cases are handled in family court, where the judges are trained and statutorily committed to promote the best interests of the child. In the juvenile justice system, the youth also have greater access to age-appropriate services, whether as part of the initial probation diversion process, while their court case is underway, or as a court-ordered requirement of the final case disposition.

In the fall of 2011, Chief Judge Jonathan Lippman called on New York State to rethink its approach to 16- and 17-year-olds in the justice system. He assigned the state's Permanent Sentencing Commission to develop a legislative proposal for consideration by the Governor and State Legislature that would establish a diversion process, allowing some 16- and 17-year-olds to avoid having their cases prosecuted in court, and a Youth Division within adult criminal courts that would adopt an explicit focus on rehabilitation.

Judge Lippman also implemented a pilot Adolescent Diversion Program (ADP) in nine of the state's 62 counties, including the five boroughs of New York City, the suburban counties of Nassau and Westchester, and the western New York counties of Erie and Onondaga (respectively housing the mid-sized cities of Buffalo and Syracuse). The ADP initiative establishes specialized court parts for handling 16- and 17-year-old defendants within the adult criminal justice system. Using trained clinical staff, these court parts obtain valid clinical assessments; order participating youth to developmentally appropriate services; and monitor their compliance. ADP participants who complete court-ordered services typically receive a non-criminal case disposition, usually a case dismissal or conviction on a lesser violation-level charge, which will not produce a permanent criminal record. In sum, the ADP initiative is intended to provide an age-appropriate response to late adolescent criminal behavior; to reduce the use of conventional criminal penalties; and to achieve these benefits without jeopardizing public safety. If successful, the ADP initiative is designed to support the legislative effort in Albany.

The ADP initiative was implemented on January 17, 2012. With funding from the New York Community Trust, the Center for Court Innovation conducted an evaluation of the early effects of the initiative over the first six months of operations (for cases enrolling from inception through June 30, 2012). The evaluation sought to answer the following research questions:

1. Case Volume: How many youth became ADP participants through June 30, 2012?

2. Scale: Does the ADP initiative reach a significant fraction of the 16- and 17-year-old defendant population? Are certain categories of youth, defined by their criminal history, current charges, or other characteristics, especially likely to participate?
3. Compliance: What types of services are involved, and do program participants generally comply with their assigned court mandates?
4. Impact on Criminal Convictions: Does the ADP initiative reduce the percentage of 16- and 17-year-old defendants who receive a criminal conviction and permanent criminal record?
5. Impact on Other Case Outcomes: Does the ADP initiative significantly change other case outcomes, including the prevalence of guilty pleas and use of jail?
6. Impact on Recidivism: Does the ADP initiative jeopardize public safety? Specifically, does the program change re-arrest rates for any crime, felony crime, or violent crime?
7. Offender Risk: In general, among 16- and 17-year-old defendants, what kinds of baseline characteristics are associated with an increased risk of re-offense?
8. Moderating Effect of Defendant Risk on Program Impact: Does the relative impact of ADP participation on recidivism vary for high-risk youth—those who are generally predisposed to re-offend—as opposed to low-risk youth?
9. Policy Implications: Given that the ADP pilots take place within the current legal structure, do the findings have implications for future legislation?

This chapter provides an overview of preexisting practice with 16- and 17-year-old defendants in New York State. The chapter also introduces the ADP model and briefly describes its implementation across the nine pilot counties.

## **The Prosecution of Defendants Ages 16 and 17 in New York**

Each year in New York State (NYS), between 40,000 and 50,000 16- and 17-year-olds are arrested and prosecuted as adults. By comparison, youth ages 15 and younger are handled in the juvenile justice system. Through a probation-run diversion mechanism known as “adjustment,” many of these younger defendants avoid formal prosecution and court involvement. In addition, court outcomes in juvenile cases are intended to reflect the best interests of the child, rather than common considerations in the adult criminal justice system, which can include “just desserts” (the punishment should be legally proportionate to the crime) incapacitation and deterrence. Furthermore, juvenile cases do not result in a criminal finding, whereas some 16- and 17-year-olds in the adult system receive a permanent criminal record, adversely affecting future employment and other opportunities.

Juvenile cases can often takes many months to resolve as they move from probation assessment to court filing to case disposition. By contrast, cases in the adult system are frequently resolved

at the first court appearance, known as arraignment, which typically takes place within 24 hours of an arrest; or after several additional court appearances at most. Most 16- and 17-year-old defendants do *not* receive a case disposition that creates a permanent criminal record. Even when they plead guilty, most 16- and 17-year-olds either have their charges reduced to a non-criminal violation-level offense or receive a “youthful offender” (YO) finding. These outcomes enable the case to be resolved without a criminal fine or the imposition of a criminal record, avoiding future collateral consequences.

To quantify what currently happens to 16- and 17-year-old defendants, the New York State Division of Criminal Justice Services (DCJS) analyzed data for 16- and 17-year-old cases in 2010. DCJS found that 46,128 youth were arrested, 75% for misdemeanors, 12% for nonviolent felonies, and 13% for violent felonies, primarily assault or robbery. (The DCJS data excluded the least serious violation-level offenses.) The data also showed that almost six in ten (59%) of the arrests came from the five boroughs of New York City, with an additional 20% coming from the four surrounding suburban counties (Nassau, Suffolk, Westchester, and Rockland) and from three additional counties (Erie, Monroe, and Onondaga) that house the cities of Buffalo, Rochester, and Syracuse.

Regarding case outcomes, DCJS reported that 45% of the 2010 cases ended in a criminal or YO finding. This 45% figure sub-divides into 24% receiving a non-criminal violation-level conviction, 16% receiving a youthful offender finding, and 5% (involving 2,063 youth) receiving a felony or misdemeanor conviction engendering a permanent criminal record. A criminal conviction was more common among cases originating as felony arrests (12%) than misdemeanor arrests (2%). Among cases originating as felony arrests where the defendant had previously been convicted of a crime, more than one-third (36%) received a criminal conviction. The data also showed that 3,717 cases (9%) were sentenced to serve time in adult jails or prisons. Such sentences were more common when the youth had a prior conviction or when the current charges were at the felony level. Furthermore, when the current charges involved a violent felony, 28% of the youth were sentenced to jail or prison.

## **The Adolescent Diversion Program**

The Adolescent Diversion Program (ADP) was implemented in adult criminal court settings on January 17, 2012. Specific policies vary across the nine pilot counties, but in broad outline, the program works as follows: The initial arraignment court appearance proceeds as it always has. Cases that are not resolved at arraignment and that involve 16- and 17-year-olds are subsequently assigned to a specialized court part. The presiding judge receives training in adolescent brain development, trauma, substance abuse, family dysfunction, and other topics relevant to late adolescents. In handling the cases, the judge may order age-appropriate services to address the youth’s presenting issues. Service mandates can last anywhere from one to three group sessions to three to six months of intensive intervention. Issues of legal proportionality often limit the length of service mandates for cases facing relatively less serious charges.

Some defendants may participate in ADP services as part of a pre-disposition agreement—i.e., before pleading guilty or receiving a case disposition of any kind. Other defendants are required to enter a guilty plea prior to ADP participation. In either scenario, those who complete their

assigned services generally receive either a dismissal of the charges or a charge reduction to a non-criminal violation level. The judge may also order service participation as a condition of an adjournment in contemplation of dismissal (ACD); or following program completion, the judge may reduce what was initially a guilty plea to an ACD. (In New York State, cases disposed with an ACD will be automatically dismissed after six months or one year, depending on the charges. Although ACDs may be reopened in the event of noncompliance with court-imposed conditions, this outcome is relatively rare in practice.)

### **ADP Eligibility Criteria**

Table 1.1 presents a basic outline of program eligibility criteria across the nine pilot counties. All nine counties enroll some misdemeanors, and seven of the nine counties enroll all misdemeanors without exceptions.<sup>2</sup> Whereas most counties exclude felonies, Nassau admits nonviolent felonies, and Erie admits both nonviolent and violent felonies on a case-by-case basis. On the other end of the charge spectrum, the Bronx admits cases that originate as disorderly conduct violations, and both Nassau and Erie also admit both disorderly conduct and other non-criminal violations.<sup>3</sup>

Five of the nine counties only enroll cases that are *not* resolved at arraignment. The four other counties, the Bronx, Brooklyn, Manhattan, and Staten Island, all have preexisting programs that already serve 16- and 17-year-old defendants, whether the cases are disposed at arraignment or not. In the Bronx, any judge may order 16- and 17-year-old defendants to Bronx Community Solutions, an alternative sanctions program modeled after community court principles and practices. In Brooklyn, the Red Hook Community Justice Center serves as an arraignment and post-arraignment court for misdemeanor cases originating in three police precincts in southwest Brooklyn. The Midtown Community Court arraigns eligible misdemeanors in midtown, Manhattan. Notably, in both Brooklyn and Manhattan, their respective community courts monitor compliance for *all* ADP participants countywide, not only those that were initially handled in the community court. In Staten Island, the cases of 16- and 17-year-old defendants may also be resolved at arraignment if they are mandated to participate in a local youth court program.

In all nine counties, ADP participation is voluntary. When eligible youth are offered the opportunity to participate, they may either accept the offer or opt for conventional prosecution.

Of final interest, three counties did not implement their ADP initiatives countywide, targeting only cases that originate in a particular city court: the Mount Vernon City Court in Westchester; the Buffalo City Court in Erie; and the Syracuse City Court in Onondaga.

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<sup>2</sup> The Bronx excludes domestic violence misdemeanors, which are handled in a separate specialized domestic violence court. Manhattan excludes violent misdemeanors and a variety of additional more serious misdemeanor charges; excludes defendants with more than seven prior arrests in the past nine years; excludes defendants with an open case on an ineligible charge; and excludes defendants currently on probation or parole. In other counties, the court or prosecutor may engage in varying levels of case-by-case screening. For instance, in Brooklyn, if there is a victim, the victim's wishes are always considered when formulating plea offers (a specific practice that likely applies elsewhere as well).

<sup>3</sup> All nine counties often *resolve* cases with a violation-level conviction, but only the Bronx, Nassau, and Erie accept cases whose *initial* arraignment charge was at the violation level.

**Table 1.1. Adolescent Diversion Program Eligibility (X = Eligible)**

ADP Site	Bronx	Brooklyn	Manhattan	Queens	Staten Island	Nassau	Westchester	Erie	Onondaga
<b>CHARGE ELIGIBILITY</b>									
Violent felonies								X	
Nonviolent felonies						X		X	
Violent misdemeanors	X	X		X	X	X	X	X	X
Nonviolent misdemeanors	X	X	X	X	X	X	X	X	X
Violations	X					X		X	
Special exclusions from eligibility	X <sup>1</sup>		X <sup>2</sup>		X <sup>3</sup>			X <sup>4</sup>	
<b>CASE PROCESS ELIGIBILITY</b>									
Disposed at arraignment	X	X <sup>5</sup>	X <sup>5</sup>		X <sup>6</sup>	X			
Disposed after arraignment	X	X	X	X	X		X	X	X
Universal Screening and Assessment						X			
<b>JURISDICTIONAL ELIGIBILITY</b>									
Eligibility limited to one city court							Mt. Vernon	Buffalo	Syracuse
<b>SPECIALIZED COURT PARTS</b>									
Specialized ADP court part		X	X	X	X	X	X	X	X
Community court	X	X	X						
<b>TIMING OF PARTICIPATION</b>									
Program entry can be pre-disposition	X	X		X		X		X	X

<sup>1</sup> The Bronx explicitly excludes all domestic violence cases, which are handled in a specialized domestic violence court regardless of the age of the defendant. (Other sites may tend to do this as well but did not explicitly state as much in their formal eligibility criteria.)

<sup>2</sup> Besides violent misdemeanors, Manhattan also excludes a number of other misdemeanor cases. The effect is to mirror the list of charges that are eligible for the Midtown Community Court for arrests that take place in the midtown neighborhood. In general, violent misdemeanors, misdemeanors of defendants with an open case that is ADP-eligible, and misdemeanors of defendants currently on probation or parole are excluded. On a case-by-case basis, ineligible misdemeanors can be admitted with DA permission.

<sup>3</sup> In January-June 2012, the court typically did not classify 16-17 year-old defendants who were ordered to a preexisting youth court (involving an ACD disposition) as ADP participants, even though they did participate in a diversion alternative. More recently, the court has tended to view youth court cases under the ADP umbrella. Our analysis followed whatever the court formally determined, rather than classifying all youth court cases as ADP participants automatically.

<sup>4</sup> Erie County excludes gun-related misdemeanor cases.

<sup>5</sup> In Brooklyn and Manhattan, the two community courts (the Midtown Community Court and the Red Hook Community Justice Center respectively) enroll ADP cases either at or after arraignment, but cases are only ADP-eligible in the downtown criminal courts if they survive arraignment.

<sup>6</sup> In Staten Island, Youth Court cases were considered to be ADP cases and disposed at arraignment.

### **Screening, Assessment, and Participation Policies**

The nine counties vary widely in their screening and assessment protocols, service mandates, duration of participation, and other policies. All sites except Manhattan and Staten Island permit at least some youth to begin services as part of a pre-disposition agreement. In Queens and Onondaga, pre-disposition program entry is standard in virtually all cases, and in Erie, it is used in most cases. When diversion is *not* used, the youth typically plead guilty or sometimes receive an ACD at the time of enrollment, with service participation noted as a special condition. Whether participation begins as part of a pre-disposition agreement or not, successful completion always leads to a final case outcome that does *not* involve a criminal record. (Final case outcomes typically involve a straight dismissal, ACD, or non-criminal violation-level conviction.)

The Bronx, Brooklyn, Manhattan, and Staten Island primarily order short-term services, usually several days of community service or several sessions of a short-term social service intervention. Select cases can also be ordered to three months or longer of drug treatment or other services. In the other five counties, longer service mandates are more common. On average, Erie County tends to keep cases open for the longest period of time, generally from six months to a year; Erie is the only county where the court mandate routinely exceeds six months.

To inform service planning, all sites administer a clinical screen or assessment. Nassau, Westchester, and Onondaga use the Youth Assessment and Screening Instrument (YASI). This instrument has previously been validated among NYS juvenile defendants (age 15 and under) and, to at least some degree, it is currently in use with these younger defendants in the vast majority of NYS counties (Orbis 2007). Nassau and Onondaga typically begin with the YASI short screening tool and then administer the full-length YASI assessment to those youth who initially screen as moderate-risk or high-risk. The six other counties all use locally developed screening or assessment tools, which in some cases pre-date the ADP initiative. For example, the Erie program utilizes an existing assessment developed as part of Buffalo's long established COURTS program. The Red Hook and Midtown Community Courts, as well as Bronx Community Solutions, also use preexisting screening and assessment tools.

Among the nine ADP pilots, Nassau implemented a particularly comprehensive and evidence-based approach to screening, assessment, and service planning. Nassau devised a universal post-arraignment screening protocol encompassing nearly all 16- and 17-year-old defendants, except those arraigned on a violent felony. Although Nassau excludes cases that are resolved at arraignment, in reality, Nassau has reduced the use of case dispositions at the arraignment stage in order to make its universal screening protocol more widely available. The two-step protocol involves administration of the YASI short screener followed by the longer YASI assessment where indicated. In general, those defendants who initially screen as low-risk may be considered for a prompt case dismissal in lieu of services and generally do not receive the full length assessment. Despite not receiving a service intervention, the dismissed cases are still considered ADP participants, because the disposition was determined through the use of the ADP universal screening process. For those who receive the more in-depth YASI assessment, the risks and needs that it identifies inform the selection of specific services.

