
Changing the Frame

Practitioner Knowledge, Perceptions, and Practice in New York City's Young Adult Courts

Elise White and Kim Dalve

Center
for
Court
Innovation

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Young Adult Courts

By Elise White and Kim Dalve

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Center for Court Innovation
520 Eighth Avenue, 18th Floor
New York, New York 10018
646.386.3100 fax 212.397.0985
www.courtinnovation.org

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- The Kings County District Attorney’s Office;
- Legal Aid Society of New York; and
- Brooklyn Defender Services.

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For correspondence, please contact Elise White at elwhite@nycourts.gov.

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Executive Summary

With funding from the New York Community Trust, the Center for Court Innovation sought to change standard approaches and resultant poor outcomes by creating age-appropriate programming for criminal defendants up to age 24 across the city. By expanding services and court mechanisms already in place for 16- and 17-year-olds, the Center developed short-term alternative-to-incarceration programs for young adults (age caps varied across boroughs).¹ Services included short-term counseling; developmentally-appropriate community service; educational and vocational services; substance abuse treatment, mental health and trauma counseling; and cognitive behavioral therapy sessions. Through a variety of programs, the Center worked with courtroom practitioners to make use of alternative, age-appropriate interventions in lieu of incarceration, criminal convictions, fines, or other sanctions.

Methodology

The study included two components:

- **Sentencing Practices Survey:** A 42-item online survey was administered to courtroom practitioners across three boroughs with active young adult court programs (Brooklyn, the Bronx, and Manhattan) to identify current practices, attitudes, and knowledge among general practitioners. The link was distributed by supervising attorneys at each agency to their staffs, reaching an estimated 1202 practitioners, 194 of whom participated, for a response rate of 16%. Note that 727 of these were 18B attorneys reached via use of a listserv, only 9 of whom participated. The response rate for the remainder of the sample was 39%.
- **Practitioner Interviews:** Semi-structured interviews were conducted with ten legal practitioners across four agencies centrally involved in Brooklyn’s Young Adult Court (the most active of the young adult court parts) to obtain a clear understanding of its mechanics and evolving attitudes regarding appropriate court responses to young adults.

¹ Precise age ranges of interest varied by New York City borough according to the discretion of different prosecutors’ offices, with the Bronx, Brooklyn, and Staten Island extending services to young adults ages 18-24 and Manhattan focusing on 18- to 20-year-olds. Queens was omitted from the sample due to volume and practice discrepancies, and the Center for Court Innovation’s limited role in the implementation and administration of young adult services in that borough.

The Young Adult Court Model

The implementation of the young adult court model differs by borough. The Brooklyn Young Adult Court represents the most extensive implementation of the model, and is consequently featured in this report as a case study. Launched in 2012, the first iteration of the young adult court in Brooklyn was the Adolescent Diversion Program (ADP). As described earlier, through this initiative, specialized courtrooms were established in each borough for the cases of 16- and 17-year-olds. Specially-trained judges with an expanded array of dispositional options available to them presided over the ADP court calendars. The goal of the court was two-fold: (1) to connect teenage defendants with services that might enable them to avoid future criminal justice system contact and (2) to avoid the legal and collateral consequences associated with criminal prosecution.

In 2014, practitioners embarked on a second iteration: expanding to include 18- to 24-year-olds in Red Hook and Brownsville, two neighborhoods where the Center runs operating projects with the capacity to support programming for defendants. Finally, in 2015 the Center, in partnership with the Kings County District Attorney's Office, received funding through the U.S. Department of Justice Smart Prosecution Initiative. In 2016, practitioners created the third iteration of the initiative, further expanding the court to include the cases for all 16- to 24-year-olds charged with misdemeanors in Brooklyn.²

Findings

Interview Findings in Brooklyn

Interview findings suggest that practitioners in Brooklyn generally feel that the specialized court is functioning well, with several key factors driving that success:

1. Strong judicial leadership;
2. A mandatory referral process, facilitated by the Office of Court Administration, in which all age-eligible cases not resolved at arraignment are automatically routed to the young adult court (rather than allowing defendants to opt out);
3. Training in topics relevant to the adolescent and young adult target population, provided to all interested providers by the Center for Court Innovation; and

² The only exceptions are charges related to domestic violence, driving while intoxicated, sex crimes, and vehicle and traffic law.

4. Prosecutorial buy-in and collaboration.

Survey Findings in Brooklyn, the Bronx, and Manhattan

Survey findings, supplemented by interviews in Brooklyn, suggest that the collegiality and the collaborative approach practitioners identified as the foundation of the young adult court in Brooklyn do not extend to the broader court system—and is a unique strength of the Brooklyn program. Additionally, findings suggest that while trainings were viewed as beneficial both to building trust and collegiality among Brooklyn practitioners, very little knowledge about the key concepts driving the parts’ design and implementation filtered out to the broader pool of attorneys across the three participating boroughs.

Specifically, practitioners’ knowledge was measured across four key concepts: (1) risk-need-responsivity, (2) adolescent brain development and trauma, (3) procedural justice, and (4) positive youth development. Generally, the majority of survey respondents got between one-half and two-thirds of the answers to the knowledge questions correct in these areas. Indeed, respondents largely assessed their own knowledge as being nascent, reporting that they were just starting to learn about the four key concepts and apply them to their work. Fifty-five percent of prosecutors and 36% of defense attorneys reported that they had never received a training on any of the four key concepts; of those who *had* received such training, all felt the training was valuable to their work. Feedback from both the surveys and interviews indicate that all practitioners as well as agency heads value these trainings and wish to receive more.

- ***Sentencing Options:*** Prosecutors were more likely than defense attorneys to be satisfied with available sentencing options (42% versus 10%). Practitioners were asked about the relative benefits of jail, social services, and community service. On many questions, responses of defense attorneys and prosecutors resembled one another with only very slight variation; on a few measures (e.g., satisfaction with sentencing options; benefits associated with jail sentences), however, their responses were nearly inverse.
- ***Adolescent Brain Development:*** While defense attorneys assessed themselves higher in awareness of adolescent brain development than did prosecutors, the two groups scored comparably in terms of objective knowledge in this area.
- ***Positive Youth Development:*** Scores on the knowledge statements for this topic were the highest of all subjects. Positive youth development was also rated as an important factor

in decision-making in cases with young adult defendants (66% of prosecutors and 75% of defense attorneys).

- ***Procedural Justice:*** Defense attorneys had significantly greater understanding of factors contributing to defendants’ perceptions of justice system fairness than prosecutors. About half of practitioners had previously received training in the topic.
- ***Risk-Needs-Responsivity:*** Prosecutors viewed risk-need assessment more favorably than defense attorneys and were more likely to say that assessment results were important to their own and their agency’s decision-making (64% versus 28%). Results suggest that the prosecutor’s office may have recently stepped up risk-needs assessment training; all those who received training in this area had done so in the past six months. Significantly more prosecutors than defense attorneys had received training in this area (38% versus 12%).

Recommendations

Recommendations from interviewees and survey respondents overwhelmingly fell into the following main categories.

Expanding Services

The quality of social services—provided by Center for Court Innovation operating projects and other community providers—was generally perceived as a core strength of the specialized young adult parts. There were three areas where practitioners suggested expansion:

- **Mental health treatment**
- **Inclusion of gang-involved populations**
- **Providing services beyond the target population**

Operational Considerations for Other Jurisdictions

For those jurisdictions interested in implementing a similar process—whether in New York City or elsewhere—practitioners had these additional recommendations:

- **Stakeholder Outreach:** Secure buy-in from all participating organizations by meaningfully involving them early on in the process. Spending more time on the planning process eventually benefits program operation because all parties will know what to expect and how the process will work once the program becomes operational.

- **Identify a Receptive Judge:** Make sure the judge is suited to this work. Practitioners felt that awareness of and openness to considering the impact of sociological issues facing many defendants (i.e., poverty; interpersonal, intergenerational and community trauma; education and employment challenges), genuine belief in the goals of the part, and willingness to be empathetic and encouraging to defendants were all paramount.

Chapter 1

Introduction

Legal responses to teenagers and young adults have seen a dramatic shift in New York State over the last decade. Beginning in 1962, New York’s Family Court Act set the age of adult criminal responsibility at 16 years. Currently, New York is one of only two states in the country—along with North Carolina—in which 16- and 17-year-old defendants are processed in adult criminal courts, rather than in the juvenile justice system. For the last five years, as part of the effort to advance Raise the Age legislation, the Center for Court Innovation has worked in partnership with the New York Unified Court System to design and implement an adolescent diversion program throughout New York City. Initially spearheaded by former New York State Chief Judge Jonathan Lippman, the adolescent diversion program consists of specialized courtrooms where dedicated judges—who have received special training and who have access to an expanded range of dispositional options—hear criminal legal matters where the defendant is 16 or 17 years old. In addition to dedicated judges, some boroughs’ programs include a dedicated prosecutor. Implemented in nine of New York’s 62 counties,³ these specialized court programs connect teenage defendants with case management and social services to address underlying issues driving their criminal behavior; enabling participating youth to avoid legal and collateral consequences that often accompany criminal prosecution and justice system involvement.

Recently, due in part due to these efforts as well as to accompanying research demonstrating that the program did not jeopardize public safety or increase likelihood of future felony arrest, the New York legislature voted to raise the age of criminal responsibility to 18 (NYS FY 2018 Enacted Budget 2017). The new legislation will be rolled out in two stages, going into effect for 16-year-olds in October 2018 and one year later (October 2019) for 17-year-olds. Once the new legislation goes into effect, the majority of cases for 16- and 17-year-olds will be heard in family court. Misdemeanor cases will originate in family court; felony cases will be initiated on a new youth calendar in adult criminal court. Non-violent felonies (and

³ The nine counties in which an adolescent diversion program has been introduced are: Bronx, Erie, Kings, Onondaga, Nassau, New York, Richmond, Queens, and Westchester counties.

specific violent felonies⁴) will then be transferred to family court, barring a motion of “extraordinary circumstances” (*Raise the Age* 2017).

A series of reports by the Center for Court Innovation—funded by the New York Community Trust—have previously examined the adolescent diversion program (ADP) in depth. The first of these described the policies of all nine ADP sites and tested the effects of ADP participation on case dispositions, sentences, and re-arrests over a six-month tracking period (Rempel, Lambson, Cadoret, and Franklin 2013). The second extended the recidivism analysis for the initial cohort of ADP participants to one year post-disposition, as well as expanding impact analyses to include a second wave of ADP participants who enrolled during the second year of program operations (Reich, Farley, Rempel, and Lambson 2014). In general, findings from the two studies found that overall ADP did not jeopardize public safety; that ADP participants were significantly less likely than counterparts in the traditional system to have a felony re-arrest and a violent felony re-arrest over six months; and that the program was successful at helping the highest-risk defendants avoid re-arrest. Conversely, the studies also demonstrated that intensive services did not reduce re-offending among low-risk ADP participants and, in fact, somewhat increased re-offending.