An empirical analysis confirmed that Nassau relies on YASI risk scores in a manner consistent with its formal model. Whereas 80% of Nassau's ADP participants with a high-risk YASI classification and 87% with a moderate-risk classification were linked to court-ordered services, only 43% of the low-risk cases received such services. As the model intends, virtually all of the remaining low-risk cases indeed received a prompt case dismissal (94%) or ACD (3%), with only a tiny fraction (3%) pleading guilty to a non-criminal violation offense.

## **About This Report**

Chapter 2 reviews the research design and methodology. Chapter 3 examines program volume and scale in each pilot county and provides descriptive information on the demographic, criminal history, and charge characteristics of enrolled ADP participants. Chapter 4 reports on service utilization and compliance rates. Chapter 5 reports the impact of the ADP initiative on criminal penalties and recidivism. Chapter 6 summarizes the conclusions and implications of the study. While this evaluation focused on the first six months of the ADP pilot, each site continues to serve more 16- and 17-year-olds and future research will include those new cases.

## Chapter 2

### Research Design and Methodology

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The evaluation examined Adolescent Diversion Program (ADP) participants that were arraigned from program inception on January 17, 2012 through June 30, 2012. For the impact study, these cases were compared to similar 16- and 17-year-old cases that were arraigned one year prior to implementation (January 17, 2011 through June 30, 2011).

#### Data Sources

Data came primarily from the statewide criminal court information system (known as CRIMS-FULL) that is maintained by the New York State (NYS) Unified Court System. The data included case-level demographic, charge, disposition, and sentence information. The court also provided case-level data on prior and subsequent arrests.<sup>4</sup> The data included an ADP flag variable, which court clerks are supposed to check whenever a 16 or 17 year old participates in the ADP initiative. In six of the nine counties, we used this flag to identify which cases in fact participated. In three counties, the Bronx, Brooklyn, and Manhattan, we also identified ADP participants using data contained in separate databases operated, respectively, by Bronx Community Solutions, the Red Hook Community Justice Center, and the Midtown Community Court. Since the Center for Court Innovation operates these three programs, Center research staff already had routine access to this data. We also obtained data from these three specialized databases on the precise services that ADP participants attended and their compliance.<sup>5</sup> In addition, we obtained data from a separate database utilized by the Nassau ADP initiative, enabling us to track compliance in that county as well. Compliance data could not be obtained for the five remaining counties.

#### Measures

- Demographics: We had data on defendant age (16 or 17), sex, and race (black or white), but did not have data on ethnicity (Hispanic or non-Hispanic).
- Criminal History: We created summary measures for prior arrests and prior convictions, including whether the priors were arraigned at the felony or violent felony levels.

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<sup>4</sup> Criminal history and recidivism data was obtained using two methods. First, cases involving the same youth were identified based on their having the same person-based New York State Identification (NYSID) number. However, whenever a criminal case is sealed, new cases appear under a new NYSID, rendering NYSID-based case matching inadequate by itself. As a supplement, criminal history and recidivism cases were also identified based on name and date of birth. This method also involves occasional inaccuracies, due to human error in entering name and birthdate.

<sup>5</sup> The specialized databases maintained by Bronx Community Solutions and the Red Hook and Midtown community courts included information on *all* ADP cases in the Bronx, Brooklyn, and Manhattan respectively, since even ADP cases that were initially seen by a downtown criminal court judge were ultimately monitored by that county's Center for Court Innovation-run community court or alternative sentencing program.

- Current Charges: We classified the top charge on the case leading to sample membership into four seriousness categories (violent felony, nonviolent felony, misdemeanor, and violation) and into different charge type categories for each section of the New York State Penal Law (assault, sex offenses, burglary, robbery, controlled substances, marijuana weapons, etc.). For some analytic purposes, we consolidated the charges into fewer categories. Such consolidation was county-specific, meaning that our final charge categories reflected the most common charges seen in each county's respective ADP initiative.
- Case Disposition: We classified dispositions as pled guilty, ACD, or dismissed. Cases classified as pled guilty were most commonly convicted on non-criminal violation charges or received a youthful offender (YO) finding, although a small number of cases received an actual criminal conviction. Due to peculiarities in the recording of disposition information for ADP cases, we could not reliably sub-divide ADP pled guilty cases into these three categories. We could and did do so for the comparison group.
- Sentences: We classified sentence types as jail; probation; community and/or social services; time served; fine; conditional discharge; and other. There were not any cases in the analysis that received state prison time, and we grouped a tiny number of split jail/probation sentences into the jail category. We also computed the length of all jail sentences. One of the sentence categories—community and/or social service—was only known for the comparison group in the New York City-based counties, and even in those counties, only community service sentences were reliably tracked for the comparison group. Hence, the true scope of community and/or social service sentencing conditions among comparison cases is unknown.
- Recidivism: We began the recidivism tracking period on the arraignment date. Arraignment date was the logical start time, since there was not an equivalent to ADP program start date in the comparison group. We computed re-arrest variables over a six-month tracking period, distinguishing re-arrests that were arraigned on felony and violent felony charges. However, we omitted two types of re-arrests from the analysis: those arraigned on violation charges, which are not technically crimes, and those arraigned on the two least serious marijuana charges (unlawful possession, PL 221.05, and possession in the fifth degree, PL 221.10). We omitted these charges in light of aggregate data provided to us by DCJS that showed a demonstrable drop in these charges over time as a function of declining state and local policymaker preferences to enforce these crimes. We were concerned that including re-arrests on these charges would create a historic bias, whereby such re-arrests would appear less prevalent in the ADP sample, not because of reduced re-offending but because of reduced enforcement during the ADP sample's later tracking period. We also created a measure of days to first re-arrest to facilitate a survival analysis with a tracking period of up to 350 days for some cases, given that our re-arrest data was updated through January 2, 2013. To ensure a comparable tracking period in the comparison sample, that sample only included re-arrests through January 2, 2012.
- ADP Eligibility: For certain purposes, we sought to isolate cases meeting ADP eligibility criteria in both the 2011 and 2012 samples (whether or not they in fact participated). We

created an ADP eligible flag variable, utilizing different algorithms in each county in order to mirror each county's respective eligibility criteria (see Chapter 1).

## **Analytic Plan**

As described below, we conducted four sets of analyses.

### **Program Implementation**

To examine program volume, participant characteristics, and compliance, we focused on ADP participants who were arraigned from January 17, 2012 through June 30, 2012. The analysis included a small number of cases (39 in the Bronx, 4 in Queens, 2 in Staten Island, 3 in Nassau, and 3 in Erie), whose arraignment date preceded program inception. These cases were pending on the January 17, 2012 date when the ADP initiative formally began, and since the cases had not yet been resolved, the defendants were still able to participate. To examine whether or how the characteristics of ADP participants differed from the characteristics of non-participating cases, some analyses included the full sample of all 16- and 17-year-old cases arraigned from January 17 through June 30, 2012, regardless of ADP participation or eligibility status.

### **ADP Impact Analysis**

For the impact study, we excluded two counties, Westchester, and Onondaga. These counties enrolled fewer than 40 ADP participants in the sampling period, precluding a statistically meaningful analysis. (The Westchester program only operates in the Mount Vernon City Court and opened in late March rather than January of 2012, sharply limiting program volume during our sampling period.) We also excluded Staten Island from the impact study because although a number of 16- and 17-year-olds in Staten Island participated in a preexisting youth court, it was initially defined as separate from the ADP initiative and only included in the volume at a later date. A separate evaluation illuminates some of the effects of the youth court diversion program (Reich 2013). In the remaining six counties, we compared ADP participants arraigned through June 30, 2012 to a comparison sample composed of defendants meeting each county's respective ADP eligibility criteria that were arraigned in the year prior to implementation, from January 17, 2011 through June 30, 2011. As described in the three sub-sections below, we first implemented a propensity score matching strategy to ensure comparable samples; then conducted our main impact analyses; and then tested whether ADP impacts varied by defendant risk level.

Propensity Score Matching: Our matching strategy was implemented in several steps.

1. We eliminated a small number of ADP or comparison cases that, for various reasons, might otherwise bias the analysis. Specifically, we required each comparison defendant to have no more than one case in the analysis. Where a comparison defendant had multiple eligible cases, we took the one with the earliest arraignment date. (This step avoided classifying the same arrest as recidivism with respect to one initial case and as criminal history with respect to another initial case of the same individual.) We also deleted comparison cases that were still pending as of when data was received. (Disposition data for the initial criminal case was updated through October 24, 2012.) On the other hand, we allowed ADP cases to be pending, since pending status among ADP cases could simply reflect participating in a pre-disposition diversion program and receiving a lengthy service mandate that had not been completed as of

when data was received. We also deleted a small number of comparison cases whose baseline characteristics were never found in the ADP sample. For example, several counties had a small number of comparison cases, but no ADP participants, classified with an “other” race (neither black nor white). Finally, we deleted a small number of ADP participants that were technically ineligible but still participated due to a case-by-case admittance decision. For example, in Brooklyn, 5 cases that were arraigned on a felony and 6 that were arraigned on a violation were admitted to the ADP program, even though they were technically ineligible; these cases were omitted, since the comparison group did not include them.

2. Separately for each county, we compared the background demographic, criminal history, and charge characteristics for the ADP and comparison samples. As shown in Table 2.1, there were significant differences between the ADP and comparison samples in all six counties, necessitating further statistical refinements.
3. We implemented a propensity score matching strategy to reduce observable sample differences. In general, propensity score matching can be utilized in quasi-experimental studies to reduce the observed differences between a treatment group and comparison group (Rosenbaum and Rubin, 1983; Rubin 1973). Based on an array of background characteristics (e.g., age, sex, prior arrests and convictions, and current charge type and charge severity), a single propensity score is produced for each case, representing the probability that the case falls into one of the two groups—in this study, the ADP group as opposed to the comparison group. In this study, we examined the p-values for all bivariate comparisons conducted as part of step #2. If there was a bivariate difference at a significance level of .50 or lower, the variable was included in a backward stepwise logistic regression, for which the dependent variable was sample membership (0 = comparison, 1 = ADP). The backward stepwise procedure in turn deleted those variables whose p-value was greater than .50 when included in a regression framework. These liberal variable inclusion criteria—i.e., not limiting the independent variables to those that are “statistically significant” predictors of sample status—maximize the balancing effect of the resulting propensity scores (Rosenbaum 2002; Rubin and Thomas 1996). In implementing our propensity models, the Bronx, Queens and Nassau had large numbers of cases missing race. We simply defined “missing” as its own race category and controlled for missing status in the model. In other counties, extremely small percentages of cases (less than 10%) were missing either race or sex. In these latter instances, we conducted a second propensity model without race or sex and used the propensity score obtained from that second model for cases that were missing from the first model.
4. Having obtained a propensity score for each case, we implemented a two-to-one matching strategy in the Bronx, Brooklyn, Manhattan and Queens. Specifically, we matched each ADP case to the two potential comparison cases with the nearest propensity score, of those comparison cases that had not already been matched. In Nassau and Erie, because ADP volume is relatively high, there were almost as many ADP cases as potential comparison cases available at the outset. Thus, to ensure high quality matches, in those two counties we implemented the reverse of a two-to-one comparison-to-participant matching strategy. Instead, we selected one comparison case for every two ADP cases, choosing the comparison case whose propensity score fell closest to the midpoint between the two ADP cases that were involved in the match. In the majority of the final matches in all six counties, all cases

that were involved in the same match in fact had an identical propensity score. At the end of the matching process, we deleted from the comparison sample all unmatched cases.

The general effect of propensity score matching is to refine the comparison sample by removing potential comparison cases that in fact comprise poor matches to any case in the treatment sample. Demonstrating the results of our matching strategy in this study, Table 2.1 compares the *initial* ADP and comparison samples in each county across multiple baseline characteristics, revealing numerous significant differences. Table 2.2 compares the *final* matched samples, revealing zero significant differences after matching was implemented.

Analytic Plan for the Main Impact Analysis: Having achieved statistically matched samples, we conducted our impact analyses in a bivariate framework, simply comparing case dispositions, sentences, and re-arrests between the two samples without a need for a multivariate framework. In the analysis of case dispositions, we omitted any ADP participants whose disposition status was pending as of when data was received. (To retain matched samples, where a pending ADP case was omitted, we also omitted its matched comparison case, except in Nassau and Erie, where we retained the comparison case when the other one of the two ADP cases to which the given comparison case was matched remained in the analysis.)

We analyzed case dispositions in two ways. In our main analysis, we simply compared the case outcomes between the full ADP and comparison samples. In a second analysis, we deleted all comparison cases that ended in a case dismissal (and deleted their matched ADP cases as well). The purpose of this second analysis was to consider how the results might change if we assumed that a defense attorney and defendant would not agree to ADP participation, which requires participation in court-ordered services, if a straightforward case dismissal could otherwise be obtained. In other words, we viewed it as possible that in at least some counties, the process would unfold in a way that would enable ADP eligible cases with a realistic chance of obtaining a dismissal to receive such a dismissal up front and not participate in the program. If this possibility in fact describes practice in any of the ADP counties, then including dismissals in the comparison group would be a priori inappropriate. Since our funding did not permit the level of process evaluation that would have clarified how each site operates with respect to this issue, we considered it prudent to conduct the analysis both ways—with dismissals in and out of the comparison group. We opted to retain comparison group dismissals in our “main” analysis, since doing so was the more conservative analytic strategy, more likely to create a bias against the ADP initiative than to create a bias in favor of the initiative.

The actual impact analyses used chi squared tests with multiple category outcomes (e.g., dismissed, ACD, or pled guilty) and t-tests with dichotomous or continuous outcomes (e.g., whether jail was imposed, length of jail sentence, whether youth was re-arrested, and average number of re-arrests). In the recidivism analysis, we computed a standard set of six-month outcomes. In addition, we conducted a survival analysis that tracks each case for at least six months and up to a maximum of 350 days. (Cases with earlier arraignment dates obviously had a longer available tracking period.) The survival analysis censors each case at the end of its specific tracking period, thereby controlling statistically for case-to-case tracking period differences. We report results for each county concerning whether ADP participation significantly delayed on the onset of re-arrest.

**Table 2.1. Baseline Characteristics, ADP Sample and Pre-Implementation ADP-Eligible Cases**

ADP Site	Bronx		Brooklyn		Manhattan		Queens	
Sample	Comp	ADP	Comp	ADP	COMP	ADP	COMP	ADP
Number of Cases	3,133	134	2,574	281	1,457	170	893	76
<b>DEMOGRAPHICS</b>						*		
Age 16	46%	49%	47%	48%	43%	50%	46%	51%
Age 17	54%	51%	53%	52%	57%	50%	54%	49%
Sex: Percent female	17%	23%**	20%	16%**	30%	53%***	18%	14%+
Race				*				
Black	68%	61%	75%	66%	67%	63%	51%	51%
White	32%	39%	25%	34%	33%	36%	46%	49%
Other	0%	0%	0%	0%	0%	1%	3%	0%
<b>CRIMINAL HISTORY</b>								
Number of prior arrests	0.94	1.70***	1.22	1.22	1.01	0.51***	1.21	1.99**
Any prior arrest	41%	60%	50%	48%*	40%	25%***	50%	67%***
Any prior felony arrest	14%	16%	22%	20%+	16%	8%***	24%	37%***
Any prior violent felony arrest	10%	11%	15%	13%+	7%	4%***	13%	12%
Number of prior convictions	0.41	0.71***	0.46	0.48	0.44	0.26***	0.58	0.95*
Any prior conviction	22%	37%***	26%	24%+	24%	14%***	31%	46%**
Any prior felony conviction	6%	1%***	6%	3%***	6%	1%***	8%	7%
Any prior violent conviction	4%	1%**	4%	2%**	3%	1%***	6%	4%
<b>CURRENT CHARGES</b>								
<b>Arraignment Charge Severity</b>		***		***		***		***
Violent felony offense	0%	0%	0%	1%	0%	1%	0%	0%
Nonviolent felony	0%	2%	0%	1%	0%	0%	0%	1%
A misdemeanor	60%	61%	66%	72%	80%	90%	72%	86%
B or U misdemeanor	18%	18%	34%	24%	20%	7%	28%	12%
Violation	42%	19%	0%	2%	0%	3%	0%	0%
<b>Top Arraignment Charge Type</b>		**		*		***		
Crime against person	5%	8%	15%	18%	0%	0%	21%	21%
Property offense (not robbery)	30%	44%	35%	33%	77%	88%	33%	28%
Disorderly Conduct	31%	17%	0%	0%	0%	0%	0%	0%
Marijuana pos., 5th degr. or less	12%	12%	25%	21%	17%	6%	13%	8%
Drug & other marijuana charges	2%	4%	3%	5%	2%	0%	3%	4%
Other	20%	15%	21%	22%	4%	6%	30%	39%

**Table 2.1. ADP and Pre-Implementation ADP-Eligible (Continued)**

ADP Site	Nassau		Erie		All Sites	
	Comp	ADP	Comp	ADP	Comp	ADP
Number of Cases	521	307	366	268	8,944	1,236
<b>DEMOGRAPHICS</b>				*		
Age 16	43%	39%	43%	51%	45%	47%
Age 17	57%	61%	57%	49%	55%	53%
Sex: Percent female	33%	32%	20%	24%**	21%	28%***
Race/ethnicity		**		+		*
Black	42%	56%	79%	75%	67%	65%
White	57%	44%	20%	25%	32%	35%
Other	1%	0%	1%	0%	1%	0%
<b>CRIMINAL HISTORY</b>						
Number of prior arrests	0.23	0.35***	1.14	0.75**	1.02	0.89+
Any prior arrest	16%	22%***	49%	38%***	43%	38%***
Any prior felony arrest	7%	9%*	26%	20%***	18%	16%***
Any prior violent felony arrest	3%	4%*	20%	12%***	11%	9%***
Number of prior convictions	0.12	0.19**	0.48	0.29***	0.42	0.38*
Any prior conviction	9%	12%**	27%	21%**	24%	22%***
Any prior felony conviction	2%	4%**	7%	3%***	6%	3%***
Any prior violent felony conviction	1%	3%***	6%	3%**	4%	2%***
<b>CURRENT CHARGES</b>						
<b>Arraignment Charge Severity</b>		***		***		***
Violent felony offense	0%	1%	19%	8%	1%	2%
Nonviolent felony	7%	18%	19%	14%	1%	8%
A misdemeanor	63%	67%	45%	53%	59%	70%
B or U misdemeanor	13%	5%	9%	10%	23%	12%
Violation	16%	10%	8%	15%	16%	8%
<b>Top Arraignment Charge Type</b>		**				***
Crime against person	10%	13%	24%	19%	10%	14%
Property offense (not robbery)	46%	42%	35%	29%	40%	42%
Disorderly Conduct	1%	2%	1%	3%	11%	3%
Marijuana pos., 5th degr. or less	14%	8%	5%	7%	16%	10%
Drug & other marijuana charges	4%	8%	7%	7%	3%	6%
Other	25%	27%	28%	34%	20%	25%

+p<.10, \* p<.05, \*\* p<.01, \*\*\*p<.001

**Table 2.2. Baseline Characteristics, ADP Sample and Final Matched Comparison Group**

ADP Site	Bronx		Brooklyn		Manhattan		Queens	
Sample	Comp	ADP	Comp	ADP	Comp	ADP	Comp	ADP
Number of Cases	256	128	540	270	316	158	144	72
<b>DEMOGRAPHICS</b>								
Age 16	52%	50%	48%	53%	48%	51%	54%	50%
Age 17	48%	50%	52%	47%	52%	49%	46%	50%
Sex: Percent female	26%	23%	16%	16%	55%	56%	47%	42%
Race/ethnicity								
Black	69%	61%	67%	67%	64%	65%	59%	59%
White	31%	39%	33%	33%	36%	36%	41%	41%
<b>CRIMINAL HISTORY</b>								
Number of prior arrests	1.5	1.7	1.2	1.2	0.4	0.4	1.6	2.0
Any prior arrest	58%	59%	48%	48%	22%	23%	66%	67%
Any prior felony arrest	22%	16%	21%	20%	6%	6%	37%	36%
Any prior violent felony arrest	11%	11%	13%	13%	4%	4%	15%	11%
Number of prior convictions	0.6	0.7	0.5	0.5	0.2	0.2	0.8	1.0
Any prior conviction	34%	35%	24%	24%	10%	12%	42%	46%
Any prior felony conviction	2%	2%	3%	3%	1%	1%	4%	6%
Any prior violent felony conviction	2%	4%	5%	5%	1%	1%	8%	8%
<b>CURRENT CHARGES</b>								
<b>Top Charge Severity</b>								
Felony								
Violation	17%	20%						
A misdemeanor	69%	64%	73%	75%	95%	95%	88%	92%
B or U misdemeanor	15%	16%	27%	25%	5%	5%	13%	8%
<b>Top Charge Type</b>								
Crime against person	9%	9%	19%	18%			22%	21%
Property offense (not robbery)	48%	45%	33%	33%			28%	26%
Petit larceny					72%	72%		
Other property (not petit larceny)					23%	23%		
Disorderly conduct	15%	18%						
Marijuana pos., 5th degr. or less	14%	13%	20%	20%				
Other marijuana or any drug								
Marijuana (any marijuana charge)					5%	5%		
Drug (any drug except marijuana)								
Other	14%	16%	28%	29%			51%	53%

**Table 2.2. ADP Sample and Final Matched Comparison Group (Continued)**

ADP Site	Nassau		Erie		All Sites	
	Comp	ADP	Comp	ADP	Comp	ADP
Number of Cases	151	301	132	263	1,539	1,192
<b>DEMOGRAPHICS</b>						
Age 16	38%	40%	46%	51%	48%	47%
Age 17	61%	61%	54%	49%	52%	53%
Sex: Percent female	34%	33%	25%	24%	29%	28%
Race/ethnicity						
Black	59%	56%	75%	75%	66%	65%
White	41%	44%	25%	25%	34%	35%
<b>CRIMINAL HISTORY</b>						
Number of prior arrests	0.3	0.3	0.8	0.8	1.0	0.9
Any prior arrest	21%	21%	36%	38%	42%	38%
Any prior felony arrest	7%	8%	17%	19%	17%	15%
Any prior violent felony arrest	4%	4%	11%	13%	10%	9%
Number of prior convictions	0.2	0.2	0.3	0.3	0.4	0.4
Any prior conviction	11%	12%	20%	21%	23%	21%
Any prior felony conviction	3%	3%	3%	3%	2%	3%
Any prior violent felony conviction	2%	3%	5%	5%	4%	4%
<b>CURRENT CHARGES</b>						
<b>Top Charge Severity</b>						
Felony	17%	18%	21%	22%	4%	9%
Violation	8%	10%	18%	14%	5%	8%
A misdemeanor	70%	68%	50%	53%	77%	71%
B or U misdemeanor	5%	4%	11%	10%	15%	12%
<b>Top Charge Type</b>						
Crime against person	15%	14%	35%	27%	14%	14%
Property offense (not robbery)	42%	42%	37%	38%	48%	43%
Petit larceny						
Other property (not petit larceny)						
Disorderly conduct					3%	3%
Marijuana pos., 5th degr. or less	8%	7%			12%	10%
Other marijuana or any drug	8%	8%			3%	6%
Marijuana (any marijuana charge)			8%	7%		
Drug (any drug except marijuana)			5%	6%		
Other	28%	29%	17%	22%	20%	24%

+p<.10, \* p<.05, \*\* p<.01, \*\*\*p<.001

Across all analyses, whenever computing combined impacts for all six counties, we weighted cases from each county to achieve the effect of each county contributing to exactly one-sixth of the reported total. The reasons why some counties had more cases in the analysis than others are many and varied and do not exclusively, or even primarily, reflect the size of the county or the size of its 16- and 17-year-old defendant population. Accordingly, we considered it appropriate to give each of the six counties equal weight rather than allowing sample size differences to cause some counties to exert more influence over the multisite totals than other counties.<sup>6</sup>

Testing the Effect of Defendant Risk Level: Prior research demonstrates that well-implemented evidence-based interventions tend to reduce re-offending among moderate-risk and high-risk defendants. Conversely, placing low-risk defendants, who pose a minimal threat to public safety in the first place, into intensive interventions can have counter-productive effects, increasing rather than decreasing recidivism from what it otherwise would have been (Andrews and Bonta 2010; Lowenkamp and Latessa 2004; Lowenkamp et al. 2006). We sought to test whether, consistent with the Risk-Need-Responsivity principle, the ADP initiative was more effective with a higher-risk population.

The methodology was straightforward. First, using defendants in the final comparison sample, we conducted a logistic regression predicting re-arrest within six months, using an array of demographic, criminal history, and charge characteristics as predictors. (Results are in Chapter 5, Table 5.4.)<sup>7</sup> We then applied the regression equation from this analysis to every member of both the ADP and comparison samples, effectively assigning to each defendant a logodds of re-arrest—which we in turn transformed into a probability ( $P = 1 / (1 + \exp(-\text{logodds}))$ ).

In the analysis, we examined whether risk score moderated the impact of ADP participation through a simple regression analysis including three variables: sample, risk score, and the interaction term, sample\*risk score. We also divided defendants into five categories: those whose predicted risk was: (1) less than .10, (2) from .10 to .20, (3) from .20 to .30, (4) from .30 to .40, and (5) .40 or higher. A simple subgroup analyses could then be conducted to determine for which, if any, risk categories ADP participation made a difference.

We also conducted a second logistic regression predicting re-arrest within six months using *all* 16 and 17 year-old defendants arraigned from January 17, 2011 through June 30, 2011 in all nine counties that had established ADP initiatives. The purpose was to determine—in general for the 16- and 17-year-old defendant population and thus regardless of whether the cases were ADP eligible per se—what factors increase or decrease risk of re-arrest.

Importantly, our risk prediction models relied on classic static predictors that we had available in all nine counties. For Nassau County, we also obtained data on each ADP participant's YASI risk score, which is constructed based on an array of both static and dynamic risk/need factors. However, the sample size for those in different risk categories (high, moderate, and low) in

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<sup>6</sup> The survival analytic procedures that we employed do not allow the use of our case weights. Hence, multisite totals for our survival analyses use unweighted data.

<sup>7</sup> We intentionally excluded race from this analysis, since even if race predicted recidivism, there could be legal or ethical objections to basing any risk classification scheme on race. Test models indicated that race was only a predictor at the weak .10 significance level.

Nassau was too small for statistically meaningful analysis. We did perform a simple correlation of the YASI risk score with the score constructed from the more widely available static variables for Nassau County cases only. The correlation was statistically significant ( $p < .001$ ) and relatively high (.363), indicating that our post-hoc static factor-based risk score is likely to have reasonable degree of general reliability.

### **Impact Analysis with ADP Eligible Cases**

We conducted a second impact analysis for the same six counties, with an important difference: Instead of comparing ADP participants to a matched comparison sample, we compared the larger universe of all ADP eligible cases arraigned from January 17 to June 30, 2012 to cases meeting the same county-specific eligibility criteria that were arraigned from January 17 to June 30, 2011, one year prior to ADP implementation. We conducted this second analysis for two reasons. The first had to do with our uncertainty, noted above, about whether or not case dismissals should be allowed in the comparison group. Given this uncertainty, we believed that a secondary analysis looking at changes in case outcomes amongst *all* eligible cases might provide yet another indication of whether the existence of the ADP program in 2012 produced systematic changes in the distribution of case dispositions. In addition, we considered it possible that Chief Judge Jonathan Lippman's public statements and policy initiatives beginning towards the end of 2011 might have influenced prosecutorial and court practice with 16- and 17-year-old defendants in ways not captured by examining ADP participants only. Although the existence of two possible reasons for any observed changes in case outcomes from 2011 to 2012 means that we would be unable to clearly ascribe causality, we nonetheless considered a broader analysis spanning all technically eligible ADP cases to have potential value to state policymakers.

The analytic plan for this analysis generally mirrored that described above for the preceding impact analysis. The sampling frames were strictly limited by arraignment date: The pre-implementation sample consisted of ADP eligible cases in each county that were arraigned from January 17 through June 30, 2011, and the post-implementation sample consisted of ADP eligible cases arraigned from January 17 through June 30, 2012. The initial steps of the propensity score modeling process mirrored those previously described. Where the analytic plan deviated, however, was that a matching strategy was unfeasible. Since this analysis included *all* ADP eligible cases, there were quite naturally about the same number of ADP eligible cases in both 2011 and 2012. Thus, we lacked excess comparison cases from which to choose the best matches. Accordingly, we retained all cases in both samples (except for the kinds of minor refinements described in step #1 in the preceding section). In the analysis, to correct for baseline sample differences, we used the propensity score variable itself as a single continuous covariate. To test whether this strategy would effectively control for any observable sample differences, we compared the baseline demographic, criminal history, and charge characteristics of the 2011 and 2012 samples after controlling for propensity score. As shown in Table 2.3, with the exception of a few persistent differences in Manhattan, there was not a single significant difference between the samples in any other county once introducing propensity score as a covariate. (Appendix A reveals the existence of at least several significant differences in each county prior to implementing this propensity score adjustment.)