Based on the success of the ADP model, the Center for Court Innovation sought in 2015 to expand programs to serve defendants up to age 24 in all of New York City’s five boroughs. The expanded young adult courts were predicated on a robust body of research showing that young people—into their mid-twenties—have demonstrably different brain architecture than adults (Monahan et al. 2015; MacArthur Foundation Research Network 2006). The brains of adolescents and young adults continue to mature; in particular, those portions of the brain related to consequential thinking and delayed, reasoned decision-making are still developing. As a result, young people are developmentally more likely to exhibit impulsive, risky, and peer-influenced decision-making (Chein et al. 2011; Steinberg 2004). This is especially true of young people who have experienced trauma; indeed, the earlier that trauma was experienced the greater the likely effects on brain development (Finhelhor et al. 2011; Perry 2006; Teicher 2002). Standard criminal justice system processes do not typically account for these realities. Often, traditional court mandates have the unanticipated effects of compounding existing trauma, undermining rehabilitation efforts, and increasing recidivism among the population of adolescents and young adults.

⁴ Legislation defines these as any charges that do not include the use of a deadly weapon in the furtherance of the offense, cause significant physical injury, or involve sex crimes.

Overview of the Young Adult Court Model

The Center for Court Innovation (hereafter, the Center), again with funding from the New York Community Trust, sought to change standard approaches and resultant poor outcomes by creating age-appropriate programming for criminal defendants up to age 24 across the city.⁵ By expanding services and court mechanisms already in place for 16- and 17-year-olds, the Center developed short-term alternative-to-incarceration programs for young adults (age caps varied across boroughs). Services included short-term counseling; developmentally-appropriate community service; educational and vocational services; substance abuse treatment, mental health and trauma counseling; and cognitive behavioral therapy sessions. Through a variety of programs, the Center worked with courtroom practitioners to make use of alternative, age-appropriate interventions in lieu of incarceration, criminal convictions, fines, or other sanctions.

Brooklyn Young Adult Court: A Case Study

The Brooklyn Young Adult Court represents the most extensive implementation of the model. A series of interviews with practitioners (discussed in further depth in the methods section below and again in Chapter 4) focused on detailing the progressive implementation of a specialized court for 16- to 24-year-olds.

Launched in 2012, the first iteration of the young adult court in Brooklyn was the Adolescent Diversion Program (ADP). As described earlier, through this initiative, specialized courtrooms were established in each borough for the cases of 16- and 17-year-olds. Specially-trained judges with an expanded array of dispositional options available to them presided over the ADP court calendars. The goal of the court was two-fold: (1) to connect teenage defendants with services that might enable them to avoid future criminal justice system contact and (2) to avoid the legal and collateral consequences associated with criminal prosecution.

⁵ Age limits varied by borough according to the discretion of different District Attorneys' offices, with the Bronx, Brooklyn, and Staten Island extending services to young adults 18-24 and Manhattan focusing on 18- to 20-year-olds. Queens was omitted from the sample due to volume and practice discrepancies, and the Center's limited role in the implementation and administration of ADP in that borough.

In 2014, practitioners embarked on a second iteration: expanding to include 18- to 24-year-olds in Red Hook and Brownsville, two neighborhoods where the Center runs operating projects with the capacity to support programming for defendants.

Finally, in 2015 the Center, in partnership with the Kings County District Attorney's Office, received funding through the U.S. Department of Justice Smart Prosecution Initiative. In 2016, practitioners created the third iteration of the initiative, further expanding the court to include the cases for all 16- to 24-year-olds charged with misdemeanors in Brooklyn.

Goals and Structure

All practitioners identified as the primary driver for their agency's involvement in the young adult court the issue of the "revolving door" of the misdemeanor criminal justice system. As one judge described:

For years, we've had a big revolving door with criminal [i.e., misdemeanor] court. And what we've been doing hasn't been working. You come in, you get your plea, you get your community service, you get your—sometimes a few days in jail at Riker's or something—and you go back out again.

This revolving door for 16- to 24-year-olds has traditionally meant case resolutions that might have included either use of the youthful offender sealing (a one-time dispositional option that allows for the immediate sealing of records for a first-time offender between the ages of 16 and 19, helping them avoid a criminal record), time-served, community service, or a short period of incarceration.

Practitioners described the young adult court as an effort to interrupt this process by bringing a very different set of values and goals to the court process. One defense attorney explained:

The goal, I think, is to try to intervene in a positive way to reduce later criminal conduct. Adolescents need a sense of fairness. Procedural justice is very, very important. They need immediacy. There has to be a connection between what they've done and what they're required to do.

A cadre of social work professionals are tasked with identifying underlying criminogenic needs and developing a legally proportionate service mandates that addresses these issues, while also helping the defendant avoid a criminal record on the open case. Currently, all misdemeanor cases with defendants in the target age population and not resolved at arraignment are adjourned to the specialized court. The only exceptions are charges related to

domestic violence, driving while intoxicated, sex crimes, and vehicle and traffic law. In exchange for the defendant’s successful completion of the service mandate, prosecutors work with defense attorneys to find a non-criminal disposition to the case (e.g., immediate dismissal, adjournment in contemplation of dismissal (ACD),⁶ or plea to a violation-level offense⁷). Short-term mandates usually involve short group interventions run by Brooklyn Justice Initiatives. Longer-term mandates are typically things like several months of court-monitored involvement in educational or employment programs, trauma-informed mental health services, or substance abuse treatment. One representative from the Brooklyn District Attorney’s office explained:

I think the science and the stats have shown that we can't incarcerate our way out of crime. There has to be a better way. And, really, the goal is to give young people the opportunity to get the skills or the tools that they need to get on the right track, to get on a better path. And out of the cycle of incarceration.

Early Implementation Hurdles

Initially, in the first (2012) and second (2014) iterations of the initiative, both prosecutors and defense attorneys had to consent before a case could be adjourned to the specialized court. For different reasons, both prosecution and defense often chose not to do so.

Practitioners reported that defense attorneys often elected to have their cases heard in traditional, all-purpose criminal court calendars, believing they might get a better deal, or because they had so many cases scattered across other courtrooms it was simply logistically easier. In Brooklyn there are—with the addition of the young adult court—eight total courtrooms to which cases might be adjourned after arraignments. Many defense attorneys were accustomed to prioritizing options with the fewest possible court-mandated programs and/or monitoring requirements for their clients. The early preference for traditional processing among defense attorneys was directly tied to the belief—reported by defense practitioners—that initial offers from prosecutors in the young adult court did not

⁶ In New York State, cases that are “adjourned in contemplation of dismissal” will ultimately be dismissed after a specified timeframe (typically six months), unless the prosecutor opts to re-open the case based on an alleged violation of court-imposed conditions. Since prosecutors can re-open the case—but they rarely do—ACDs can ultimately be resolved with either a dismissal or conviction. However, as a practical matter, they are nearly always resolved with a dismissal, since cases are rarely reopened.

⁷ The benefit to pleading to a violation is that violations (with the exception of “driving while ability impaired” and “loitering for the purpose of engaging in a prostitution offense”) are sealed under CPL §160.55 and thus do not appear on criminal records.

significantly differ from standard practice enough to merit the additional responsibilities being asked of the defendants in the young adult court.

At the same time, prosecutors were determining many cases to be ineligible and refusing to admit them to the new court. One judge explained:

I said to my court attorney at the time, I said, “Listen, go back and track all those cases that were ineligible and then let's find out what happened to those”—because clearly, those had to be really scary kids and really scary cases. And what we found out was ... all but one [were resolved] without a misdemeanor conviction. So, they were all violations or conditional dismissals and I don't think any of them took jail time. So, it was either time served and disorderly conduct or it was ACDs and community service.

At least according to this judge, then, the reason for the prosecution’s reluctance to forward cases on to the specialized calendar was *not* due to the severity of the charges or to public safety concerns. This data, practitioners reported, suggested further structural changes needed to be made to shift culture and practice.

To circumvent this seeming impasse, Office of Court Administration officials elected to make the young adult court mandatory for all age-appropriate cases (aside from the few exempt charges listed above) in the third iteration of the court: the 2016 expansion. Practically, this meant that the Kings Count District Attorney’s Office and the public defender agencies had to put aside some of their more reflexive culture and practice positions and work collaboratively to identify practical ways to move cases through in a way that met all parties’ needs (or in the words of one judge, figure out “how to play in the same sandbox”). It also meant that the court moved from being one of the lowest-volume calendars in the building to become one of the highest-volume. The unintended result of this was that, as one judge explained, “We had individuals with low needs that were kind of languishing three, four months just because of the sheer volume in there and [creating] the necessity [for] longer adjournments.”

Several key culture and practice shifts have subsequently emerged as central strengths practitioners credit for the success of the part, and are discussed at length in Chapter 4.

Study Goals and Methodology

To complete a rigorous analysis of stakeholder practices, policies, and knowledge around 16- to 24-year-olds in New York City, researchers from the Center implemented a mixed-

methods research study from December 2016 through September 2017. The study included two key components: practitioner interviews and a policy and practices survey completed by court personnel.

1. Practitioner Interviews: Research staff conducted interviews with legal practitioners in the Brooklyn Young Adult Court to obtain a clear understanding of program operations and attitudes regarding appropriate court responses to young adults. Individual interviews were conducted with ten representatives across four stakeholder agencies:

- The New York State Unified Court System;
- The Kings County District Attorney's Office;
- The Legal Aid Society of New York; and
- Brooklyn Defender Services.

These semi-structured interviews lasted 60 minutes and explored the origins of Brooklyn's young adult program, its design and implementation, changes over time, and strengths and challenges of the current system. Interviews were recorded when possible; when not possible, research staff recorded detailed interview notes. The interview instrument is included as Appendix A.

2. Knowledge, Perceptions, and Practice Survey: Additionally, between December 2016 and April 2017, the Center administered a survey to court personnel. The survey consisted of 42 items intended to determine the court's current practices with 16- to 24-year-old defendants; staff receptivity to diversion for this population (e.g., perceptions of various sentencing options and decision-making practices related to diversion); understanding of the cognitive development and unique needs of this population; application of age-specific considerations to inform case resolutions; and training related to these topics. Specific attention was given to the topics of positive youth development, procedural justice, risk-needs-responsivity, and adolescent brain development and trauma. The survey was primarily quantitative (i.e., multiple choice), with space for limited text responses for some fields. The survey was administered online and took approximately 15 minutes to complete. The survey instrument is included as Appendix B.

The survey was administered to public defenders and assigned counsel attorneys in the Bronx, Brooklyn, and Manhattan (boroughs with existing young adult courts) and to prosecutors in two of these boroughs (Brooklyn and Manhattan). Judges from these three boroughs were also invited to participate; however, after extensive negotiation with the

New York State Office of Court Administration and key judges, the judiciary and one district attorney's office (Staten Island) ultimately elected not to participate in the online survey portion of the study. Primary reasons cited by these agencies were concerns about publicizing considerations behind decision-making, discomfort with the knowledge-related sections of the survey, and concerns with anonymity.