**Table 2.3. Baseline Characteristics, ADP Eligible Cases (Adjusted for Propensity Score)**

ADP Site	Bronx		Brooklyn		Manhattan		Queens	
Sample	Pre	Post	Pre	Post	Pre	Post	Pre	Post
Number of Cases	2512	2332	2413	1854	1403	1308	836	1100
<b>DEMOGRAPHICS</b>								
Age 16	46%	46%	47%	45%	43%	44%	46%	45%
Age 17	54%	54%	53%	55%	57%	56%	54%	55%
Sex: Percent female	16%	15%	21%	21%	28%*	32%	20%	20%
Race/ethnicity								
Black	66%	68%	79%	80%	67%	65%	52%	53%
White	34%	33%	21%	20%	33%	35%	48%	47%
<b>CRIMINAL HISTORY</b>								
Number of prior arrests	0.8	0.9	1.5	1.6	1.0*	0.9	1.3	1.3
Any prior arrest	37%	38%	61%	61%	42%	42%	52%	52%
Any prior felony arrest	11%	10%	29%	30%	17%+	15%	24%	24%
Any prior violent felony arrest	7%	7%	20%	20%	8%	10%	14%	14%
Number of prior convictions	0.3	0.3	0.6	0.7	.5	.4*	0.5	0.5
Any prior conviction	17%	17%	35%	36%	25%	22%	30%	30%
Any prior felony conviction	3%	3%	9%	9%	6%**	4%	8%	8%
Any prior violent felony conviction	1%*	1%	0%	0%	0%	0%	0%	0%
<b>CURRENT CHARGES</b>								
<b>Top Charge Severity</b>								
Felony								
Violation	52%	51%						
A misdemeanor	29%	31%	91%	94%	79%	80%	73%	73%
B or U misdemeanor	19%	18%	9%	6%	21%	20%	27%	27%
<b>Top Charge Type</b>								
Crime against person	2%	2%	16%	16%			20%	20%
Property offense (not robbery)	29%	30%	38%	38%			36%	36%
Petit larceny (not petit larceny)					36%***	33%		
Other property					40%*	44%		
Disorderly conduct	39%	37%						
Marijuana pos., 5th degr. or less	13%	13%	23%	23%	19%	18%	16%	16%
Other marijuana (not 5th or less)								
Marijuana (any marijuana charge)								
Drug (any drug except marijuana)								
Other	17%	17%	23%	23%	55%	54%	28%	28%

**Table 2.3. ADP Eligible Cases (Continued)**

ADP Site	Nassau		Erie	
	Pre	Post	Pre	Post
Sample				
Number of Cases	471	406	351	373
<b>DEMOGRAPHICS</b>				
Age 16	38%	39%	45%	44%
Age 17	62%	61%	55%	56%
Sex: Percent female	31%	33%	23%	23%
Race/ethnicity				
Black	48%	49%	76%	76%
White	52%	51%	24%	24%
<b>CRIMINAL HISTORY</b>				
Number of prior arrests	0.3	0.3	1.0	1.0
Any prior arrest	19%	19%	44%	44%
Any prior felony arrest	8%	8%	24%	24%
Any prior violent felony arrest	3%	4%	17%	17%
Number of prior convictions	0.2	0.2	0.4	0.4
Any prior conviction	11%	10%	25%	25%
Any prior felony conviction	2%	3%	5%	5%
Any prior violent felony conviction	0%+	0%	17%	18%
<b>CURRENT CHARGES</b>				
<b>Top Charge Severity</b>				
Felony	12%	13%	36%	34%
Violation	11%	10%	9%	11%
A misdemeanor	65%	67%	47%	45%
B or U misdemeanor	11%	10%	8%	9%
<b>Top Charge Type</b>				
Crime against person	11%	12%	30%	30%
Property offense (not robbery)	43%	45%	41%	37%
Petit larceny (not petit larceny)				
Other property				
Disorderly conduct				
Marijuana pos., 5th degr. or less	12%	12%		
Other marijuana (not 5th degr. or less)	5%	6%		
Marijuana (any marijuana charge)			5%	7%
Drug (any drug except marijuana)			7%	7%
Other	29%	27%	18%	19%

+p<.10, \* p<.05, \*\* p<.01, \*\*\*p<.001

Our impact analysis using the larger samples of all eligible cases were limited to case outcomes, sentences, and use of jail. We did not analyze re-arrests in the analysis of eligible cases, since we considered the only plausible historic change that might influence re-arrest rates to be the actual participation of some 2012 defendants in the ADP program itself; thus, the ADP effect on re-arrests was most reliably tested through our direct impact analysis comparing actual ADP participants to a matched comparison group. We also did not have the kinds of methodological uncertainties in the analysis of ADP recidivism impacts that we had in the analysis of ADP case outcome impacts, leading the introduction of another alternative methodology to be superfluous.

## Chapter 3

### Program Volume and Participant Characteristics

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This chapter examines program volume and ADP participant characteristics in all nine counties. A further analysis compares ADP participant characteristics to the background characteristics of two other subgroups: those who were technically eligible but did not become ADP participants and those who were ineligible. The analysis reveals which 16- and 17-year-old sub-populations the ADP initiative in each county does and does not tend to reach.

Table 3.1 examines ADP program volume from January to June 2012. Across the nine sites, a total of 1,337 16- and 17-year-olds participated. Nassau had the largest number of ADP participants, with 307 for the six months, averaging about 51 per month. Westchester had the fewest participants with 11, largely because its ADP initiative was only implemented in the Mount Vernon City Court, not countywide, and this court did not begin hearing ADP cases until the end of March 2012.

The distribution of the new ADP cases was fairly consistent across different months, peaking in February, March, and April. While the numbers drop slightly at nearly all of the sites after April, it is unclear whether this trend continues. Moreover, data maintained by the Unified Court System indicates that the total number of ADP participants throughout all of 2012 exceeded 3,000, and what were initially the lowest-volume counties, Onondaga and Westchester, both saw an increased rate of intake in the second half of the year.

Table 3.2 examines the scale of the ADP initiative, viewing participant volume in relative terms, as compared to the total number of 16- and 17-year-old defendants in each county. The first row in the table shows the number of 16- and 17-year-olds arraigned from January 17 through June 30. The next two rows respectively show the number and percentage of these cases that were technically eligible for the given county's ADP initiative. In turn, the following two rows respectively show the number and percentage of arraigned cases that actually became ADP participants, and the final row shows the percentage of *eligible* cases that participated.

Of the 13,916 16- and 17-year-old cases that were arraigned in the nine counties, 60% were ADP eligible. As discussed in Chapter 1, although eligibility policies vary from county to county, the cases that are generally the most likely to be excluded had the most serious charges (felonies) and the least serious charges (violations); or were resolved at arraignment before screening or referral for possible ADP participation could take place.

**Table 3.1. ADP Volume, January-June, 2012**

<b>ADP Site</b>	<b>Bronx</b>	<b>Brooklyn</b>	<b>Manhattan</b>	<b>Queens</b>	<b>Staten Island</b>	<b>Nassau</b>	<b>Westchester</b>	<b>Erie</b>	<b>Onondaga</b>	<b>Total</b>
<b>TOTAL PARTICIPANTS</b>	<i>134</i>	<i>281</i>	<i>170</i>	<i>76</i>	<i>53</i>	<i>307</i>	<i>11</i>	<i>268</i>	<i>37</i>	<b>1,337</b>
<b>PARTICIPANTS BY ARRAIGNMENT MONTH</b>										
Arrested prior to January, 2012 <sup>1</sup>	39	0	0	4	2	3	0	3	0	51
January	9	27	11	8	3	34	0	15	4	111
February	22	60	36	20	7	41	4	51	6	247
March	18	62	28	23	19	63	2	45	3	263
April	10	44	41	9	7	78	1	48	6	244
May	22	49	27	6	8	41	2	61	7	223
June	14	39	27	6	7	47	2	45	11	198

<sup>1</sup> Some ADP cases had arraignment dates in 2011 but had not yet been disposed as of January 17, 2012 and ultimately became ADP participants.

**Table 3.2. ADP Volume, January 17, 2012 - June 30, 2012**

<b>ADP Site</b>	<b>Bronx</b>	<b>Brooklyn</b>	<b>Manhattan</b>	<b>Queens</b>	<b>Staten Island</b>	<b>Nassau</b>	<b>Westchester</b>	<b>Erie</b>	<b>Onondaga</b>	<b>Total</b>
<b>CASE VOLUME</b>										
All arraignments (ages 16-17 years)	2,799	3,179	2,413	2,883	450	587	452	853	302	13,918
ADP-eligible cases										
Total number of eligible cases	2,613	1,990	1,351	1,189	230	491	27	385	116	8,405
Percent of all arraignments	93%	63%	56%	41%	51%	84%	6%	45%	38%	60%
ADP participants										
Total number of participants	95	281	170	72	51	304	11	265	37	1,286
Percent of all arraignments	3%	9%	7%	2%	11%	52%	2%	31%	12%	9%
Percent of all eligible cases	4%	14%	13%	6%	22%	62%	41%	69%	32%	15%

In part due to eligibility restrictions, only 9% of 16- and 17-year-old cases became ADP participants. Furthermore, even in the smaller universe of cases that were ADP eligible, only 15% ultimately participated. Without conducting a formal process evaluation, any explanation for this low enrollment rate is necessarily speculative. However, several possible reasons can be identified. First, in most counties (except the Bronx, Staten Island, and the subset of Brooklyn and Manhattan cases that respectively originated in the Red Hook and Midtown community courts), cases that did not survive arraignment did not become ADP cases. Second, among at least some judges or attorneys in each court, there may be either a lack of “buy-in” or a lack of knowledge of what the ADP initiative is and who is eligible for it. Third, some counties may not consider the ADP option for cases that are either low-risk (have little need for intervention services) or low-leverage (are likely to receive a case dismissal, ACD, or minimal sentence under conventional prosecution). Fourth, ADP participation in most sites is voluntary; it is unclear how often defendants refuse participation, but since participation can involve multiple months of court-ordered services in many counties, it is possible that defendants often prefer to receive the more short-term sanctions that generally await them via conventional case processing.

Among individual counties, reflecting their use of universal screening and assessment protocols, Nassau and Erie had the highest ADP enrollment rates. Nassau enrolled 52% of all 16- and 17-year-old defendants in the county and 62% of all eligible defendants; and Erie enrolled 31% of all 16- and 17-year-old defendants and 69% of technically eligible ones. In each of the seven other counties, less than 10% of 16- and 17-year-olds became ADP participants, and less than 15% of technically eligible defendants participated.

Table 3.3 provides the baseline characteristics of ADP participants in all nine counties, including demographics (age, sex, and race), criminal history, and charges. Overall, ADP participants were mostly male (72%), black (65%), and divided nearly evenly between 16- and 17-year-olds. Slightly more than one-third (38%) had a prior arrest, and slightly more than one-fifth (22%) had a prior conviction. More than four in five (82%) were charged with a misdemeanor at arraignment, with 10% charged with a felony and 8% with a violation. The most common types of charges involved property offenses (51%), but there was also a notable percentage of violent or weapons charges (17%), with most of these at the misdemeanor level, as well as drug or marijuana charges (17%).

Among individual counties, whereas demographic characteristics were generally distributed similarly, there were a few exceptions. For one, Manhattan was the only county with more female (52%) than male defendants. The percentage with at least one prior arrest was significantly higher in Queens (67%) and the Bronx (60%) than elsewhere, and Queens also had the highest percentage of ADP participants with a prior *felony-level* arrest (37%). Concerning charge severity, the Bronx and Erie were the only two counties where more than 10% of all ADP participants were arraigned on violation charges, whereas Nassau, Westchester, and Erie were the only counties where more than 10% were arraigned on felony charges. These variations notwithstanding, misdemeanors comprised the vast majority of the charges in all nine counties.

**Table 3.3. ADP Baseline Characteristics, Participants Arraigned January-June, 2012**

<b>ADP Site</b>	<b>Bronx</b>	<b>Brook- lyn</b>	<b>Manhat- tan</b>	<b>Queens</b>	<b>Staten Island<sup>8</sup></b>
Number of Cases	134	281	170	76	18
<b>DEMOGRAPHICS</b>					
Age: Percent aged 16 (vs. age 17)	49%	48%	49%	51%	40%
Sex: Percent female	23%	16%	52%	14%	28%
<b>Race</b>					
Black	62%	66%	63%	51%	61%
White	35%	34%	36%	49%	39%
Other	0%	0%	1%	0%	0%
<b>CRIMINAL HISTORY</b>					
Any prior arrest	60%	48%	25%	67%	17%
Any prior felony arrest	16%	20%	8%	37%	6%
Any prior violent felony arrest	11%	13%	4%	12%	6%
Any prior conviction	37%	24%	14%	46%	6%
<b>CURRENT ARRAIGNMENT CHARGES</b>					
<b>Charge Severity</b>					
Felony	2%	2%	1%	1%	0%
Misdemeanor	79%	96%	96%	99%	94%
Violation	19%	2%	3%	0%	6%
<b>Charge Type</b>					
<i>Property Charge</i>					
Petit Larceny (PL 155.25)	14%	5%	65%	10%	33%
Other Theft Offenses (PL 165.00-165.65)	22%	15%	18%	10%	19%
Criminal Trespass (PL 140.05.140.17)	16%	10%	3%	7%	0%
Criminal Mischief and Related (PL 145.00-145.50) <sup>1</sup>	3%	4%	0%	17%	5%
Burglary (PL 140.20-140.35)	0%	0%	1%	0%	0%
Robbery (PL 160)	1%	0%	1%	0%	0%
Grand Larceny (PL 155.30-155.42)	1%	1%	0%	0%	0%
<i>Violent or Weapons Charge</i>					
Assault, Menacing, and Related (PL 120.00-120.25) <sup>2</sup>	11%	19%	0%	21%	0%
Homicide, Manslaughter, and Murder (PL 125)	1%	0%	0%	0%	0%
Sex Offense (PL 130)	0%	0%	0%	1%	0%
Arson (PL 150)	0%	0%	0%	0%	0%
Firearms and Other Weapons (PL 265)	3%	4%	0%	1%	19%
<i>Drug Charge</i>					
Marijuana poss., 5° or less (PL 221.05-221.10)	14%	19%	7%	8%	9%
Marijuana: Other Charges (other PL 221)	1%	3%	0%	1%	5%
Drug Possession (PL 220.03-220.25, 220.45-220.60)	5%	3%	0%	3%	5%
<i>Other Charges</i>					
Resisting Arrest (PL 205.30)	3%	7%	1%	4%	5%
Harassment (PL 240.25-240.32)	0%	0%	0%	1%	0%
Other (total column is 1% or less for any charge)	5%	10%	4%	16%	0%

<sup>8</sup> Staten Island Youth Court participants were not included in this table due to data access limitations. The following tables will also not include Youth Court participants.

**Table 3.3. ADP Baseline Characteristics (Continued)**

	Nassau	Westchester	Erie	Onondaga	Total
Number of Cases	307	11	268	37	1337
<b>DEMOGRAPHICS</b>					
Age: Percent aged 16 (vs. age 17)	39%	36%	52%	50%	47%
Sex: Percent female	32%	36%	24%	43%	28%
Race					
Black	56%	100%	75%	69%	65%
White	44%	0%	25%	31%	35%
Other	0%	0%	0%	0%	0%
<b>CRIMINAL HISTORY</b>					
Any prior arrest	22%	55%	38%	35%	38%
Any prior felony arrest	9%	9%	20%	5%	16%
Any prior violent felony arrest	4%	9%	13%	5%	9%
Any prior conviction	12%	36%	21%	19%	22%
<b>CURRENT ARRAIGNMENT CHARGES</b>					
<b>Charge Severity</b>					
Felony	19%	18%	22%	3%	10%
Misdemeanor	71%	82%	63%	97%	82%
Violation	10%	0%	15%	0%	8%
<b>Charge Type</b>					
<i>Property Charge</i>					
Petit Larceny (PL 155.25)	31%	0%	10%	13%	22%
Other Theft Offenses (PL 165.00-165.65)	6%	0%	6%	11%	12%
Criminal Trespass (PL 140.05.140.17)	1%	0%	8%	11%	7%
Criminal Mischief and Related (PL 145.00-145.50) <sup>1</sup>	8%	0%	10%	14%	7%
Burglary (PL 140.20-140.35)	1%	0%	4%	0%	1%
Robbery (PL 160)	1%	0%	3%	0%	1%
Grand Larceny (PL 155.30-155.42)	2%	0%	2%	0%	1%
<i>Violent or Weapons Charge</i>					
Assault, Menacing, and Related (PL 120.00-120.25) <sup>2</sup>	13%	44%	16%	18%	14%
Homicide, Manslaughter, and Murder (PL 125)	0%	0%	0%	0%	0%
Sex Offense (PL 130)	2%	0%	0%	0%	1%
Arson (PL 150)	0%	0%	0%	3%	0%
Firearms and Other Weapons (PL 265)	2%	0%	2%	0%	2%
<i>Drug Charge</i>					
Marijuana poss., 5 <sup>o</sup> or less (PL 221.05-221.10)	3%	0%	3%	0%	11%
Marijuana: Other Charges (other PL 221)	6%	0%	5%	0%	1%
Drug Possession (PL 220.03-220.25, 220.45-220.60)	6%	0%	6%	16%	5%
<i>Other Charges</i>					
Resisting Arrest (PL 205.30)	0%	22%	2%	11%	3%
Harassment (PL 240.25-240.32)	3%	0%	7%	0%	2%
Other (total column is 1% or less for any charge)	16%	33%	16%	3%	9%

<sup>1</sup> This category includes criminal mischief, criminal tampering, and reckless endangerment of property.<sup>2</sup> This category includes assault, menacing, hazing, reckless endangerment charges.

Table 3.4 again displays the characteristics of the ADP participants, only this time with a comparison to those who were eligible but did not participate and to those who were ineligible. Most of the same variables from Table 3.3 are included. Statistically significant between-group differences are indicated (based on ANOVAs).

As discussed previously, misdemeanors were especially common among ADP participants. Whereas 82% of ADP participants were arraigned on a misdemeanor, among ineligible cases, 31% were arraigned on a misdemeanor, 38% on a felony and 32% on a violation. ADP cases were also much more often female (28%) than either non-participating but technically eligible cases (20%) or ineligible cases (18%).

Interestingly, the average predicted risk of re-offense was relatively similar across the three groups represented in Table 3.4 (average 20% predicted risk of six-month re-arrest among ADP cases, 22% among non-participating but eligible cases, and 17% among ineligible cases). However, the relative risk composition of the ADP participant population varies by county, with the Bronx, Brooklyn, Queens, and Nassau tending to enroll a higher-risk population than non-participating cases, and Manhattan tending to enroll a lower-risk population, than non-participating cases. Queens appears to have adopted the most high-risk focus of any county. ADP participants in Queens averaged a 32% predicted risk of re-arrest within six months, which is higher than the average predicted risk among ADP participants in any other county and higher than the predicted risk of non-participating eligible cases or ineligible cases within the county of Queens. Similarly, ADP participants in Queens had the most extensive prior criminal history than participants in any other county. ADP participants in Queens averaged 2.00 prior arrests, which is significantly more than participants in any other county as well as more than the average within Queens for non-participating eligible cases (1.23) and for ineligible cases (0.91). It is important to note that although Queens maintains a consistent and singular focus on high risk cases, even many high-risk cases (with 2 or more prior arrests), the overall caseload in Queens is relatively low, and many high-risk cases did not participate.

**Table 3.4. Characteristics of ADP Participants and Other 16- and 17-year-olds Arraigned January 17, 2012 - June 30, 2012**

ADP Site	Bronx			Brooklyn			Manhattan			Staten Island			Queens			
Sample	ADP	Elig	Inelig	ADP	Elig	Inelig	ADP	Elig	Inelig	ADP	Elig	Inelig	ADP	Elig	Inelig	
Number of Cases	95	2,369	175	281	1,717	1,166	170	1,189	1,052	16	218	215	72	1,115	1,669	
<b>DEMOGRAPHICS</b>																
Age				*												
16 years	43%	46%	46%	48%	44%	49%	49%	43%	44%	39%	46%	40%	50%	44%	47%	
17 years	57%	54%	54%	52%	56%	51%	51%	57%	56%	61%	54%	60%	50%	56%	53%	
Sex: Percent female	26%	14%	13%	16%**	20%	14%	52%***	27%	19%	28%**	26%	13%	14%***	20%	12%	
Race/ethnicity				***				**				***				
Black	55%	66%	69%	66%	79%	82%	63%	65%	71%	61%	53%	51%	51%	53%	62%	
White	45%	34%	31%	34%	21%	18%	36%	35%	29%	39%	47%	49%	49%	46%	36%	
Other	0%	0%	0%	0%	0%	0%	1%	0%	0%	0%	0%	0%	0%	1%	2%	
<b>CRIMINAL HISTORY</b>																
Number of prior arrests	1.66**	0.97	0.72	1.22***	1.42	0.96	0.51**	1.02	0.89	0.63	1.06	0.60	2.00***	1.23	0.91	
Any prior arrest	59%**	38%	32%	48%***	55%	40%	25%***	45%	36%	17%**	44%	32%	67%***	50%	40%	
Any prior felony arrest	12%***	9%	13%	20%***	26%	18%	8%*	16%	15%	6%*	15%	7%	37%***	21%	14%	
Any prior violent felony arrest	8%	7%	9%	13%*	17%	14%	4%*	10%	10%	6%	9%	5%	12%***	14%	9%	
Any prior conviction	34%***	15%	11%	24%***	21%	20%	14%**	24%	20%	6%*	20%	11%	46%***	26%	20%	
<b>CHARGE SEVERITY</b>																
Violent felony offense	0%	0%	64%	1%	0%	42%	0%	0%	17%	0%	0%	14%	0%	0%	19%	
Nonviolent felony	2%	0%	25%	1%	0%	12%	0%	0%	12%	0%	0%	8%	0%	0%	7%	
A misdemeanor	60%	31%	9%	72%	69%	0%	90%	77%	32%	89%	70%	13%	88%	65%	14%	
B or U misdemeanor	20%	17%	0%	24%	31%	0%	7%	23%	7%	6%	30%	21%	13%	35%	16%	
Violation	18%	52%	2%	2%	0%	46%	3%	0%	31%	6%	0%	44%	0%	0%	44%	
<b>RISK LEVEL</b>																
Mean risk score	.23***	0.19	0.16	0.24	0.25	0.16	0.15***	0.21	0.18	0.18	0.23	0.16	0.32***	0.25	0.18	
Risk level	***				***				***				***			
Low risk	24%	30%	51%	20%	16%	49%	49%	25%	42%	19%	27%	46%	8%	20%	40%	
Moderate risk	21%	38%	29%	37%	35%	25%	31%	36%	30%	62%	33%	29%	28%	34%	30%	
High risk	55%	32%	20%	43%	49%	26%	20%	39%	28%	19%	40%	25%	64%	46%	30%	

**Table 3.4. Characteristics of ADP Participants (Continued)**

ADP Site	Nassau			Westchester			Erie			Onondaga			All Sites		
Sample	ADP	Elig	Inelig	ADP	Elig	Inelig	ADP	Elig	Inelig	ADP	Elig	Inelig	ADP	Elig	Inelig
Number of Cases	304	119	94	11	20	415	265	131	457	37	83	181	1,251	7,051	5,365
<b>DEMOGRAPHICS</b>															
Age	*						**						+		
16 years	39%	28%	39%	36%	65%	46%	51%	35%	44%	46%	40%	46%	46%	44%	46%
17 years	61%	72%	61%	64%	35%	54%	49%	65%	56%	54%	60%	64%	54%	56%	54%
Sex: Percent female	33%***	25%	6%	36%	35%	25%	24%***	27%	42%	43%**	45%	24%	28%***	20%	18%
Race/ethnicity	**			**			***			***			***		
Black	56%	53%	78%	100%	79%	53%	75%	67%	49%	69%	76%	38%	65%	67%	65%
White	44%	47%	22%	0%	21%	47%	25%	33%	51%	31%	24%	62%	35%	33%	34%
Other	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	1%
<b>CRIMINAL HISTORY</b>															
Number of prior arrests	0.35	0.31	0.43	0.82	0.25	0.55	0.75	0.94	0.66	0.88***	0.49	0.61	.88***	1.11	0.83
Any prior arrest	21%+	18%	30%	55%	20%	29%	38%*	44%	32%	32%	25%	33%	38%***	45%	37%
Any prior felony arrest	9%*	7%	18%	9%	0%	14%	20%**	28%	15%	5%	13%	18%	15%*	17%	15%
Any prior violent felony arrest	4%**	3%	12%	9%	0%	10%	13%*	15%	7%	5%	6%	8%	9%*	11%	10%
Any prior conviction	13%*	7%	17%	36%+	5%	19%	21%**	28%	15%	19%	13%	15%	21%***	22%	18%
<b>CHARGE SEVERITY</b>	***			*			***			***			***		
Violent felony offense	1%	0%	92%	9%	0%	22%	8%	36%	11%	3%	0%	24%	2%	1%	26%
Nonviolent felony	18%	9%	5%	9%	0%	12%	14%	21%	12%	0%	0%	42%	8%	1%	12%
A misdemeanor	67%	29%	2%	82%	85%	47%	53%	33%	71%	87%	87%	31%	70%	55%	22%
B or U misdemeanor	4%	7%	1%	0%	15%	18%	10%	5%	5%	11%	13%	3%	12%	24%	9%
Violation	10%	55%	0%	0%	0%	2%	15%	5%	1%	0%	0%	0%	8%	20%	32%
<b>RISK LEVEL</b>															
Mean risk score	0.16	0.13	0.14	0.22	0.18	0.17	0.20*	0.18	0.17	0.20	0.18	0.17	0.20***	0.22	0.17
Risk level	***												***		
Low risk	41%	57%	66%	36%	30%	42%	35%	42%	41%	32%	37%	47%	32%	25%	44%
Moderate risk	43%	27%	16%	27%	45%	33%	37%	36%	30%	38%	42%	25%	36%	36%	29%
High risk	16%	15%	18%	36%	25%	25%	28%	28%	23%	30%	20%	28%	32%	39%	27%

+p<.10,\* p<.05, \*\* p<.01, \*\*\*p<.001

Note: Significance denotations indicate statistically significant ANOVAs, except for race and charge severity, for which significance denotations indicate statistically significant chi squared tests.

## Chapter 4

### Compliance with Court-Ordered Services

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This chapter reports on compliance with assigned services for ADP participants in the Bronx, Brooklyn, Manhattan, and Nassau, the four counties for which compliance data was available. In Brooklyn and Manhattan, all ADP participants countywide had their services assigned and compliance monitored by clinical staff at preexisting community courts, the Red Hook Community Justice Center and Midtown Community Court respectively. In the Bronx, service linkages and compliance monitoring was conducted by Bronx Community Solutions, a preexisting alternative sanctions program. These programs were already routinely ordering social and community service participation to adult criminal defendants, with some services specifically designed for youth (considered 16 to 24 years of age). Under their ADP initiatives, these programs created new classes for the ADP participants and performed additional clinical assessments to determine the precise service needs of those receiving longer mandates. Nassau did not have a preexisting alternative sanctions program, but obtained funding for new clinical staff, who would be dedicated to work with ADP participants.

As shown in Table 4.1, in Brooklyn, Manhattan, and Nassau, the vast majority of ADP participants participated in social services, either with or without an adjunct community service mandate. (Service utilization data was unavailable for Nassau County, but based on its policies, all of Nassau's participants received treatment or social services.) By comparison, the Bronx ordered more than two-thirds (69%) of its ADP participants to community service only.

Mandate length typically ran from 1 to 5 days in the Bronx, Brooklyn, and Manhattan, with only 8% of cases in these sites receiving mandates of longer than 5 days, and only Brooklyn cases (14% in Brooklyn) receiving mandates of longer than 30 days. In Brooklyn, longer mandates variously include individual counseling for 12, 24, or 36 sessions, with an average of one session per week. (For example, 12-session counseling mandates take approximately 90 days to complete and include court appearances and drug testing as well.) Data related to mandate length was unavailable for Nassau as well as the five other ADP counties. Based on their policies, Staten Island is the only other county that tends to employ relatively short mandates. In Queens, Nassau, Westchester, and Onondaga, mandates of three to six months are common, and in Erie, mandates commonly run from six months to one year.

Specific social services vary from site to site, with the Adolescent Resource Group, Motivating Youth, and individual counseling services as the most often used services in the Bronx, Brooklyn, and Manhattan. (The classes listed in Table 4.1 are each defined in Appendix B.)

As shown in Table 4.2, the average compliance rate for all four sites represented was 80% (calculated only for those participants that were ordered to services). This result indicates that ADP participants are very likely to comply with their mandate, meaning that any recidivism effect can be plausibly related back to their service participation. Among the four counties, Nassau had the highest compliance rate (92%), followed by Manhattan (82%).

**Table 4.1. Types of Services Assigned to ADP Participants**

<b>ADP Site</b>	<b>Bronx</b>	<b>Brooklyn</b>	<b>Manhattan</b>	<b>All Sites</b>
<b>Site for Service Assignment and Monitoring</b>	<b>Bronx Community Solutions</b>	<b>Red Hook Community Justice Center</b>	<b>Midtown Community Court</b>	<b>All Sites</b>
Number of ADP Participants	192	229	363	784
<b>GENERAL MANDATE TYPES</b>				
Community service only	69%	7%	17%	31%
Social service only	17%	79%	18%	38%
Community and social service	10%	14%	66%	30%
<b>MANDATE LENGTH</b>				
1-2 days/sessions	53%	59%	73%	62%
3-5 days/sessions	32%	19%	22%	24%
6-11 days/sessions	3%	8%	4%	5%
12 session/90 days	0%	6%	0%	2%
24 sessions/6 months	0%	5%	0%	2%
36 sessions/9 months	0%	3%	0%	1%
<b>SOCIAL SERVICE OPTIONS</b>				
Adolescent Resource Group		42%	71%	38%
Motivating Youth	27%	18%	1%	15%
Adolescent Individual Counseling Session		10%	8%	6%
Counseling Services of Eastern District NY		17%		6%
BCS Y.I.P	13%			4%
Youth Anger Management		11%		4%
Youth Life Skills	13%			4%
Clinic Evaluation		6%		2%
Marijuana Group/Cannibas Awareness group		1%	1%	1%
Conflict Resolution	4%			1%
Anti-shoplifting group			1%	0%
Long-term treatment (> 90 days)		14%		5%
Youth Impact Panel			1%	0%
Other ADP-specific mandate	42%	21%	2%	22%
Other non-ADP specific social service		26%		9%

**Table 4.2. Compliance Rates**

<b>ADP Site</b>	<b>Bronx</b>	<b>Brooklyn</b>	<b>Manhattan</b>	<b>Nassau</b>	<b>All Sites</b>
<b>Site for Service Assignment and Monitoring</b>	<b>Bronx Community Solutions</b>	<b>Red Hook Community Justice Center</b>	<b>Midtown Community Court</b>	<b>Nassau District Court<sup>1</sup></b>	<b>All Sites</b>
Number of ADP Participants	192	229	165	142	728
<b>OVERALL COMPLIANCE</b>	<b>74%</b>	<b>73%</b>	<b>82%</b>	<b>92%</b>	<b>80%</b>
<b>COMPLIANCE BY MANDATE TYPE</b>					
Community service only	71%	79%	68%	N/A	73%
Social service only	83%	74%	84%	92%	83%
Community and social service	95%	62%	85%	N/A	81%
<b>COMPLIANCE BY MANDATE LENGTH</b>					
1-2 days/sessions	75%	74%	89%		79%
3-5 days/sessions	74%	93%	65%		77%
6-11 days/sessions	100%	73%	50%		74%
11 + days/sessions	100%	67%	0%		84%
<b>COMPLIANCE BY SERVICE TYPE</b>					
Motivating Youth	100%	93%	100%		98%
Youth Life Skills	100%				100%
BCS Y.I.P	83%				83%
Conflict Resolution	100%				100%
Other non-ADP specific social service	89%	60%	100%		83%
Other ADP-specific social service		69%			69%
Adolescent Individual Counseling Session		59%	73%		61%
Marijuana Group/Cannibas Awareness group		33%	100%		67%
Adolescent Resource Group		91%	95%		93%
Youth Anger Management		92%	100%		96%
Counseling Services of Eastern District NY		83%			83%
Long-term treatment (> 90 days)		37%			37%
Clinic evaluation		67%			67%
Anti-shoplifting group			100%		100%
Youth Impact Panel			100%		100%

<sup>1</sup> The number of Nassau ADP participants for which compliance can be tracked (142) is less than half its total number of participants (301).