Outreach to practitioners began in December 2016 and included an initial email informing participants of the purpose of the project with a link to the online survey. All agencies consenting to participate received regular reminder emails until the survey effort ended in April 2017. Emails were sent to supervising attorneys at each agency, who were instructed to distribute the link to their staff. Between dissemination to line staff via supervisors and direct outreach to attorneys on the assigned counsel list, the estimated universe of individuals contacted to complete the survey was approximately 1,202 practitioners. A total of 194 practitioners responded to the survey (16% response rate). It should be noted that 727 of the 1,202 practitioners who received the link were assigned counsel attorneys reached via use of a listserv; of these, only nine participated. It is likely that the listserv contains a number of inactive users (i.e., attorneys who no longer accept assigned counsel cases or whose email addresses no longer work). By excluding the assigned counsel attorneys from the sample, the total pool is reduced to 475 individuals; of these, 185 responded to the survey,⁸ for a response rate of 39%.

Characteristics of Survey Respondents

Table 1 shows the professional characteristics of the 194 survey responses. The majority (77%) of respondents were defense attorneys, most of whom (94%) worked for an institutional public defender's office. The remaining 5% participated as part of the assigned counsel list. Just under a quarter of respondents (23%) were employed as prosecutors. As discussed above, consultants who reviewed early drafts of the survey instrument expressed concerns that asking respondents to identify the borough where they practiced most frequently would lead to violations of participant anonymity. Consequently, the first iteration of the survey did not include this question. A second iteration did include this (as discussed below in the "Limitations" sections), and was answered by 84 respondents. Of those who responded to this question, slightly more than half (53%) indicated that they worked most often in Brooklyn. Half of the respondents reported that they staff the young adult court more than once a month; a quarter (24%) said they staff the program more than once a week.

⁸ The nine assigned counsel attorneys who responded to the survey are excluded from this count.

Table 1. Professional Characteristics of Survey Respondents

<i>Total Respondents</i>	194
Current Professional Role	
Prosecutor	23%
Defense Attorney	77%
Type of Agency in which You Work	
District Attorney's Office	23%
Institutional Public Defender's Office	72%
Assigned Counsel Panel	5%
Frequency of Appearances in Young Adult Court¹	
Daily	6%
A few times per week	18%
A few times per month	27%
Rarely	40%
Never/Never heard of it	8%
Borough in which You Most Frequently Work² (n=84)	
Brooklyn	53%
Bronx	12%
Manhattan	35%

¹ Young adult courts vary by borough in the frequency with which court is held.

² The number of responses to this question is lower than the total responses on other questions. Due to anticipated concerns about anonymity described above, the question was not included in the earliest iteration of the survey, completed by 84 respondents.

Study Limitations

We found it unexpectedly challenging to design a survey that measured differences in practice and knowledge between specialized-court practitioners and their general-practitioner colleagues while preserving respondent anonymity. Consultants involved in vetting the survey design felt that asking respondents to identify their primary borough of practice would decrease respondents' willingness to participate. As a result, we initially excluded such questions, reasoning there would only be one judge, for instance, who presided over the young adult court part on a weekly basis in each borough. However, as select practitioners—and even entire agencies—elected not to participate, we realized the need to include this measure for tracking purposes. Therefore, we ultimately decided to add questions about borough in at the end of the survey. The new question was added only after 110 (57%) of the respondents had already completed the survey.

Despite these limitations, we were able to conduct one-on-one interviews with ten practitioners; surveys were completed by another 194 courtroom practitioners across the four

boroughs with the most active young adults court programs. Survey and interview responses provide rich quantitative and qualitative data on practitioner knowledge about and practices with young people 16 to 24. What follows are findings from these interviews and surveys.

Chapter 2

Sentencing Practices with Young Adults

The survey administered to practitioners asked a series of questions about practitioners' approach to sentencing for young adults—specifically, respondents were asked about jail, social service mandates, and community service sentences. On many questions, responses of defense attorneys and prosecutors resembled one another with only very slight variation; on a few measures, however, their responses were distinct.

Given the central role prosecutors play in shaping sentencing options, it is perhaps unsurprising that a larger percentage (42%) reported being satisfied with sentencing options.⁹ Defense attorneys were less likely to be satisfied with existing sentencing options; only 10% of defense attorneys found existing options satisfactory. Conversely, the majority of defense attorneys (70%) were unsatisfied with sentencing options, compared to 14% of prosecutors.¹⁰ (The remaining respondents provided a neutral response.)

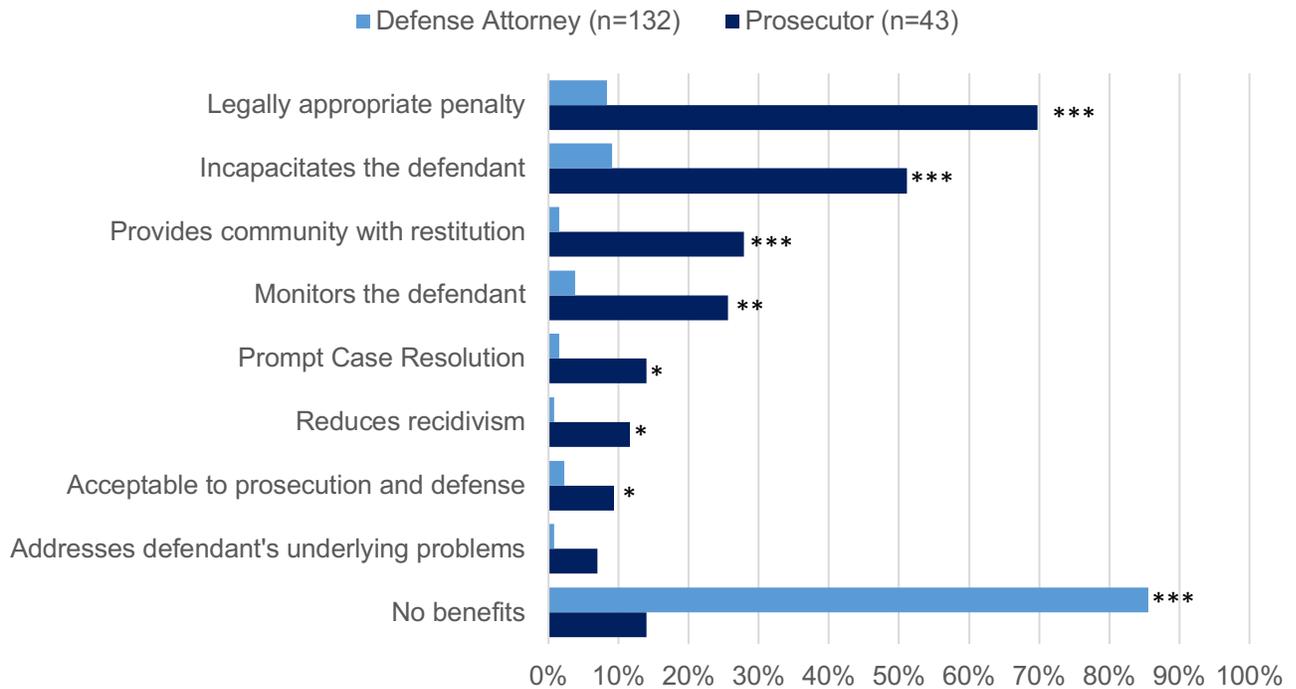
Jail Sentences

To explore perceptions of benefits associated with available sentencing options, practitioners were asked about the relative benefits of specific sentencing options including jail, social services, and community service. The largest differences between the two groups was in response to questions asking about the relative merits of jail as a sentence (Figure A). Defense attorneys overwhelmingly (86%) reported seeing *no* benefit to sentencing young adults to jail. Prosecutors, meanwhile, felt that jail had primary value as a legally appropriate penalty (70%) and, secondarily, in its ability to incapacitate defendants (51%).

⁹ Responses include both those who felt “very satisfied” and “satisfied.”

¹⁰ Responses include both those who felt “very unsatisfied” and “unsatisfied.”

Figure 1. Benefits of Sentencing Youth to Jail



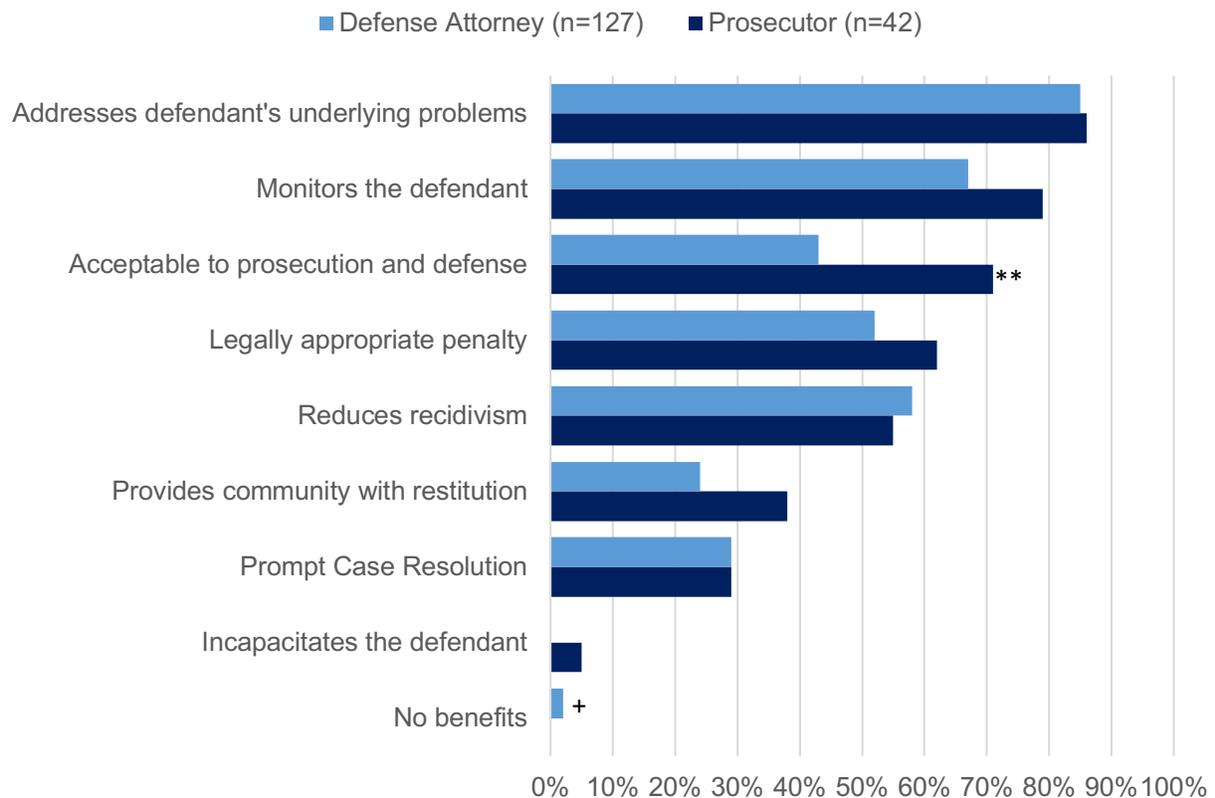
+p<.10 *p<.05 **p<.01 ***p<.001

Note: Bars represent the percent of respondents selecting the option as a benefit. Respondents were able to select multiple options.