As with other sites, a small number of cases (16) enrolled January through June 2012 were still pending as of when data was obtained. In addition, compliance data was unavailable for 17 cases. Most importantly, the Nassau model involves universal screening of all ADP participants, leading many ostensible participants not to be linked to services, because they are assessed as low-risk and are therefore granted a case dismissal in lieu of service participation. Compliance is only calculated for those participants that are ordered to services. Please note also that data on mandate length and specific service types was unavailable for Nassau County.

## Chapter 5

### Impact on Case Outcomes and Recidivism

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This chapter reports findings from the impact study of ADP initiatives in six counties: the Bronx, Brooklyn, Manhattan, Queens, Nassau, and Erie. The first section examines case dispositions and sentences on the initial court case; the second section examines recidivism; and the third section examines the moderating effect of defendant risk level on recidivism impacts.

#### **Program Impact on Case Dispositions and Sentences**

Table 5.1 compares the case dispositions and sentences of ADP participants and their matched comparison cases. The bottom portion of the table compares select case outcomes after implementing the second method that is described in Chapter 2, which involves automatically excluding case dismissals from the comparison group.

Overall, ADP and comparison cases had similar case dispositions (36% of both samples pled guilty).<sup>9</sup> Results were broadly similar across individual counties, with two exceptions: The Nassau ADP initiative significantly reduced guilty pleas (16% v. 45%), whereas the Erie initiative significantly increased guilty pleas (51% v. 36%).

In both samples, guilty pleas rarely resulted in a permanent criminal record. Among comparison cases, only 1.9% ended in a felony or misdemeanor criminal conviction. Other guilty pleas ended in non-criminal violation-level convictions or YO findings. This breakdown was unavailable for the ADP sample, but there is little indication that the results for ADP cases differed.

On average, the use of jail did not significantly differ between ADP and comparison cases, although ADP cases were significantly *less* likely to be sentenced to jail sentence in Brooklyn (0.4% v. 2%) and Nassau (0% v. 4%).

When isolating the use of jail among those cases that pled guilty, jail was a less common sentence among ADP than comparison cases overall (10% v. 13%), with Brooklyn and Nassau again showing the greatest reductions in use of jail amongst the six counties. Nassau also made significantly less frequent use of probation sentences among ADP than comparison cases. Combining jail and probation, 2% of ADP compared to 22% of comparison cases that pled guilty in Nassau received a jail or probation sentence.

When relying on the second method of analyzing case dispositions (bottom of Table 5.1), guilty pleas appeared somewhat less likely among ADP cases than comparison cases (36% v. 42%). Patterns within counties changed slightly but not demonstrably when moving from the first to the second method. In general, it does not appear that the decision of whether to allow dismissed cases into the comparison sample fundamentally changed the substance of our findings.

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<sup>9</sup> Straight dismissals were somewhat more common among ADP cases, and ACDs were somewhat more common among comparison cases, but ultimately, ACDs almost always end in dismissal six months later.

**Table 5.1. Impact on Case Outcomes**

ADP Site	Bronx		Brooklyn		Manhattan		Queens	
	Comp	ADP	Comp	ADP	Comp	ADP	Comp	ADP
Total Number of Cases	252	126	504	252	316	158	90	45
Number for Disposition Method #2	174	87	376	188	288	144	70	35
Number With Sentence Imposed <sup>1</sup>	101	62	135	147	74	70	35	29
<b>CASE DISPOSITION</b>				***		*		
Dismissed	20%	17%	15%	37%	5%	0%	12%	7%
ACD	40%	34%	58%	33%	71%	80%	47%	42%
Pled guilty	41%	49%	27%	30%	24%	20%	41%	51%
<i>Non-YO Criminal Conviction<sup>2</sup></i>	0.0%		1.0%		1.6%		2.2%	
<b>USE OF JAIL</b>								
Jail sentence	2%	2%	2%	0.4%*	2%	1%	6%	4%
Average days sentenced to jail	1.48	0.14	0.21	0.06	0.24	0.23	2.21	3.00
<b>SENTENCE (if sentenced)</b>		***		***				***
Jail	4%	3%	9%	1%	10%	9%	14%	9%
Straight probation	0%	0%	0%	0%	0%	5%	0%	0%
Community and/or social service <sup>4</sup>	21%	97%	27%	99%	72%	86%	20%	91%
Time served	5%	0%	53%	0%	16%	0%	11%	0%
Fine	10%	0%	2%	0%	1%	0%	9%	0%
Conditional Discharge	60%	0%	10%	0%	1%	0%	46%	0%
<b><u>ALTERNATIVE METHOD:</u></b>								
<b>CASE DISPOSITION</b>		**		***				
Dismissed	0%	8%	0%	40%	0%	0%	0%	6%
ACD	50%	41%	68%	30%	75%	83%	47%	37%
Pled guilty	50%	51%	32%	30%	25%	17%	53%	57%
<i>Non-YO Criminal Conviction</i>	0.0%		0.8%		1.4%		2.9%	
<b>USE OF JAIL</b>								
Jail sentence	2%	1%	2%	0.5%	2%	1%	7%	6%
Average days sentenced to jail	2.15	0.17	0.22	0.08	0.17	0.05	2.84	3.86

**Table 5.1. Impact on Case Outcomes (Continued)**

ADP Site	Nassau		Erie		All Sites	
	Comp	ADP	Comp	ADP	Comp	ADP
Total Number of Cases	151	267	130	228	1,443	1,076
Number for Disposition Method #2	142	250	106	185	1,156	889
Number With Sentence Imposed <sup>1</sup>	61	189	46	162	446	659
<b>CASE DISPOSITION</b>		***		*		***
Dismissed	7%	68%	19%	17%	13%	24%
ACD	48%	17%	45%	32%	52%	40%
Pled guilty	45%	16%	36%	51%	36%	36%
<i>Non-YO Criminal Conviction</i>	4.6%		2.3%		1.9%	
<b>USE OF JAIL</b>						
Jail sentence	4%	0%**	11%	16%	4%	4%
Average days ( <i>all cases</i> )	2.52	0+	6.60	7.89	2.21	1.89
<b>SENTENCE (if sentenced)</b>		***		***		***
Jail	10% <sup>3</sup>	0%	30%	31%	13%	10%
Straight probation	12%	2%	2%	3%	2%	1%
Community and/or social service <sup>5</sup>	0%	98%	0%	64%	23%	89%
Time served	3%	0%	15%	2%	17%	1%
Fine	25%	0%	2%	0%	8%	0%
Conditional Discharge	51%	0%	50%	0%	37%	0%
<b><u>ALTERNATIVE METHOD:</u></b>						
<b>DISPOSITION: METHOD #2</b>		***		***		***
Dismissed	0%	68%	0%	19%	0%	24%
ACD	52%	16%	56%	35%	58%	41%
Pled guilty	48%	15%	44%	46%	42%	36%
<i>Non-YO Criminal Conviction</i>	4.9%		2.8%		2.2%	
<b>USE OF JAIL</b>						
Jail or prison sentence ( <i>all cases</i> )	4%	0%**	13%	16%	5%	4%
Average days ( <i>all cases</i> )	2.68	0+	8.09	8.24	2.69	2.07

+p<.10,\* p<.05, \*\* p<.01, \*\*\*p<.001

Note: Due to rounding not all sets of percentages add up to 100%.

<sup>1</sup> Sample sizes for sentenced cases were slightly smaller than for all cases with a pled guilty disposition. Not all convicted cases had been sentenced as of when court data was obtained, and sentencing data may be missing for a small number of cases.

<sup>2</sup> Non-YO convictions include cases convicted and sentenced on a felony or misdemeanor and not designated as a Youthful Offender (YO). (Non-YO cases typically have a prior felony conviction or felony YO on their record.)

<sup>3</sup> This category includes 1 comparison case in Nassau County that was sentenced to a jail/probation split sentence.

<sup>4</sup> Virtually all ADP cases participate in community or (in most cases) social service interventions. Those not classified in this category were resentenced to probation or jail. For the comparison group, data for Nassau and Erie Counties did not enable determining community or social service sentences, so a percentage of comparison cases in those counties may have had such sentences, data notwithstanding. For comparison cases in other counties, community, but not social, service data was available.

Table 5.2 compares case outcomes for the larger pool of cases meeting each county’s ADP eligibility criteria in the first six months of 2011 (prior to implementation) and the first six months of 2012 (post-implementation). These comparisons reveal relatively greater changes than in the preceding analysis, which compared actual ADP participants to matched comparison cases. Across all six sites, in 2012 as compared with 2011, cases meeting each county’s ADP eligibility criteria became less likely to plead guilty (22% v. 32%) and more likely to receive a straight dismissal (27% v. 17%). (The use of ACDs did not change.) Nassau saw a particularly large decrease in guilty pleas among 2012 compared to 2011 cases (19% v. 37%), whereas Erie saw a significant increase in guilty pleas in 2012 (47% vs. 41%). In addition, significantly fewer ADP eligible cases received a jail sentence in 2012 than 2011 (3% v. 5%) and within counties, 2012 saw a significant decrease in the use of jail in Brooklyn, Manhattan, Queens, and Nassau. Any explanation for these findings is necessarily speculative.

**Table 5.2. Impact on Case Outcomes (All ADP-Eligible Cases)**

ADP Site	Bronx		Brooklyn		Manhattan		Queens	
	Pre	Post	Pre	Post	Pre	Post	Pre	Post
Total Number of Cases	2,985	2,365	2,513	1,805	1,443	1,247	826	998
Number With Sentence Imposed <sup>2</sup>	771	390	680	432	449	376	263	213
<b>CASE DISPOSITION</b>								
Dismissed	40%	47%***	16%	19%**	8%	3%***	13%	11%
ACD	36%	33%*	56%	55%	61%	68%***	56%	64%***
Pled guilty	24%	20%**	28%	26%*	31%	29%	32%	25%**
<b>USE OF JAIL</b>								
Jail sentence	0.5%	0.4%	3%	2%*	5%	3%***	5%	2%***
Average days sentenced to jail	0.29	0.24	0.32	.22	1.26	0.37*	1.34	0.5*
<b>SENTENCE (if sentenced)</b>								
Jail <sup>3</sup>	6%	2%	9%	7%	17%	8%***	18%	8%**
Straight probation	0%	0.4%	0%	0%	1%	0.2%	1%	0%
Community and/or social service <sup>4</sup>	17%	17%	23%	36%***	53%	62%**	21%	35%**
Time served	1%	7%	53%	42%***	19%	18%	8%	7%
Fine	23%	23%	4%	8%**	8%	10%	7%	11%
Conditional discharge	50%	50%	11%	8%*	3%	2%	45%	39%

**Table 5.2. Impact on Case Outcomes (All ADP-Eligible Cases) (Continued)**

ADP Site	Nassau		Erie		All Sites <sup>1</sup>	
	Pre	Post	Pre	Post	Pre	Post
Total Number of Cases	499	428	345	310	8,611	7,153
Number With Sentence Imposed <sup>2</sup>	142	97	144	134	2,449	1,642
<b>CASE DISPOSITION</b>						
Dismissed	6%	53%***	24%	20%*	17%	27%***
ACD	58%	29%***	35%	33%***	51%	52%
Pled guilty	37%	19%***	41%	47%***	32%	22%***
<b>USE OF JAIL</b>						
Jail sentence	3%	0%***	9%	14%*	5%	3%***
Average days sentenced to jail	1.27	0*	4.60	6.49	1.52	0.97***
<b>SENTENCE (if sentenced)</b>						
Jail <sup>3</sup>	9%	0.2%**	22%	32%+	14%	9%***
Straight probation	10%	2%*	4%	3%	3%	1%***
Community and/or social service <sup>4</sup>	0%	47%***	0%	53%***	19%	40%***
Time served	3%	2%	17%	5%**	18%	13%***
Fine	38%	46%	7%	2%+	13%	19%***
Conditional discharge	41%	4%***	49%	6%***	34%	18%***

+p<.10, \* p<.05, \*\* p<.01, \*\*\*p<.001

Note: Due to rounding not all sets of percentages add up to 100%. To control for propensity score ANOVAs were conducted with propensity score as a covariate. Thus, significance tests were conducted for each parameter in multi-category variables (e.g., dismissed, ACD, and pled guilty) in lieu of chi-squared tests.

<sup>1</sup> The analyses for all sites do not control for propensity score, since we lack a propensity score variable that is appropriate for all six sites combined.

<sup>2</sup> Sample sizes for sentenced cases were slightly smaller than for all cases with a pled guilty disposition. Not all pled guilty cases had received their sentence as of when court data was obtained, and sentencing data may be missing for a small number of other cases as well.

<sup>3</sup> This category includes 1 comparison case in Brooklyn and 3 in Nassau that were sentenced to a jail/probation split.

<sup>4</sup> All ADP cases participate in community or (in most cases) social service interventions. Those not so classified were resentenced to probation or jail. For the comparison group, Nassau and Erie data did not enable determining community or social service sentences, nor did comparison data elsewhere enable determining social services (see Table 5.1, fnt. 4).