Social Service Mandates

Prosecutors and defense attorney responses reflected more consensus regarding the benefits of sentencing young adults to social services (Figure B). The most common benefit of this sentencing option cited by respondents was the ability of social services to address defendants’ underlying problems and enable defendant monitoring. Prosecutors appreciated that social services were likely to provide an acceptable option from both a prosecutorial and defense perspective; this priority was less valued by defense attorneys, who may place more emphasis on direct benefits to their client and less on accountability. Notably, nearly all practitioners saw *some* benefit in sentencing youth to social services.

Figure B. Benefits of Sentencing Youth to Social Services



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

Note: Bars represent the percent of respondents selecting the option as a benefit. Respondents were able to select multiple options.

Respondents across institutional affiliation reported that services were beneficial on a “case-by-case basis,” albeit for differing reasons. Defense attorneys generally indicated that they thought jail was universally negative (Figure A); their concerns about services were rather that services were not always of high quality or responsive to their clients’ needs. “They can be very helpful if the client is connected to proper services,” one defense attorney explained. “They can be harmful if the client is not.” Prosecutors were less concerned about the potential negative effects of “over-programming” or service mis-match, presumably contributing to their higher rates of favoring these mandates.

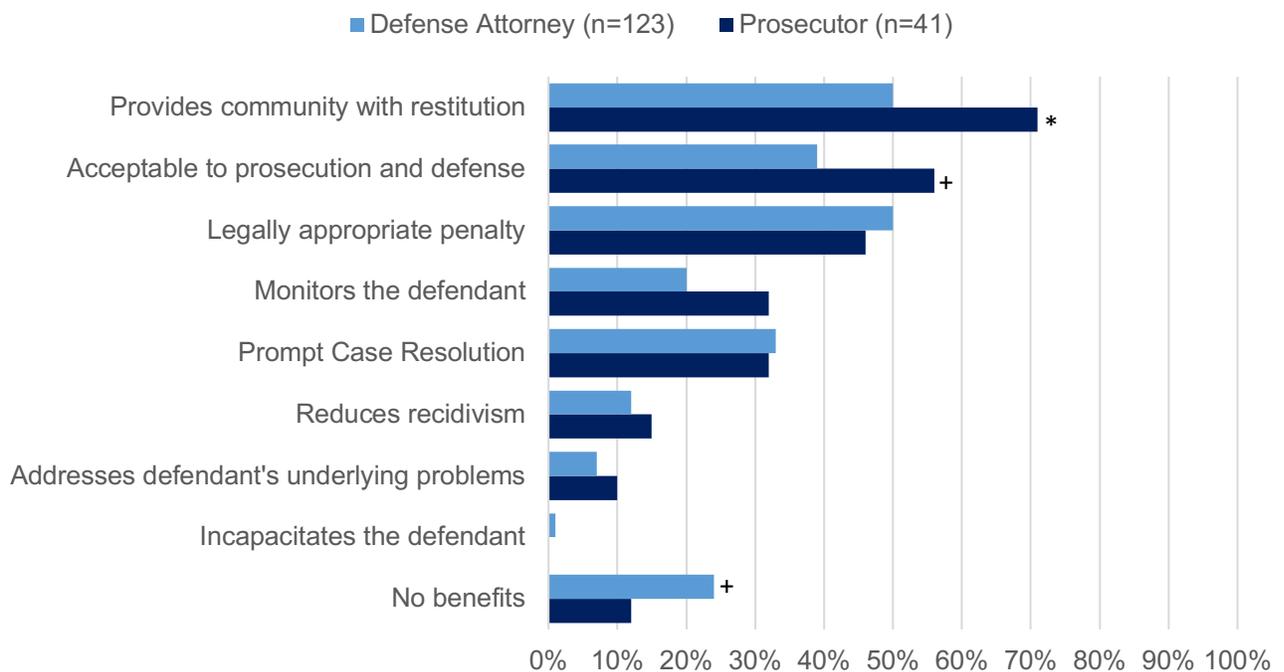
Across roles, survey respondents and interviewees particularly appreciated services offered through Brooklyn Justice Initiatives, a project of the Center for Court Innovation operating in Brooklyn Criminal Court. One defense attorney reported:

My clients who have been sentenced to services through Brooklyn Justice Initiatives have seen tremendous benefit. Many of my clients have found internships, been given help with funding for school or college, and given information about how to apply for higher education. It goes without saying that these services give my clients the opportunity to better their situations and that it is critical that services like these be offered in conjunction with non-criminal dispositions which will not hinder these youths' future.

Community Service Mandates

Both prosecutors and defense attorneys highlighted the potential for community service mandates to provide restitution to communities and provide a legally appropriate penalty. However, nearly a quarter (24%) of defense attorneys and 12% of prosecutors felt there were no benefits to community service mandates.

Figure C. Benefits of Sentencing Youth to Community Service



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

Note: Bars represent the percent of respondents selecting the option as a benefit. Respondents were able to select multiple options.

Many practitioners were critical of traditional community service, believing it to be, “needlessly humiliating and teaches nothing. It is random busy-work that is in no way related to the offense charged.” Another defense attorney suggested that:

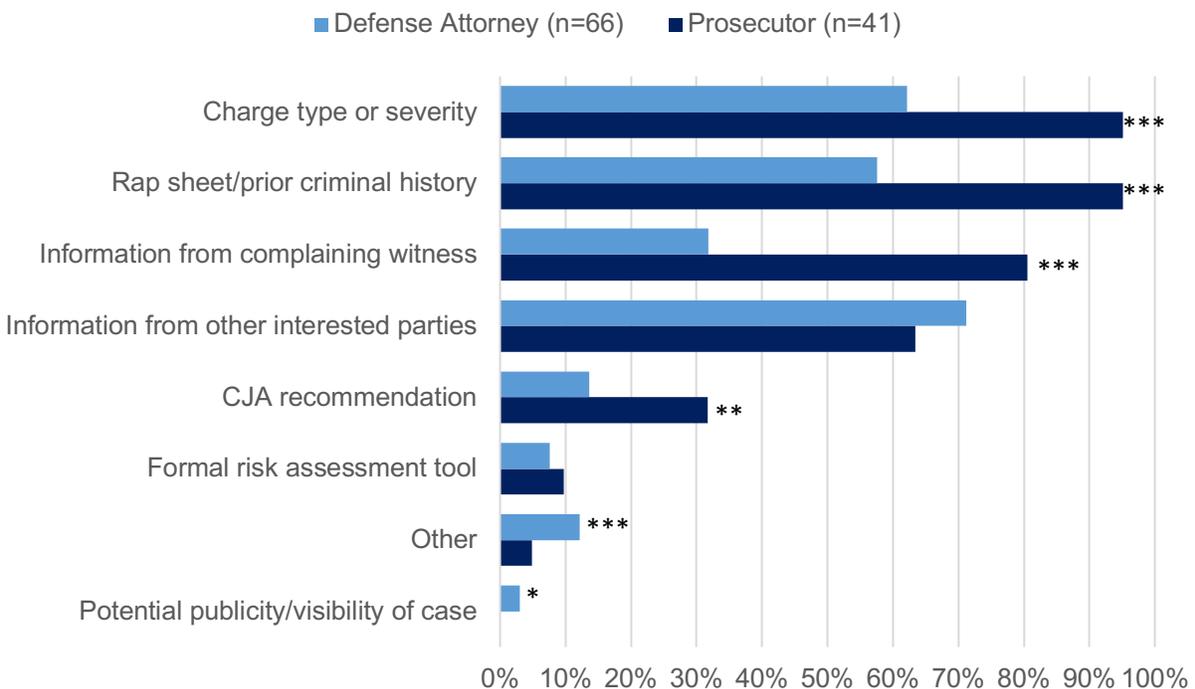
[C]ommunity service should be structured less as punishment and more as an education aimed at instilling a sense of connectedness to the community for this alienated population. This is an opportunity to teach youth who are still capable of changing course. Fashioning strategies to reach these young folk should take into consideration the relationship between low self-esteem, disaffection, trauma, and antisocial behavior. Addressing this in positive, not punitive, ways is paramount.

Sentencing Decision-Making

In addition to measuring the value respondents identified with various methods of case resolution, we also asked what factors influence sentencing decision-making.

Among survey respondents, nearly all prosecutors (95%) reported that future risk to public safety is a consideration in making sentencing recommendations. Among respondents for whom public safety is a key sentencing consideration, charge type and severity were primary indicators of risk. Other factors incorporated into practitioner considerations of public safety

Figure D. Factors Used to Determine Risk to Public Safety



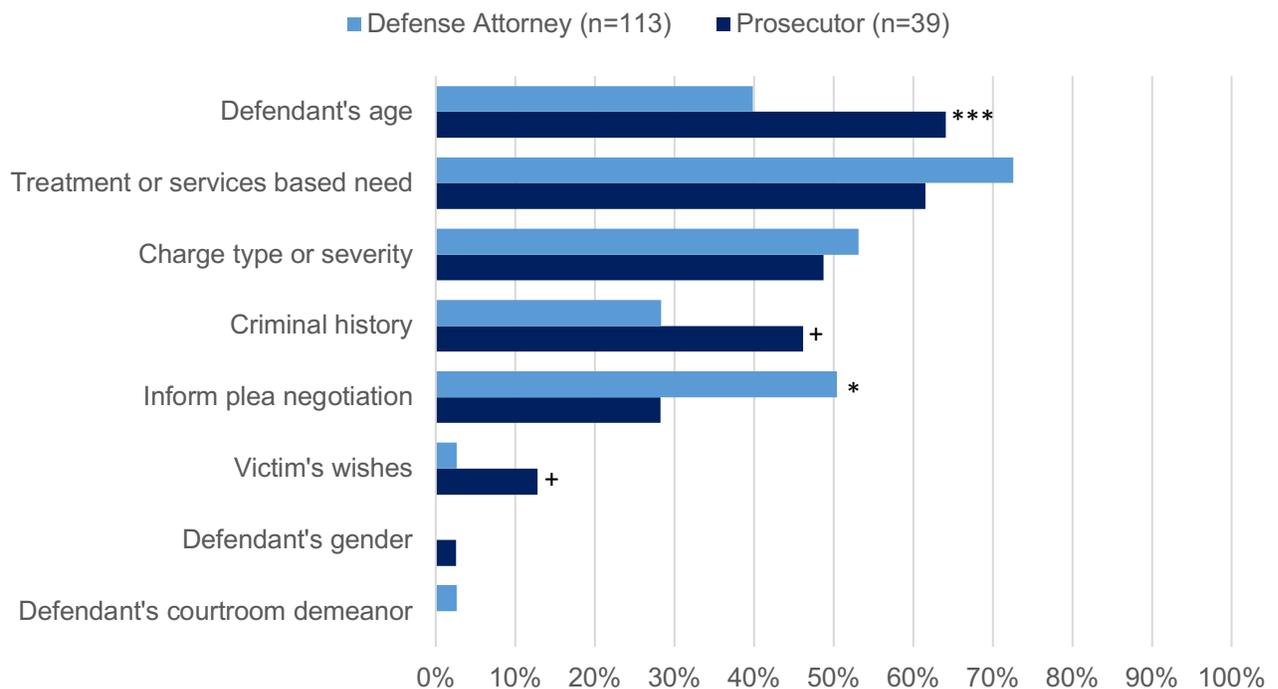
+p<.10 *p<.05 **p<.01 ***p<.001

Note: Bars represent the percent of respondents selecting the option as a factor. Respondents were able to select multiple options.

included underlying factors like homelessness, trouble in school, and bullying and results of the court-based youth assessments. Defense attorneys frequently stressed that assessing public safety risk was not their role. Across, roles, few reported using formal risk assessment tools for measuring either public safety or recidivism risk. Among those respondents who reported informing decisions with risk assessments, responses to open-ended questions suggest an incomplete understanding of risk assessment. In most cases, respondents listed organizations rather than instruments when asked about their assessment practices (e.g., CASES, TASC, Legal Aid, and Brooklyn Justice Initiatives).

One of the key features of the ADP model—and subsequently the young adult court expansion—is the availability of social workers to conduct pre-plea assessments where appropriate. Results from such assessments are used to design individualized social service plans crafted to fit participants’ specific risks and needs. This service plan ultimately becomes the young person’s mandate.

Figure E. Circumstances Likely to Trigger Request for Pre-Plea Assessment



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

Note: Bars represent the percent of respondents selecting the option as a circumstance. Respondents were able to select multiple options.

Pre-plea assessments are not universally implemented in the young adult court model. Practitioners were asked to select the circumstances most likely to trigger a request for a pre-plea assessment and treatment plan for youth (Figure E). Defendant age, indication that there is need for treatment, and charge severity were commonly reported reasons. Interviews with practitioners further suggest that all parties consider arrest patterns—particularly increasingly severe charges and/or increasing frequency of arrests—as indicators of a potential underlying unmet need.

Summary, Sentencing Practices

Overall, prosecutors were much more likely than defense attorneys to be satisfied with available sentencing options, regardless of the frequency of their appearance in the young adult courts. Both prosecutors and defense attorneys responded similarly with regards to the benefits of sentencing young adults to social services, with most practitioners identifying some benefit to social service mandates. Defense attorneys overwhelmingly reported no benefit to jail sentences for young adults to jail, while many prosecutors felt that jail had potential as a legally appropriate penalty. Respondents across legal role were critical of traditional community service mandates.

Chapter 3

Subject-Area Knowledge

As part of the young adult court expansion, Brooklyn Justice Initiatives, an operating project of the Center for Court Innovation, trained practitioners in Brooklyn in early 2016. The training covered four key considerations for working with justice-system-involved 16- to 24-year-olds:

- **Adolescent Brain Development and Trauma:** Extended maturation of adolescent and young adult brains, particularly those portions of the brain related to consequential thinking and delayed and reasoned decision-making. Young people are developmentally more likely to exhibit impulsive, risky, and peer-influenced decision-making. Early and/or ongoing exposure to traumatic events increases these tendencies.
- **Positive Youth Development:** Building adolescents' and young adults' pro-social peer, familial, and community connections and skills decreases their likelihood to be involved in anti-social behaviors and peer groups.
- **Procedural Justice:** Defendant perceptions that they were treated fairly. In general, procedural justice is positively associated with compliance with court orders—that is, those defendants who feel their criminal justice system experience was fair are more likely to follow court orders and less likely to reoffend, regardless of their case outcomes (Tyler and Huo 2002).
- **Risk-Needs-Responsivity:** Focusing targeted behavioral treatment on empirically-identified needs for those defendants who are at medium- or high-risk for re-offending. Specifically, intervening with low-risk defendants may increase re-offending by creating obstacles to involvement in pro-social activities and communities.

The training was provided simultaneously to public defender agencies, the King's County District Attorney's Office, the judge, Brooklyn Justice Initiatives staff, and a court officer. Cross-agency sessions allowed participants the opportunity to work collaboratively through applying training topics to examples from their work.

To measure knowledge of training topics among the broader pool of practitioners responding to the survey, questions were asked to measure:

1. Self-assessment of expertise in the four key training topics;
2. Awareness and application of the four key training topics;
3. Actual expertise in the four key training topics; and
4. Appraisal of the relevance and value of each of the training topics for decision-making.

Self-Assessment of Expertise

First, survey respondents were asked to rate their knowledge on the key training topics on a one to four scale (minimal, basic, average, comprehensive). Overall responses were similar between the two practitioner groups, with most people assessing their knowledge as “basic” or “average” across most of the topic areas.¹¹ The full array of knowledge questions is included as question 13 of the practitioner survey (Appendix B, page 33). Two exceptions were that defense attorneys were more likely to report comprehensive knowledge on both the negative impact enhanced supervision can have on re-offense¹² and the ways that traditional criminal justice responses can increase recidivism.¹³ (Detailed results are presented in Table C.1 in Appendix C.)

Awareness and Application

In addition to rating their own levels of expertise related to the key training topics, respondents were asked where they fell on a continuum of awareness and practice of these topics. Respondents could choose from a continuum ranging from Level One (“I have never heard of [*topic*] before and never intentionally apply it to my work”) to Level Four (“I am regularly applying principles of [*topic*] to my work and play a leadership role in my agency and/or community to share this knowledge and practice with others.”) Respondents were asked to score themselves on the four-point scale in 0.5-point increments.

On average and across topics, practitioners assessed their application at a Level 2—i.e., they were just beginning to learn about the topic and how to apply it to their work. Defense attorneys were more likely to rate themselves higher on adolescent brain development (Table 3.1).

¹¹ For frequencies of full responses see Table 1 in Appendix C.

¹² The survey item asks respondents to rate their agreement with the statement: “The impact of ‘over-programming’ on adolescents’ and young adults’ likelihood to reoffend.”

¹³ The survey item asks respondents to rate their agreement with the statement: “Traditional justice system responses that may increase adolescents’ and young adults’ likelihood of re-offending.”

Table 3.1. Mean Ratings on Level of Awareness

	Prosecutors	Defense Attorneys
Adolescent Brain Development	2.20	2.66*
Positive Youth Development	2.24	2.35
Procedural Justice	2.23	2.46
Risk-Needs-Responsivity	2.10	1.88

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

Note: Number of respondents ranged from 30-36 for Prosecutors and 67-78 for Defense Attorneys

Objective Expertise

Practitioners were also asked knowledge-based questions across the four key training topics to demonstrate objective understanding. Respondents were provided between four and seven statements per topic and asked to select all statements representing core components of the concept. If a statement was selected and was true, it was marked correct. If a statement was false and was not selected that was also scored as correct. The sum of correct responses was divided over the total statements per topic to produce a percent correct. As Table 3 reflects, average scores on knowledge statements ranged from 55% to 69% correct. Positive youth development had the highest scores among both parties; both defense attorneys and prosecutors were somewhat knowledgeable about the benefits of pro-social engagement for reducing criminal behavior. Defense attorneys knew more than prosecutors about strategies for promoting procedural justice.

Table 3.2. Mean Knowledge Scores

	Prosecutors	Defense Attorneys
Adolescent Brain Development (4 questions)	65%	64%
Positive Youth Development (4 questions)	68%	69%
Procedural Justice (7 questions)	56%	65%*
Risk-Needs-Responsivity (5 questions)	56%	61%

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

Note: Number of respondents ranged from 30-38 for Prosecutors and 68-102 for Defense Attorneys

In addition to comparing prosecutors and defense attorneys, we examined the differences between those who appeared regularly in the young adult court (i.e., those who reported having cases in the parts on a daily or weekly basis) to those who staff the court infrequently (i.e., those who reported having cases in the part a few times a month or less frequently). We

were interested in testing the hypothesis that those who practiced in the part more frequently would score higher on the subject matter measures. This hypothesis was not borne out by most measures; those appearing more frequently scored one to three percentage points higher than those appearing less often, but those differences did not reach statistical significance (Table 3.3). Across items, both frequent and infrequent practitioners’ assessments of their own knowledge remained between “basic” and “average” (see Table C.2 in Appendix C).

Table 3.3. Mean Knowledge Scores

	Frequent	Infrequent
Adolescent Brain Development (4 questions)	65%	64%
Positive Youth Development (4 questions)	71%	68%
Procedural Justice (7 questions)	64%	61%
Risk-Needs-Responsivity (5 questions)	62%	59%

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

Note: Number of respondents ranged from 30-38 for Frequent and 68-102 for Infrequent

Objective, factual, questions were asked in conjunction with subjective self-appraisal in order to better understand the knowledge, application, and confidence of practitioners in these key concepts. We hypothesized that those who rated themselves higher on subjective measures would likewise score higher in terms of accurate knowledge. However, we did not find any correlation between self-assessment and score. This could be in part due to the difficulty in self-appraisal, leading to practitioners of all objective skill levels in the key concepts to rate themselves as basic or average (Burson et al. 2006).

Value of Key Topics

Practitioners were asked if the key topic areas were important considerations in their own and their agencies’ decision-making processes around case resolution and whether their own priorities matched those of their agency. (See Figure C.1 in Appendix C.) Prosecutors largely believed that they prioritized the same considerations as their employer agency; in terms of positive youth development, adolescent brain development, and procedural justice, prosecutors felt their values were aligned with their employer’s. Prosecutors rated their own valuation of Risk-Needs-Responsivity higher than that of the agency overall.

Among defense attorneys, Risk-Need-Responsivity was felt to be equivalently important in informing decisions for attorneys and their agencies. Defense attorneys felt less aligned with their agencies across the three other factors. In all instances, individual defense attorneys rated their own consideration of the factors to be of greater consequence than their agencies’.

Training Experiences and Needs

The final survey section asked respondents about professional development. Practitioners were asked to indicate whether they had received training in each of five topics: (1) risk-needs-responsivity; (2) procedural justice; (3) evidence-informed treatment; and the specific needs and characteristics of (4) adolescents (16-17) and (5) young adults (18-24).

Respondents were asked to report whether they had *ever* received training in these areas and whether they had received training within the last six months. (See Figure C.2 in Appendix C for full results.)

Respondents were most likely to have received training on the specific needs and characteristics of 16-17 year olds (43%); evidence-informed treatment (35%); and needs and characteristics of young adults (31%). However, nearly half (42%) indicated they had never received any training in these areas. Prosecutors were particularly likely to have reported attending trainings in needs and characteristics of both adolescents (54%) and young adults (46%), as well as risk-needs-responsivity (38%) in the past 6 months. Further, prosecutors report being more likely than defense (38% versus 12% respectively) to have risk-needs-responsivity training in the last six months.

All respondents who received training indicated that the trainings were helpful to their work; the majority of respondents also reported that their organizations encourage the integration of new ideas or approaches learned from trainings into practice. Half (52%) of prosecutors responded that there were no roadblocks to implementing new ideas; 37% of defense attorneys shared this opinion. The most frequently noted roadblocks among prosecutors were lack of supervision and guidance on how to implement (28%) and uncertainty about who would implement (24%). Among defense attorneys, insufficient time (29%) and funds (26%) were the most frequently noted roadblocks.