**Table 5.3. Impact on Re-Arrest**

ADP Site	Bronx		Brooklyn		Manhattan		Queens	
Sample	Comp	ADP	Comp	ADP	Comp	ADP	Comp	ADP
Number of Cases	256	128	540	270	316	158	144	72
<b>RE-ARREST IN SIX MONTHS</b>								
Number of re-arrests	0.29	0.24	0.4	0.47	0.21	0.12+	0.5	0.43
Any re-arrest	20%	13%+	28%	27%	12%	11%	28%	35%
Any felony re-arrest	5%	2%	11%	12%	3%	3%	19%	3%***
Any violent felony re-arrest	2%	2%	7%	8%	2%	2%	8%	1%*
ADP Site	Nassau		Erie		Total			
Sample	Comp	ADP	Comp	ADP	Comp	ADP		
Number of Cases	151	301	132	263	<b>1,539</b>	<b>1,192</b>		
<b>RE-ARREST IN SIX MONTHS</b>								
Number of re-arrests	0.16	0.17	0.33	0.48*	<b>0.32</b>	<b>0.32</b>		
Any re-arrest	13%	14%	24%	34%*	<b>21%</b>	<b>22%</b>		
Any felony re-arrest	8%	7%	11%	18%+	<b>10%*</b>	<b>8%</b>		
Any violent felony re-arrest	5%	3%	10%	8%	<b>5%+</b>	<b>4%</b>		

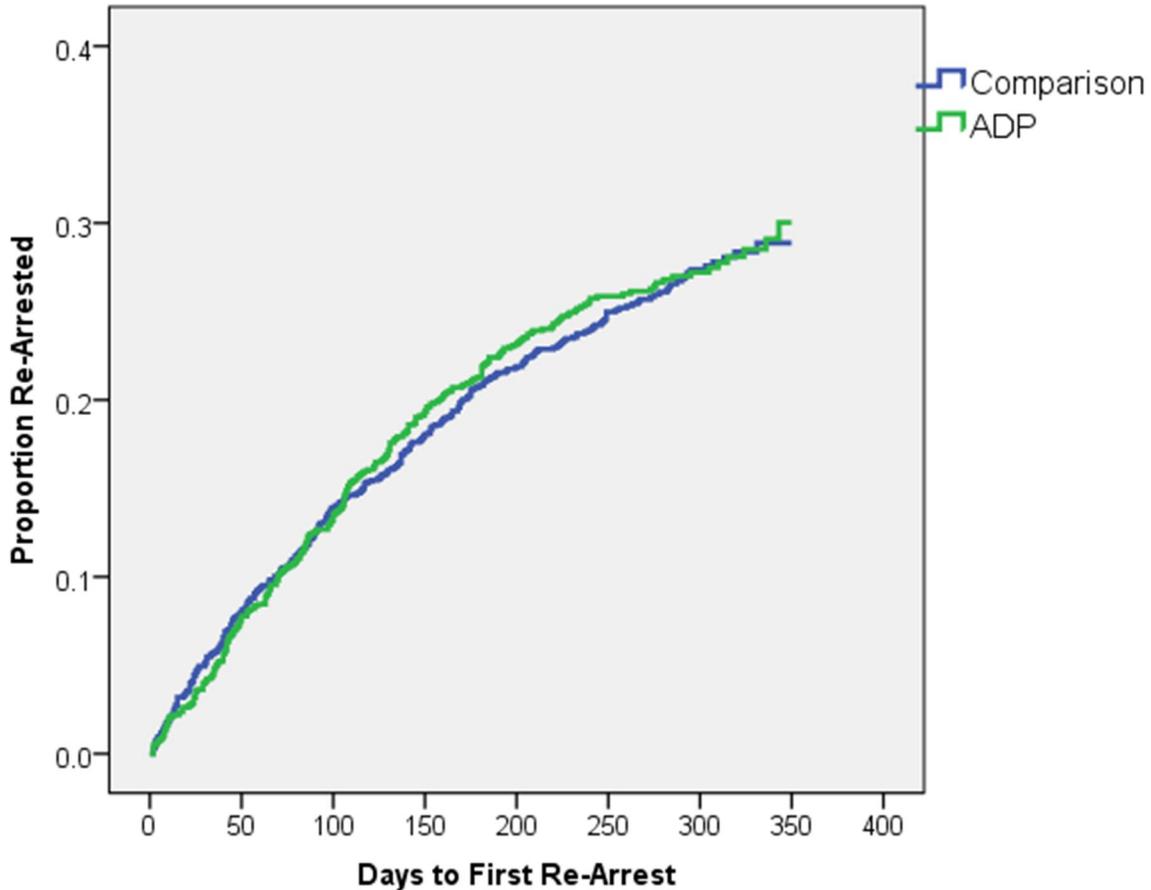
+p<.10, \* p<.05, \*\* p<.01, \*\*\*p<.001

### Impact on Recidivism

Table 5.3 reports on re-arrests within six months of arraignment. Overall, the results show a statistically identical re-arrest rate between ADP and comparison cases (22% v. 21%). However, ADP participants were significantly *less* likely than comparison cases to be re-arrested on felony charges (8% v. 10%) and appeared less likely to be re-arrested on violent felony charges as well (4% v. 5%,  $p < .10$ ).

Among individual counties, the Queens ADP program significantly reduced the re-arrest rate on felony (3% v. 19%) and violent felony (1% v. 8%) charges. In addition, the Bronx initiative appeared to reduce the re-arrest rate for any crime (13% v. 20%,  $p < .10$ ). Conversely, the Erie initiative produced a significant *increase* in re-arrests for any crime (34% v. 24%).

**Figure 5.1. Days to Re-Arrest (Maximum Tracking Period = 350 Days)**



We also conducted a survival analysis using up to a 350-day tracking period. (Those cases that were initially arraigned towards the outset of our sampling period could be tracked for longer than those cases that were arraigned relatively later.) Figure 5.1 provides a visual representation of the multisite results for ADP and comparison cases. The figure displays the percentage from each sample that was re-arrested after increasing tracking periods up to a maximum of 350 days. A simple visual inspection makes clear that the curves do not significantly differ, confirming the findings of the six-month analysis that ADP participation neither increased nor decreased re-arrests on average. In results not shown, analyses in individual counties indicated that the Queens ADP initiative significantly decreased re-arrest for a felony over the full 350-day tracking period, and the Bronx appeared to decrease re-arrest for both any crime and for a felony (both of the Bronx findings were at  $p < .10$ ). Conversely, Erie significantly increased the likelihood of re-arrest for any crime (a finding that is further explained below). In general, the county-specific findings in the survival analysis mirrored the six-month results, suggesting that even though the six-month results involved a relatively short tracking period, they may nonetheless be indicative of the longer-term patterns.

## The Moderating Effect of Risk of Re-Offense

We sought to understand the degree to which each youth's risk of re-arrest can be predicted from available static characteristics, which included criminal history, current charges, age, and sex. We then sought to test whether those youth whose characteristics led them to be higher-risk were especially likely to benefit from the services provided through the ADP initiative.

### General Predictors of Recidivism

Table 5.4 displays the results of two analyses predicting re-arrest within six months of arraignment. Model 1 includes results for *all* 16- and 17-year-old defendants arraigned in all nine ADP counties from January 17, 2011 through June 30, 2011. Model 2 only includes results for the matched comparison sample that was used in the six-site impact study.

The results indicate that in general, the following characteristics were associated with a higher risk of re-arrest: male sex; at least one prior arrest, at least one prior felony arrest, a misdemeanor or felony arraignment charge on the current case (but not a violation charge); and a non-marijuana charge on the current case. (Conversely, youth with a violation-level charge or a marijuana charge were particularly *unlikely* to be re-arrested.) Of all of these characteristics, an inspection of the regression coefficients in Table 5.4 suggests that having a prior arrest and male sex are the most powerful predictors of recidivism among the 16- and 17-year-old defendant population.

Of further interest, when controlling for other available characteristics, having a prior violent arrest is associated with a *decreased* rather than an increased probability of re-arrest, and having a violent charge on the current case has no statistical relationship with re-arrest. In separate analyses (results not shown) predicting a felony-level re-arrest and a violent felony re-arrest, prior or current violence also was *not* associated with re-offending.

### The Moderating Effect of Risk on the Impact of ADP Participation

We sought to test the applicability of the Risk-Need-Responsivity Principle, which holds that interventions are most effective with moderate- and high-risk individuals and can be counter-productive with low-risk individuals. Confirming this principle, the results in Table 5.5 (Model 1) indicate that ADP participation had an increasingly positive effect in reducing the likelihood of re-arrest as the predicted risk score of the defendant grew higher. In short, higher-risk youth benefitted more from their ADP participation than lower-risk youth.

To explore this relationship further, we divided the sample into five strata, respectively including those with a predicted risk of re-arrest of .10 or less; .10 to .20; .20 to .30; .30 to .40; and .40 or higher. The results in Table 5.5 (Model 2) indicate that ADP participation was significantly more likely to reduce re-arrest among those in the fourth and fifth strata than among those in the first stratum, for whom ADP participation actually *increased* the likelihood of re-arrest. (See the positive coefficient next to the parameter coefficient for sample, which essentially indicates the interaction of ADP sample with the lowest-risk of the five strata).

**Table 5.4. Logistic Regression Predicting Re-Arrest within Six Months**

<b>Model</b>	<b>Model 1</b>	<b>Model 2</b>
<b>Sampling Frame</b>	<b>All 16- and 17-year-olds Arraigned January 17, 2010-June 30, 2011</b>	<b>Matched Impact Study Comparison Sample</b>
Number of Cases	15,453	1,532
Number of Cases Re-Arrested	3,334 (22%)	326 (21%)
<i>Parameter Estimates:</i>		
Female sex (vs. male sex)	-.700***	-.785***
Age 17 (vs. age 16)	-.298***	-.468**
Any prior arrest	1.127***	1.235***
Any prior felony arrest	.318***	.358+
Any prior violent felony arrest	-.284**	-.513+
Any prior felony conviction		.503
Arrest charge severity (ref = violation)		
Felony	.505***	.089
Misdemeanor	.453***	.575+
Violent felony offense (VFO) arraignment <sup>1</sup>	-.178	
Arrest charge type (ref = other)		
Crime against person	.074	-.393+
Property crime	-.111*	-.308+
Drug crime (not marijuana)	.589	.487
Marijuana possession, 5th degree or less	-.253***	-.550*
Constant	5.639*	5.639*
Chi squared	1177.744	156.595***
Nagelkerke R2	.113	.151

+p<.10, \* p<.05, \*\* p<.01, \*\*\*p<.001

*Note:* Logistic regression (logodds) coefficients are displayed. Due to missing sex or violent felony offense (VFO) charge status, 163 cases were missing in Model 1. Due to missing sex information, 7 cases were missing in Model 2 (and their risk scores were computed upon a second model that omitted sex).

<sup>1</sup> Due to the exclusion of defendants with violent felony offense (VFO) arraignment charges in all sites except Erie County, only 1.4% of the sample had a charge at this level in the impact study comparison group. Hence this parameter was omitted in Model 2.

**Table 5.5. Moderating Effect of Defendant Risk Level on Re-Arrest within Six Months: Results for the Six Impact Study Sites**

Model	Model 1	Model 2
Number of Cases	2,731	2,731
Number of Cases Re-Arrested	2,136 (22%)	2,136 (22%)
<i>Parameter Estimates:</i>		
ADP sample (vs. comparison sample)	.574**	.559*
Predicted risk of re-arrest	5.588***	
ADP sample*predicted risk of re-arrest	-1.850**	
Risk strata (reference category = strata 1)		
Risk strata 2 (.10-.20)		1.087***
Risk strata 3 (.20-.30)		1.671***
Risk strata 4 (.30-.40)		1.999***
Risk strata 5 (.40 or higher)		2.555***
ADP sample*risk strata interactions		
Sample*risk strata 2		-.376
Sample*risk strata 3		-.284
Sample*risk strata 4		-.713*
Sample*risk strata 5		-.843*
Constant	-2.650***	2.721***
Chi squared	207.689***	216.614***
Nagelkerke R2	.113	.117

+p<.10, \* p<.05, \*\* p<.01, \*\*\*p<.001

Note: Logistic regression (logodds) coefficients are displayed.

To present these findings in a more intuitively accessible fashion, Table 5.6 compares the six-month re-arrest rate between ADP and comparison cases within each of the five risk strata. Among those who were most likely to re-offend (fifth stratum), ADP participation *reduced* their re-arrest rate (39% v. 46%). Conversely, among those who were least likely to re-offend (first stratum), ADP participation *increased* their re-arrest rate (10% v. 6%), reinforcing the literature on risk and need principle (see especially Lowenkamp and Latessa 2004). This general pattern was replicated within the three middle strata, with ADP participation appearing to have a slightly negative effect in the second and third strata and a slightly positive effect in the fourth stratum.

Having established the critical importance of risk level, we then conducted a series of analyses (not shown) testing the impact on re-arrest of each county’s separate ADP initiative—after controlling for risk. We found that no one county’s initiative was significantly more or less effective than any other—except through the intervening mechanism of enrolling a relatively higher-risk or lower-risk ADP participant population. For example, the Erie initiative appears to have a significant negative effect (increasing re-arrest) because Erie serves a relatively lower-risk population than the general average. Conversely, the Queens initiative appears to be particularly effective, because it focuses on a relatively high-risk population (see Chapter 3).

**Table 5.6. Impact of ADP Participation by Defendant Risk Level: Results for Six Impact Study Sites**

Sample	Comparison	ADP
Number of Cases	1,539	1,192
Risk strata 1 (.10 or less)	6%	10%*
Risk strata 2 (.10-.20)	16%	19%
Risk strata 3 (.20-.30)	26%	32%
Risk strata 4 (.30-.40)	33%	29%
Risk strata 5 (.40 or higher)	46%	39%
All Cases	21%	22%

+p<.10, \* p<.05, \*\* p<.01, \*\*\*p<.001

Note: Logistic regression (logodds) coefficients are displayed.

## Chapter 6

### Conclusions and Policy Implications

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This study sought to examine nine research questions. Each one is re-stated below, with answers provided and briefly discussed. Study limitations are discussed as well.

**1. Case Volume: How many youth became ADP participants through June 30, 2012?**

Across all nine counties, 1,302 cases enrolled in the first six months of operations. Furthermore, available court data indicates that as of the end of 2012, total enrollment exceeded 3,000 youth cases, pointing to a small increase in the rate of intake over time.

**2. Scale: Does the ADP initiative reach a significant fraction of the 16- and 17-year-old defendant population? Are certain categories of youth, defined by their criminal history, current charges, or other characteristics, especially likely to participate?** From program inception through June 2012, 9% of 16- and 17-year-old cases participated, representing 15% of eligible cases across all nine pilot counties. Nassau and Erie diverged from this general pattern. Nassau adopted a universal screening and assessment protocol encompassing all 16- and 17-year-old defendants countywide, except those arraigned on a violent felony offense. As a result, Nassau enrolled 52% of all 16- and 17-year-old cases and 62% of all technically eligible cases. Through its long established COURTS program, the Buffalo City Court in Erie County also implemented a near universal screening protocol and enrolled 31% of 16- and 17-year-old cases countywide 69% of eligible cases. (The primary reason why many Erie County defendants are not ADP eligible is that they were arrested outside of Buffalo City proper.)

Further analyses indicated that the ADP pilots were particularly likely to enroll female defendants relative to their proportion in the general 16- and 17-year-old defendant population. In addition, because only two counties extend eligibility to nonviolent felonies (Nassau and Erie), and only one extends to violent felonies (Erie), felonies were much less prevalent among ADP participants (10%) than among ineligible cases (38%). On the other end of the charge spectrum, because only three counties extend eligibility to violations (the Bronx, Nassau, and Erie), violations were also less prevalent among participants (8%) than ineligible cases (32%). In short, the ADP initiative largely targets misdemeanor defendants.

**3. Compliance: Do program participants generally comply with their assigned court mandate?** The vast majority of ADP participants are compliant (80% across the Bronx, Brooklyn, Manhattan, and Nassau). Thus, 16- and 17-year-old defendants appear generally capable of following court orders if provided an opportunity to enroll in a diversion program.