Summary, Subject-Area Knowledge

Survey respondents rate their knowledge in the four areas (adolescent brain development, positive youth development, procedural justice, and risk-need-responsivity) as basic to average. In terms of application of these areas to their practice, respondents considered themselves relative newbies: they were just learning about the topics and were in the infancy of application. Actual knowledge scores support these self-assessments. Findings were fairly comparable across agencies (defense versus prosecution) and exposure to the young adult court model. Roughly half of participants had received training in the key areas, suggesting additional training may be of benefit. The prosecutors' offices in particular appear to have made a training push in the six months leading up to survey administration, particularly in

the areas of needs and characteristics of the target populations and risk-need-responsivity. Roadblocks to implementation varied between agencies, with structural concerns regarding who and how to implement imposing the primary restraints for prosecutors and scarce resources posing limitations for defense attorneys.

Chapter 4

Brooklyn Young Adult Court Strengths and Challenges, and Citywide Recommendations

In addition to the inquiries around sentencing and practitioner knowledge and training needs described in the preceding chapters, interviews with ten practitioners across five agencies central to the Brooklyn Young Adult Court focused on the details of implementation and culture change. What follows is an overview of practitioners' perceptions of the strengths and challenges of the process, and recommendations of all practitioners for next steps.

Overall, most practitioners believe that the Brooklyn Young Adult Court is procedurally strong. Interviewees reported that many of the early challenges were addressed through subsequent iterations of design and implementation.

Strengths

Operations Culture Change

Prosecutors now often consent to services in exchange for ACDs for first and low-level offenses immediately at arraignments rather than waiting for the first appearance in the young adult court, in part as an effort to reduce the time between arraignment and engagement in services. Prosecutors stressed that the culture change underling this departure in practice was also an effort to build trust with practitioners and grew out of a series of conversations with the Center, the Office of Court Administration, and defense agencies.

Social service group sessions for defendants with low-level offenses are often completed between court appearances, so that by the young person's first appearance in the young adult court, they may already have completed all court obligations. For those defendants with longer criminal records and/or charged with more serious crimes, both prosecution and defense often agree to assessment and services at arraignment in order to ensure more immediate access to services. These structural changes have reportedly led to more streamlined case flow, more efficient courtroom experiences, and an increased sense of collaboration and trust among stakeholders. Beyond these, however, practitioners identified other strengths that are vital to the young adult court's success.

Finally, dedicated prosecutors and defense attorneys, as well as the BJI clinical director, meet for quarterly case conference meetings. The group typically reviews 15-30 cases at each meeting, particularly those flagged by defense attorneys. Practitioners report that case conferences help expedite the process in court and cut down on unnecessary adjournment dates, resulting in a more efficient process and faster engagement for defendants.

Judicial Leadership

First among these was judicial leadership. Supportive judicial response to compliance and mandate completion (e.g., clapping, certificates of completion) were perceived by many stakeholders as positive for both the defendant being commended and for other young adults in the audience. These small departures from traditional courtroom settings, practitioners reported, were responsible for setting the court tone and putting into action the procedural justice and positive youth development values of respect and building on strengths.

Judicial leadership in the court extends beyond the defendants to include practitioners as well. Monthly stakeholder meetings include the defense bar, the district attorney's office, and Brooklyn Justice Initiatives staff and provide an opportunity for all practitioners to talk through observed trends, concerns that arise, and basic operational issues that need to be addressed. The court is also intentionally staffed with court officers and other court staff who understand that—as one judge explained:

16- to 24-year-olds, they're not going to be sitting and complacent every day, you know? There's going to be some issues that are going to happen and you can't automatically yell at a young person. You can't, you know, hit them with the fist, you can't use the hammer. So, I [found] individuals [to work in my courtroom] who understood that and would be able to work with our young.

A Non-Adversarial Approach

The collaborative, non-adversarial atmosphere was a central culture shift generally maintained to contribute to better outcomes for the defendants. “I do think there’s a really nice collaborative effort,” a defense attorney explained. “Everyone’s on board.” A prosecutor echoed this sentiment,

Having the regular stakeholder meetings, having the regular communication—when we have cases that we find challenging, they end with us having a conversation, discussing why for us we think this is important and why they think [their position is important].

A consistent group of people who have established a degree of trust contributes both to case-level outcomes, and also to the level of general buy-in and the success of the court's values.

Collective Training

To this end, practitioners universally appreciated the group training in early April and the fact that all agencies participated simultaneously. As one judge explained, training all the key practitioners together meant that,

[I]t was a very lively debate that was happening afterwards, but it was great because we weren't doing that in a vacuum. ...[E]veryone was able to expand their views and say what their concerns were. It was being taken down and we were able to work upon that.

In fact, these trainings and the work of the Center more broadly meant that attention was not only paid to the services themselves but to the overall operation of the court part. One prosecutor explained:

It's not just that we're offering services and being done with it. We're talking about the actual process and taking into account this population and how they perceive things, and how best we can expose them to a justice system where they've learned something.

Prosecutorial Buy-In

Practitioners noted that in the first and second iterations of the part, as described above, the concept of matching the intensity and duration of the service mandate to the “going rate” associated with the charge and the defendant's criminal record (i.e., a standard number of days of community service or jail)—legal proportionality—was off. That is, practitioners reported that prosecutors were often asking for more responsibility to the court through a greater than normal amount of services and/or court monitoring, without making an attendant improvement to the offer. After a great deal of back and forth, all parties now report being relatively satisfied with the offers being made by the district attorney's office, which is increasingly working to employ a risk-need-responsivity model. A dedicated team reviews all offers made to young adults in the target age range to ensure they are consistent with the office's efforts to increase access to services and decrease criminal records. A prosecutor reported very intentional work on the part of the district attorney's office to demonstrate good faith through offers:

The more we sort of, through our dispositions, prove that we 100% believe that this is the right way to treat these cases, I think you build trust. Working with the same people helps because ... you have consistency and you have communication.

Defense attorneys reported being happier with offers since this shift was implemented, though stressed the continued attention to proportionality and not letting defendants' often sizable service needs eclipse the "going rate" on the case at hand. "Even though a young person needs a lot of services, to make them court-mandated if they've jumped the turnstyle doesn't work," a defense attorney argued. "They become resentful." When the offers and mechanisms of the young adult court are operating best around these less serious misdemeanor crimes, this attorney continued, is when risk-needs-responsivity principles are employed and, "we get something that's proportional but [the defendants are] also exposed to and connected with services they can connect to on a voluntary basis."

Challenges

Interagency Communication

Some interviewees reported a lack of interagency communication about the design and implementation of the program during the initial planning stage. Some practitioners reported feeling shut out of the process and, consequently, not being able to bring operational concerns to the table before they were being tasked with implementing the new models. This was particularly a sentiment expressed by the defense bar about the roll-out of ADP and the second expansion. As one defense attorney described the process:

One of the big problems with how criminal court functions is that defense attorneys are seen as the outsiders. We're the ones who come in and yell. ... The prosecutors got the grant and didn't really consult with us in the beginning and it caused some problems. We're the ones who meet with these kids and their parents before the courts. In future iterations we'd appreciate being involved in an earlier stage. You need buy-in from us to make these [programs] work.

Gang Involvement Limiting Offers

While practitioners generally appreciated that the agreed-upon eligibility criteria allowed most misdemeanor cases to enter the program, all noted that suspicion of gang-involvement complicated defendants' eligibility. "Gang involvement seems to be a threshold of some kind. The DA's office doesn't want to make offers on those cases." The difficulty with this, several defense attorneys noted, is that those young adults who are often the most in need of services are often the same teenagers and young adults at risk for gang involvement. Defense

representatives suggested that a process for considering the complexities of gang involvement, varying levels of gang activity, and the factors attracting many in the target population to gang activity would be beneficial for potentially eligible defendants who might be helped by the program. Defense attorneys voiced optimism that some of the strengths listed above (e.g., offering services immediately at arraignments) would positively address this concern.

Volume

As previously discussed, the sheer number of age-eligible defendants in the 18- to 24-year-old expansion creates numerous operational challenges for the court. Interviewees report that the time between arraignment and engagement in services—as well as between each subsequent court appearance—had been as much as six weeks, rather than the target of a few days to a week achieved in the original iteration. As previously noted, the court is making efforts to expedite these time frames by all parties consenting to engagement in services (whether by immediately disposing of the case or beginning the process of assessment and service referral) between arraignment and the first appearance in the young adult court. When present, the extensive time between arrest and disposition means that, as one defense attorney noted,

[Defendants] don't understand why they're there, and you lose the immediacy. When I have to remind them that six months ago they jumped a turnstile—kids change so quickly, that if there was a problem at all, the problem that caused them to jump the turnstile six months ago might not be there anymore.

Many practitioners echoed these concerns around the court's values of immediacy and quickly responding to problematic behavior with clear consequences and assistance and the reality of high volume.

Vertical Representation

While many stakeholder organizations reported dedicating a team to the program, other organizations reported that they are still using a vertical representation model, where the attorney who is present in court and represents the defendant at arraignment remains the assigned attorney until the case is resolved. This strategy for assigning cases was explained to be largely due to funding and staffing limitations. Attorneys assigned in this manner are not able to dedicate, for example, an entire afternoon to remain in the young adult court, but must follow up with many cases across multiple courtrooms, leading to longer wait times for participants in the young adult court. Many practitioners identified this as a challenge to the court's operation and to the values of procedural justice that drive it. As one judge suggested:

If you have a young individual who's doing what they're supposed to do, they show up to court, on time, and they're just sitting there and they're waiting and they're waiting and they see other individuals who are being called up, being taken care of that came after them. And they're still sitting, waiting for their lawyer to show up. And God forbid they have a parent that took time out of their job or life just to come down and sit there with them and you're waiting for the lawyer.

Tensions Between Old and New Culture and Practice

Most practitioners embraced the culture and practical changes necessitated by the new program. However, there remained some areas of contention. Specifically, attorneys periodically voiced concerns about the ways their discretion was hampered by the new model. Defense attorneys were generally most focused on the automatic involvement in services for all defendants.

Years ago, in other problem-solving courts, you'd be able to say, 'I know this kid – he doesn't need services.' Not now. Some of our discretion has been taken away with this model. I do believe at times it offers great opportunities to affect kids' lives in important ways. Some things are worthy of the time, attention, and resources being brought in this court and some are not. We need to find a little more balance there.