**4. Impact on Criminal Convictions: Does the ADP initiative reduce the percentage of 16- and 17-year-old defendants who receive a criminal conviction and permanent criminal record?** Only 1.9% of comparison cases received a criminal conviction and permanent criminal record, and there is no indication that this percentage differs among ADP participants. Moreover, for the ADP initiative to reduce the collateral consequences of conviction for 16- and 17-year-olds, it is necessary to target defendants that, in the status quo, are particularly likely to be

convicted of a felony or misdemeanor crime. An empirical analysis conducted by the NYS Division of Criminal Justice Services, as well as the text of the state’s youthful offender statute, makes clear that misdemeanor defendants—the primary ADP target population except in Nassau and Erie—are rarely convicted of a crime. Those who more often face a conviction and its attendant collateral consequences include felony defendants—especially those facing violent felony charges—and defendants with a prior felony conviction or prior felony-level YO finding.

**5. Impact on Other Case Outcomes: Does the ADP initiative significantly change other case outcomes, including the prevalence of guilty pleas and use of jail?** Across the six counties included in our impact study, the ADP initiative had little effect on guilty pleas (36% pled guilty in both samples using a conservative methodology or slightly fewer ADP than comparison cases pled guilty using a second sampling methodology). Nassau significantly reduced the use of guilty pleas (16% v. 45%), whereas Erie significantly increased the use of guilty pleas (51% v. 36%).

The results also pointed to little effect on the use of jail and little variation across counties—except that significant reductions were seen in the use of jail in Brooklyn (0.4% v. 2%) and Nassau (0% v. 4%). Nassau saw a particularly large change in sentencing practice. Among those cases that pled guilty in Nassau, 2% of ADP compared to 22% of comparison cases were sentenced to jail or probation.

In general, the results point to little change in case outcomes across the six impact sites. Except in Erie County, ADP participation did not produce a “net widening” effect.

**6. Impact on Recidivism: Does the ADP initiative jeopardize public safety? Specifically, does the program change re-arrest rates for any crime, felony crime, or violent crime?** Participation in ADP services did not jeopardize public safety. On average, re-arrest rates were similar between ADP and comparison cases. ADP participants were significantly *less* likely than comparison cases to be re-arrested for a felony (8% v. 10%). There were few differences across counties, except that Queens produced a large reduction in felony re-arrests (3% v. 19%) and violent felony re-arrests (1% v. 8%); and Erie appeared to increase re-arrests for any crime (34% v. 24%). As discussed below, the Erie results may be a consequence of enrolling an ADP population that is somewhat lower-risk than average, combined with the general tendency of lower-risk defendants not to benefit from ADP participation. Queens, by contrast, serves the highest-risk participant population of any county, a practice that explains its positive impact on felony recidivism.

**7. Offender Risk: In general, among 16- and 17-year-old defendants, what kinds of baseline characteristics are associated with an increased risk of re-offense?** The characteristics most strongly associated with re-offense were a prior arrest and male sex. Other important characteristics were a prior felony arrest; a felony or misdemeanor (but not a violation) arraignment charge; and a charge other than for marijuana possession (since those facing marijuana charges are particularly *unlikely* to be re-arrested). Perhaps counter-intuitively, neither a prior violent arrest nor a violent felony charge on the current case increased the likelihood of re-arrest for any crime, for a felony, or for a violent felony.

**8. Moderating Effect of Defendant Risk Level on Program Impact: Does the relative impact of ADP participation on recidivism vary for high-risk as opposed to low-risk youth?**

Previous research indicates that criminal justice interventions are most effective with moderate- and high-risk individuals and can have deleterious criminogenic effects with low-risk individuals (e.g., Andrews and Bonta 2010; Lowenkamp and Latessa 2004). This study confirmed as much. ADP participation *reduced* re-arrests among those who posed the highest risk of re-offense and *increased* re-arrests among those who posed the lowest risk. Since prior arrests and male sex are particularly strong risk factors, the results suggest that the ADP initiative will produce *better* than average impacts to the extent that it reaches more participants with these characteristics. Programs will also produce better impacts as they carefully scrutinize and limit participation—or at the very least limit the length and intensity of participation—among low-risk defendants, which includes those *without* priors, females, those with violation charges, and those with marijuana charges. The use of careful risk assessment is recommended, given the critical moderating effect of risk on the degree to which ADP participation has a positive impact. Those with a prior felony of any kind—including a prior violent felony—pose an above-average risk of re-offense, making them on average *more* likely than others to benefit from ADP participation.

**9. Policy Implications: Given that the ADP pilots take place within the current legal structure, do the findings have implications for future legislation?**

Caution is advised when drawing lessons for future legislation. Nonetheless, several of this study's findings may have implications for both the operation of the ADP pilots themselves and for future policymaking. First, since most ADP participants comply with their mandate, policymakers need not be concerned that new diversion options for 16- and 17-year-olds will compromise defendant accountability. Second, because most ADP counties currently enroll only a small fraction of 16- and 17-year-old defendants, a centralized screening and assessment protocol such as that developed in Nassau County may provide a valuable model for large-scale expansion. Third, to achieve greater reductions in collateral consequences of conviction for 16- and 17-year-old youth, it is necessary to target cases with more serious charges. Fourth, the ADP initiative does not jeopardize public safety; indeed, there is some evidence to suggest it can actually help reduce felony re-arrests. Fifth, positive recidivism reductions can be maximized as programs and policies effectively target moderate-risk and high-risk defendants. Conversely, to avoid the negative peer influences that can result from placing low-risk youth in programs alongside their high-risk peers, low-risk youth are best handled with minimal intervention (i.e., afforded outcomes such as declination to prosecute, case dismissal, ACD, or straight conditional discharge). In short, consistent with prior research, public safety can be maximized through policies that treat youth who pose the greatest future threat to public safety, while avoiding intensive services for those who pose little risk if they are left alone. Sixth, available evidence does not support automatically excluding youth with current or prior violence from diversion options; in fact, purely from a social scientific standpoint, such youth may comprise a promising target population, because their felony history (although not their violent history per se) makes them higher-risk and thus more likely to benefit from services.

**Study Limitations**

The limitations of this study are several. First, the available study funding and timeline precluded a robust multisite process evaluation. Had it been conducted, a process evaluation might have yielded rich data about the implementation of the ADP initiative in each of the nine pilot

counties, bringing to light model court practices, services, and implementation challenges. Second, extremely limited information was available on the psychosocial characteristics of ADP participants as well as on the precise services and duration of services that they received. As a result, we could not fully document the extent to which the nine counties already employ evidence-based strategies for matching youth to services based on their individual risks and needs. Third, stemming from the lack of a process evaluation, it was difficult to draw reliable conclusions regarding comparison group definition; in particular, it was unclear whether pre-implementation comparison cases that were dismissed should have been allowed into the study or excluded from it on the premise that such cases would not have participated in the ADP initiative had it been available. Fourth, recidivism tracking periods were brief. Only six months of tracking time was available for all study defendants, and no more than 350 days was available for even those defendants with the maximum possible tracking time. Fifth, due to low volume through June of 2012, three of the nine ADP pilots had to be excluded from the impact study; their results or how those results might have affected statewide averages is unknown. Finally, while this evaluation focused on the first six months of the ADP pilot, each site continues to serve more 16- and 17-year-olds and future research will include those new cases.

### **Conclusion**

New York State has embarked on an ambitious set of public policies to change the treatment of 16- and 17-year-old defendants, who are currently handled in the adult criminal justice system. The new policies are predicated on the important and timely goals of improving legal outcomes for justice-involved youth without jeopardizing public safety. Preliminary results suggest that public safety is, indeed, not compromised and potentially enhanced by adopting a new, diversion-based approach with 16- and 17-year-old defendants. Outcomes can be further improved, beyond what this study demonstrates, as the ADP initiative or future legislation expands to populations that face even greater collateral consequences and pose even greater threats to public safety in the preexisting and largely unpopular status quo.

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## Appendix A. Baseline Characteristics, ADP Eligible Cases

ADP Site	Bronx		Brooklyn		Manhattan		Queens	
Sample	Pre	Post	Pre	Post	Pre	Post	Pre	Post
Number of Cases	3,146	2,613	2,571	1,990	1,455	1,351	895	1,189
<b>DEMOGRAPHICS</b>				+				
Age 16	46%	46%	46%	44%	43%	44%	46%	45%
Age 17	54%	54%	54%	56%	57%	56%	54%	55%
Sex: Percent female	17%	15%***	20%	19%+	30%	31%	18%	19%
Race						+		**
Black	67%	66%	75%	77%	67%	65%	51%	52%
White	33%	34%	25%	23%	32%	35%	46%	47%
Other	0%	0%	0%	0%	0%	0%	3%	1%
<b>CRIMINAL HISTORY</b>								
Number of prior arrests	0.94	1.02***	1.22	1.39***	1.00	0.95	1.21	1.27
Any prior arrest	41%	39%**	50%	54%***	40%	42%+	50%	51%
Any prior felony arrest	14%	10%***	22%	25%***	16%	15%+	24%	21%**
Any prior violent felony arrest	10%	7%***	15%	17%***	7%	9%***	13%	13%
Number of prior convictions	0.40	0.27***	0.45	0.53***	0.44	0.39*	0.58	0.46***
Any prior conviction	22%	16%***	26%	30%***	24%	22%+	31%	27%***
Any prior felony conviction	6%	3%***	6%	7%*	6%	4%***	8%	7%
Any prior violent felony conviction	5%	2%***	4%	5%*	3%	3%*	6%	5%
<b>CURRENT CHARGES</b>								
<b>Arraignment Charge Severity</b>		***		**				**
Violent felony offense	0%	0%	0%	0%	0%	0%	0%	0%
Nonviolent felony	0%	0%	0%	0%	0%	0%	0%	0%
A misdemeanor	40%	32%	66%	70%	80%	79%	72%	67%
B or U misdemeanor	18%	17%	34%	30%	20%	21%	28%	33%
Violation	42%	51%	0%	0%	0%	0%	0%	0%
<b>Top Arraignment Charge Type</b>		***		***				*
Crime against person	5%	3%	15%	16%	0%	0%	21%	18%
Property offense (not robbery)	30%	31%	35%	38%	77%	76%	33%	34%
Disorderly Conduct	31%	37%	0%	0%	0%	0%	0%	0%
Marijuana pos., 5th degr. or less	12%	13%	25%	19%	17%	18%	14%	17%
Drug or other marijuana	2%	1%	3%	3%	2%	2%	3%	4%
Other	20%	14%	21%	24%	4%	3%	30%	27%

**Appendix A. Baseline Characteristics, ADP Eligible Cases (Continued)**

ADP Site	Nassau		Erie		All Sites	
	Pre	Post	Pre	Post	Pre	Post
Number of Cases	524	491	367	385	9,297	8,392
<b>DEMOGRAPHICS</b>		**				+
Age 16	45%	35%	43%	46%	45%	44%
Age 17	57%	65%	57%	54%	55%	56%
Sex: Percent female	33%	31%	20%	25%***	21%	21%
Race/ethnicity		**		**		**
Black	43%	55%	79%	72%	67%	67%
White	67%	45%	20%	28%	32%	33%
Other	1%	0%	1%	0%	1%	0%
<b>CRIMINAL HISTORY</b>						
Number of prior arrests	0.23	0.33***	1.14	0.81**	1.01	1.07***
Any prior arrest	16%	20%**	49%	39%***	43%	44%
Any prior felony arrest	7%	8%*	26%	22%**	18%	17%***
Any prior violent felony arrest	3%	4%*	20%	13%***	11%	11%+
Number of prior convictions	0.12	0.16*	0.48	0.37**	0.42	0.38***
Any prior conviction	9%	10%+	27%	23%*	24%	22%***
Any prior felony conviction	2%	3%**	7%	4%***	6%	5%***
Any prior violent felony conviction	1%	2%***	6%	3%**	4%	4%***
<b>CURRENT CHARGES</b>						
<b>Arraignment Charge Severity</b>		***				***
Violent felony offense	0%	0%	18%	18%	1%	1%
Nonviolent felony	7%	15%	19%	16%	1%	2%
A misdemeanor	63%	53%	45%	46%	59%	57%
B or U misdemeanor	13%	5%	9%	9%	23%	22%
Violation	17%	27%	8%	11%	16%	18%
<b>Top Arraignment Charge Type</b>		***				*
Crime against person	10%	10%	23%	25%	10%	10%
Property offense (not robbery)	46%	32%	36%	28%	40%	41%
Disorderly Conduct	1%	1%	1%	2%	10%	12%
Marijuana pos., 5th degr. or less	14%	13%	5%	7%	16%	16%
Drug or other marijuana	4%	5%	7%	9%	3%	3%
Other	26%	38%	28%	30%	20%	19%

+p<.10, \* p<.05, \*\* p<.01, \*\*\*p<.001

## Appendix B. Sample Descriptions of ADP Social Service Options

Social Service Group	Mandate Length	Description
Adolescent Resource Group	1 day	A general psycho-educational group that reviews the legal consequences of arrest, provides an overview of educational and housing resources for youth in NYC, and reviews affect management skills.
Motivating Youth	1 day	An intensive psychoeducational group that draws upon cognitive behavioral therapy techniques to assist clients with examining how their thoughts, feelings, and actions are connected.
Adolescent Individual Counseling Session	1 to 36 days	An individual counseling session with a social worker that explores the client's past and present life experiences, particularly as they impact engagement in illegal behaviors. The social worker may recommend further individual counseling or refer to other community-based services.
Counseling Services of Eastern District NY	1 day	The workshop provides psychoeducation and information about substance use and addiction, with particular emphasis on marijuana, cocaine, and alcohol consumption. It also includes a robust screening and engagement component designed to engage young people in voluntary services where appropriate. This workshop is run at CSEDNY's office in Downtown Brooklyn.
Youth Impact Panel	1 day	The class engages participants in evaluation of the behaviors that led to their arrest and explores the choices that led to that behavior. In addition, the group explores the impact and consequences those behaviors have on their personal life, their families and their communities. The group seeks to connect the youth to professional and academic resources.
Youth Anger Management	1 day	A conversational group that addresses conflict, ways of identifying social and environmental triggers, and coping mechanisms. This group is predicated upon a strength-based approach specializing in adolescent development and growth.
Youth Life Skills	1 day	The class engages participants in a dynamic conversation surrounding the varied issues affecting young people who have been in contact with the criminal justice system. The group follows an open dialogue/forum structure, allowing participants to collaboratively explore their perspectives on topics such as peer pressure, structure, authority, and stress.
Clinic Evaluation	1 day	In-depth biopsychosocial assessment, treatment plan, service connection, and compliance monitoring. Subsequent case management sessions will also be scheduled. Details to be determined by clinician.
Long-term treatment (> 90 days)	> 90 days	Includes both outpatient drug treatment and case management sessions.
Other ADP-specific mandate	varies	Includes Youth Court, Family Mediation, Conflict Coaching, Museum of Modern Art Group, Educational Mapping
Other non-ADP specific social service	varies, usually 1 day	Includes Marijuana Group/Cannibis Awareness Group, Anti-Shoplifting, Conflict Resolution group (12 days)