Prosecutors, meanwhile, were hesitant to employ validated risk-needs assessment tools. RNR principles (i.e., focusing the most intensive and targeted services on those defendants with the highest risk of reoffending) were evident in the language prosecutors used to describe their decision-making processes. Determinations of risk were untethered, however, from the formal application of validated screening tools. Instead, prosecutors reported that risk level is still being determined based on gut instinct and experience—traditional practice for most prosecutors, but a practice *not* supported by research, which finds professional judgement to be a less accurate predictor of risk than validated tools (Dawes et al., 1989; Gendreau et al., 1996; Kuncel et al., 2013). The prosecution bureau dedicated to the young adult court reportedly reviews rap sheets and other information in defendants' files to make a determination about who they consider high risk. "It's not an exact science," one prosecutor explained. "But you kind of have a feeling when you see a defendant who's been arrested multiple times in a year for the same offense. Obviously there's something going on with this particular defendant." In addition to this practice being familiar and already in place, the office reported that a previous attempt to implement a risk tool indicated the need for additional staffing, given the high volume of cases.

Recommendations

The following are recommendations drawn from practitioners interviewed and surveyed, and from our observations.

Additional Training for Practitioners on Key Topics

Most survey respondents—including those who indicated that they appear frequently in the young adult courts—reported having some familiarity with the important research and best practices related to young adults, namely risk-need-responsivity, adolescent brain development and trauma, positive youth development, and procedural justice. Most respondents—according to both self-assessment and knowledge assessment survey measures—were still in the early to moderate stages of understanding and applying these concepts to their work. All who received trainings believed these were valuable to their work. Practitioners reported the need for continued trainings, particularly to address continued resistance to the idea of 18- to 24-year-olds as still developing emotionally, intellectually, and cognitively, and to ensure that their agencies also valued the key training concepts and would support them in applying these principles to their work.

Expanding Services

The quality of social services—provided by Center for Court Innovation operating projects and other community providers—was generally perceived as a core strength of the parts.

There were three areas where practitioners suggested expansion:

- **Mental Health Treatment:** Stakeholders noted the citywide dearth of high-quality, rapidly available mental health treatment and wanted to identify ways to better connect defendants with existing mental health resources. As one judge argued, “We’re not synthesizing the spectrum of mental health services that are out there to best fit [peoples’ needs].”
- **Expansion to Gang-Involved Populations:** Several practitioners suggested expanding eligibility criteria to allow gang-involved defendants to enter the young adult court. As noted previously, defense attorneys in particular emphasized that those involved in gangs might be particularly in need of services.
- **Providing Services beyond the Target Population:** Not all young adult defendants will be eligible for the specialized court; neither will all participants agree to enter the requisite plea to enter the program (i.e., some might elect to take their cases to trial). Practitioners felt that those young people deemed ineligible for the court should still be

able to receive services without a plea, and saw great opportunity for the young adult court to serve as a conduit to services for these young people as well.

Operational Considerations for Other Jurisdictions

For those jurisdictions interested in implementing a similar process—whether in New York City or elsewhere—practitioners had these additional recommendations:

- **Stakeholder Outreach:** Secure buy-in from all participating organizations by meaningfully involving them early on in the process. Spending more time on the planning process eventually benefits program operation because all parties will know what to expect and how the process will work once the program becomes operational.
- **Identify a Receptive Judge:** Make sure the judge is suited to this work. Practitioners felt that awareness of and openness to considering the impact of sociological issues facing many defendants (i.e., poverty; interpersonal, intergenerational and community trauma; education and employment challenges), genuine belief in the goals of the part, and willingness to be empathetic and encouraging to defendants were all paramount.

Appendix A. Stakeholder Interview Protocol

- 1) What is your professional history?
 - a. Length of time in current role/organization
 - b. Prior experiences
- 2) When/how did the concept of adolescent diversion and the youth parts first come to your attention?
 - a. What were your initial thoughts and reactions?
- 3) When/how did you first get involved in conversations related to the youth parts?
 - a. What were these early discussions concerned with/focused on?
 - b. What were the goals, values, or impacts you were interested in seeing made part of the model?
- 4) [IF RELEVANT] Talk me through how you and your colleagues finally arrived at the first iteration of the youth parts model.
 - a. Were your initial preferences ultimately made part of the model?
 - b. How did you feel about what was/wasn't included?
- 5) What exactly did the model consist of?
 - a. What were its goals, values, intended impact?
 - b. How did it hope to achieve that intended impact?
 - c. What were its initial challenges and strengths?
- 6) How has it changed over time?
- 7) What exactly does the current model consist of?
 - a. What are its goals, values, and intended impact?
 - b. How does it go about achieving that intended impact?
 - c. What are its current challenges and strengths in general?
 - d. For you in your role?
- 8) What drives or influences your decision-making?
 - a. What are the most important factors as you consider appropriate cases?
 - b. What are the most important factors as you consider offers/programming mandates/dispositions?
 - c. What experiences have you had (e.g., trainings, conversations, etc.) that have influenced your department policy and approach to this work?
- 9) What do you think are the common issues that defendants coming through the courts are facing?
 - a. What are some of the reasons you think young people are committing crimes?

Prompts
<ul style="list-style-type: none">• IF COURT-RELATED: Make sure they talk about the case processing (referral, review, conferencing, offers, etc.)

- b. What do you think the court's role is in terms of their behavior and the issue of youth crime more broadly?
- 10) What has been one of your most memorable cases, and how has it impacted the way you approach the work?
 - a. Why does it stand out to you (e.g., example of a typical case posture or defendant profile, etc.; particularly noteworthy in its intensity; defendant's success in the program/related life outcomes; etc.)?
- 11) Where would you like to see the courts go next in terms of refinement and development?
- 12) What policies or practices would you like to see other agencies or entities (e.g., police, prosecutors, social service agencies, schools, etc.) implement as a means of addressing youth crime?
- 13) What should other jurisdictions interested in addressing adolescent and youth crime keep in mind or learn from your process/experience?

Appendix B. Practitioner Survey

Criminal Courts and Young People: Practitioner Knowledge, Perceptions, and Practice

Section 1: Demographic/Professional Information

1. Which category best describes the type of agency you work for most often?
 - a. District Attorney's Office
 - b. Institutional Public Defender's Office
 - c. 18b Panel
 - d. Unified Court System

2. What best describes your current professional role?
 - a. Judge
 - b. Prosecutor
 - c. Defense attorney

3. What borough do you currently work in most frequently?
 - a. Brooklyn
 - b. Bronx
 - c. Manhattan
 - d. Queens
 - e. Staten Island
 - f. Multiple boroughs

4. In your current professional role, how frequently do you handle cases in the young adult part?¹⁴
 - a. Daily
 - b. A few times per week
 - c. A few times per month
 - d. Rarely
 - e. Never/Never heard of it

¹⁴ In Survey Monkey, "young adult part" will be automatically replaced by borough-specific language. Manhattan = APY2 (Adolescent Diversion and Young Adult Part); Brooklyn = APY2 (Adolescent Diversion Part and Brooklyn Young Adult C); Bronx = APY2 (Adolescent Diversion Part)

Section 2: Practice

5. Overall, how satisfied are you with current sentencing options available to New York City judges in cases of 16-24 year old defendants?
 - a. Very Satisfied
 - b. Satisfied
 - c. Neutral
 - d. Unsatisfied
 - e. Very Unsatisfied

6. What benefits, if any, do you see from sentencing youth ages 16-24 to jail? (check all that apply)
 - a. Incapacitates the offender
 - b. Prompt case resolution
 - c. Addresses offender's underlying problems
 - d. Monitors the offender
 - e. Provides community with restitution for crime committed
 - f. Acceptable to prosecution and defense
 - g. Reduces recidivism
 - h. Legally appropriate penalty to hold offender accountable for crime
 - i. No benefits
 - j. Other, please specify

7. What benefits, if any, do you see from sentencing youth ages 16-24 to social services? (check all that apply)
 - a. Incapacitates the offender
 - b. Prompt case resolution
 - c. Addresses offender's underlying problems
 - d. Monitors the offender
 - e. Provides community with restitution for crime committed
 - f. Acceptable to prosecution and defense
 - g. Reduces recidivism
 - h. Legally appropriate penalty to hold offender accountable for crime
 - i. No benefits
 - j. Other, please specify

8. What benefits, if any, do you see from sentencing youth ages 16-24 to community service? (check all that apply)
 - a. Incapacitates the offender
 - b. Prompt case resolution
 - c. Addresses offender's underlying problems
 - d. Monitors the offender
 - e. Provides community with restitution for crime committed
 - f. Acceptable to prosecution and defense
 - g. Reduces recidivism
 - h. Legally appropriate penalty to hold offender accountable for crime

- i. No benefits
 - j. Other, please specify:
9. Are you currently factoring 16-24-year-old defendants' future risk to public safety into your practice?
- a. Yes
 - b. No

→ IF NO, SKIP TO 13

10. → IF YES, How are you currently determining risk to public safety? (check all that apply)
- a. Charge type or severity (e.g., misdemeanor, felony, violent felony offender, etc.)
 - b. CJA recommendation
 - c. Rap sheet/prior criminal history
 - d. Potential publicity/visibility of case
 - e. Formal risk assessment tool
 - f. Information from complaining witness
 - g. Information from other interested parties (e.g., family members, community members, witnesses, etc.)
 - h. Other, please specify

11. If you are using formal risk assessment tools, which instrument(s) are you currently using?
- a. Don't know
 - b. CCAT
 - c. YLS/CMI
 - d. COMPAS
 - e. YASI
 - f. LSI-R or CMI
 - g. PSA-Court
 - h. Other, please specify

12. Which of the following circumstances are most likely to trigger your request for a pre-plea assessment and treatment plan for youth 16-24? (check top three)
- a. Desire to obtain additional information to inform plea negotiations
 - b. Charge type or severity
 - c. Criminal history
 - d. Defendant's courtroom demeanor
 - e. Defendant's age
 - f. Defendant's gender
 - g. Victim's wishes
 - h. Reason to think there is need for treatment or services based on information from or about the defendant

13. How would you rate your knowledge in the following areas? Please check one box for each row.

	Minimal	Basic	Average	Comprehensive
How trauma (e.g. physical, emotional, or sexual abuse; neglect; domestic/community violence) can impact the brain.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The distinct stages of adolescent brain development, particularly consequential thinking and reasoning.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Key risk factors for re-offending among adolescents and young adults.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The relationship between risk level and appropriate intensity of treatment or programming.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The protective factors that lessen the risk and needs levels of adolescents and young adults. Traditional justice system responses that may increase adolescents' and young adults' likelihood of re-offending.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The impact of "over-programming" on adolescents' and young adults' likelihood to reoffend.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section Three: Subject Knowledge

Positive Youth Development

14. In your opinion, which of the following statements best summarize important concepts of positive youth development? (check all that apply)

- a. Compared to other adolescents and young adults, justice-involved youth tend to have fewer ways to learn and practice new skills, and fewer positive connections with friends, family, and community.
 - b. Youth delinquent behavior is a symptom of an underlying problem and can only be fixed with individual- or family-based therapeutic treatment.
 - c. Compared to other adolescents and young adults, justice-involved youth have fundamentally different motivations and impulses toward criminal behavior, so deterrence and punishment are the most effective response to criminal behavior.
 - d. The principal intervention strategy with most justice-involved youth should be skill building, attachment, and community engagement.
 - e. I am not familiar with the concept of positive youth development.
15. Is positive youth development an important concept/value in your decision-making process around case resolution for adolescents and young adults?
- a. Yes
 - b. No
 - c. Unsure
16. →IF YES to 15: Please briefly describe the last instance when you integrated a positive youth development approach into your daily work.
17. Is positive youth development an important concept/value in your agency's decision-making process around case resolution for adolescents and young adults?
- a. Yes
 - b. No
 - c. Unsure
18. Professionals of all kinds are at different levels of awareness and practice related to positive youth development. The following descriptions represent one way to summarize these levels:
- Level 1 – I have never heard of positive youth development before and never intentionally apply it to my work.
- Level 2 - I am just starting to learn about positive youth development and how to apply it to my work.
- Level 3 – I am aware of some of the aspects of positive youth development, and I am enhancing my knowledge and skills in this area on a regular basis.
- Level 4 – I am regularly applying principles of positive youth development to my work with youth, and play a leadership role in my agency and/or community to share this knowledge and practice with others.
- Where do you see yourself along this continuum? (check only one)

	Level 1	Level 2	Level 3	Level 4
Level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Procedural Justice

19. In your opinion, which of the following are important concepts of procedural justice (check all that apply)?
- Responsibility – Defendants understand the severity of their actions and take responsibility for them
 - Understanding – Defendants understand what is happening at each stage in the process
 - Voice – Defendants feels that their voices are heard factored into the process
 - Neutrality – Defendants perceive the process to have been without bias
 - Respect – Defendants feels they were treated with respect during the process
 - Accountability – Defendants make amends to the victim through some sort of action (i.e., community service, a letter of apology, or other means of being held accountable)
 - Outcome – Defendants are satisfied with the case outcome or sentence
 - I’m not familiar with the concept of procedural justice.
20. Is procedural justice an important concept/value in your decision-making process around case resolution for adolescents and young adults?
- Yes
 - No
 - Unsure
21. →IF YES TO 20: Please describe the last instance when you integrated a procedural justice approach into your daily work.
22. Is procedural justice an important concept/value in your agency’s decision-making process around case resolution for adolescents and young adults?
- Yes
 - No
 - Unsure
23. Professionals of all kinds are at different levels of awareness and practice related to procedural justice. The following descriptions represent one way to summarize these levels:
- Level 1 – I have never heard of procedural justice before and never intentionally apply it to my work.
- Level 2 - I am just starting to learn about procedural justice and how to apply it to my work.
- Level 3 – I am aware of some of the aspects of procedural justice, and I am enhancing my knowledge and skills in this area on a regular basis.

Level 4 – I am regularly applying principles of procedural justice to my work with youth, and play a leadership role in my agency and/or community to share this knowledge and practice with others.

Where do you see yourself along this continuum? (check only one)

	Level 1	Level 2	Level 3	Level 4
Level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Risk-Needs-Responsivity

24. In your opinion, which of the following statements are important principles of the risk-needs-responsivity model? (check all that apply)
- a. Regardless of risk level, all young adults have needs and so benefit from a program or treatment.
 - b. The higher a young adult’s risk level, the less responsive they are to a program or treatment.
 - c. The lower a young adult’s risk level, the more likely they are to reoffend if mandated to an intensive program or treatment.
 - d. Treatment is most effective if it matches a young adult’s needs and risks.
 - e. Mental illness (e.g., depression or bipolar disorder) is an important risk factor for re-offense.
 - f. I’m not familiar with the concept of risk-needs-responsivity.
25. Is the Risk-needs-responsivity model an important concept/value in your decision-making process around case resolution for adolescents and young adults?
- a. Yes
 - b. No
 - c. Unsure
26. →IF YES TO 25: Please briefly describe the last instance when you integrated risk-needs-responsivity principles into your daily work.
27. Is the Risk-needs-responsivity model an important concept/value in your agency’s decision-making process around case resolution for adolescents and young adults?
- a. Yes
 - b. No
 - c. Unsure
28. Professionals of all kinds are at different levels of awareness and practice related to the risk-needs-responsivity model. The following descriptions represent one way to summarize these levels:
- Level 1 – I have never heard of the risk-needs-responsivity model before and never intentionally apply it to my work.

Level 2 - I am just starting to learn about the risk-needs-responsivity model and how to apply it to my work.

Level 3 – I am aware of some of the aspects of the risk-needs-responsivity model, and I am enhancing my knowledge and skills in this area on a regular basis.

Level 4 – I am regularly applying principles of the risk-needs-responsivity model to my work with youth, and play a leadership role in my agency and/or community to share this knowledge and practice with others.

Where do you see yourself along this continuum? (check only one)

	Level 1		Level 2		Level 3		Level 4	
Level	<input type="checkbox"/>							

Adolescent Brain Development

29. In your opinion, which of the following statements are important concepts of adolescent brain development? (check all that apply)
- Adolescents' brains develop in response to external stimuli.
 - In most cases, humans have fully developed brains by the age of 21.
 - Adolescents' brain development patterns mean they typically have higher impulse control and lower risk-taking urges than adults.
 - Adolescents' brain development patterns mean they typically have greater intellectual development than emotional and interpersonal skills development.
 - I'm not familiar with important concepts of adolescent brain development.
30. Is adolescent brain development an important concept/value in your decision-making process around case resolution for adolescents and young adults?
- Yes
 - No
 - Unsure
31. →IF YES TO 30: Please briefly describe the last instance when you integrated knowledge about adolescent brain development into your daily work.
32. Is adolescent brain development an important concept/value in your agency's decision-making process around case resolution for adolescents and young adults?
- Yes
 - No
 - Unsure

33. Professionals of all kinds are at different levels of awareness and practice related to adolescent brain development. The following descriptions represent one way to summarize these levels:

Level 1 – I have never heard of adolescent brain development before and never intentionally apply it to my work.

Level 2 - I am just starting to learn about adolescent brain development and how to apply it to my work.

Level 3 – I am aware of some of the aspects of adolescent brain development, and I am enhancing my knowledge and skills in this area on a regular basis.

Level 4 – I am regularly applying principles of adolescent brain development to my work with youth, and play a leadership role in my agency and/or community to share this knowledge and practice with others.

Where do you see yourself along this continuum? (check only one)

	Level 1		Level 2		Level 3		Level 4
Level	<input type="checkbox"/>						

Section 4: Professional Development

34. Which of the following topics have you ever received training in? (check all that apply)

- a. Risk-Needs-Responsivity
- b. Procedural justice
- c. Evidence-based/evidence-informed treatment
- d. The specific needs and characteristics of adolescents (16-17 year olds)
- e. The specific needs and characteristics of young adults (18-24 year olds)
- f. None of the above

→IF f. SKIP TO 36

35. →IF a, b, c, or d are selected: Which of the following topics have you received training in during the last six months: (check all that apply)

- a. Risk-Needs-Responsivity
- b. Procedural justice
- c. Evidence-based/evidence-informed treatment
- d. The specific needs and characteristics of adolescents (16-17 year olds)
- e. The specific needs and characteristics of young adults (18-24 year olds)
- f. None of the above

36. Have any of these trainings been helpful to your work?

- a. Yes
- b. No

→Why or why not?

37. Does your organization encourage you to integrate the new ideas or approaches you learn from trainings on adolescents and young adults into your current practice?
- Yes
 - No
 - Unsure
38. Which of the following are current roadblocks to implementing new ideas or approaches from trainings into your current practice? (check top three)
- Lack of supervisory interest
 - Lack of supervisory guidance on how to implement
 - Lack of staff interest
 - Lack of clarity about who is responsible for implementing ideas from trainings
 - Insufficient funds
 - Insufficient time
 - My performance is not evaluated based on whether I've used new ideas or approaches
 - There are no roadblocks
39. Please use the space below to let us know anything else relevant to your knowledge about, or practice with cases of, adolescents and young adults ages 16-24.

Thank you for your time!

Appendix C. Additional Tables

Table C.1. Respondents' Levels of Awareness on Key Training Topics

N	Prosecutors 36	Defense Attorneys 78
Positive Youth Development		
Level 1 - I have never heard of positive youth development before and never intentionally apply it to my work.	28%	32%
Level 2 - I am just starting to learn about positive youth development and how to apply it to my work.	36%	19%
Level 3 - I am aware of some of the aspects of positive youth development, and I am enhancing my knowledge and skills in this area on a regular basis.	33%	39%
Level 4 - I am regularly applying principles of positive youth development to my work with youth, and play a leadership role in my agency and/or community to share this knowledge and practice with others.	3%	10%
N	33	68
Procedural Justice		
Level 1 - I have never heard of procedural justice before and never intentionally apply it to my work.	27%	28%
Level 2 - I am just starting to learn about procedural justice and how to apply it to my work.	42%	22%
Level 3 - I am aware of some of the aspects of procedural justice, and I am enhancing my knowledge and skills in this area on a regular basis.	24%	37%
Level 4 - I am regularly applying principles of procedural justice to my work with youth, and play a leadership role in my agency and/or community to share this knowledge and practice with others.	6%	13%

	N	30	68
Risk-Needs-Responsivity			
Level 1 - I have never heard of the Risk-Needs-Responsivity model before and never intentionally apply it to my work.		44%	55%
Level 2 - I am just starting to learn about the Risk-Needs-Responsivity model and how to apply it to my work.		26%	19%
Level 3 - I am aware of some of the aspects of the Risk-Needs-Responsivity model, and I am enhancing my knowledge and skills in this area on a regular basis.		23%	20%
Level 4 - I am regularly applying principles of the Risk-Needs-Responsivity model to my work with youth, and play a leadership role in my agency and/or community to share this knowledge and practice with others.		7%	6%
	N	30	67
Adolescent Brain Development			
Level 1 - I have never heard of adolescent brain development before and never intentionally apply it to my work.		40%	19%
Level 2 - I am just starting to learn about adolescent brain development and how to apply it to my work.		20%	25%
Level 3 - I am aware of some of the aspects of adolescent brain development, and I am enhancing my knowledge and skills in this area on a regular basis.		37%	43%
Level 4 - I am regularly applying principles of adolescent brain development to my work with youth, and play a leadership role in my agency and/or community to share this knowledge and practice with others.		3%	12%

Table C.2. Mean Ratings on Current Knowledge of Young Adults in the Criminal Justice System

	Frequent	Not Frequent
N	40	112
Current Knowledge of Young Adults in the Criminal Justice System¹		
How trauma (e.g. physical, emotional, or sexual abuse; neglect; domestic/community violence) can affect the brain.	2.65	2.63
The distinct stages of adolescent brain development, particularly consequential thinking and reasoning.	2.68	2.46
Key risk factors for re-offending among adolescents and young adults.	2.73	2.50
The relationship between risk level and appropriate intensity of treatment or programming.	2.60	2.24*
The protective factors that lessen the risk and needs levels of adolescents and young adults.	2.42	2.21
Traditional justice system responses that may increase adolescents' and young adults' likelihood of re-offending.	3.28	2.79*
The impact of "over-programming" on adolescents' and young adults' likelihood to reoffend.	2.83	2.22*

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

¹Mean is based on a four-point scale

Figure C.1. Importance of Key Training Topics in Young Adult Case Resolution Decision-Making Process

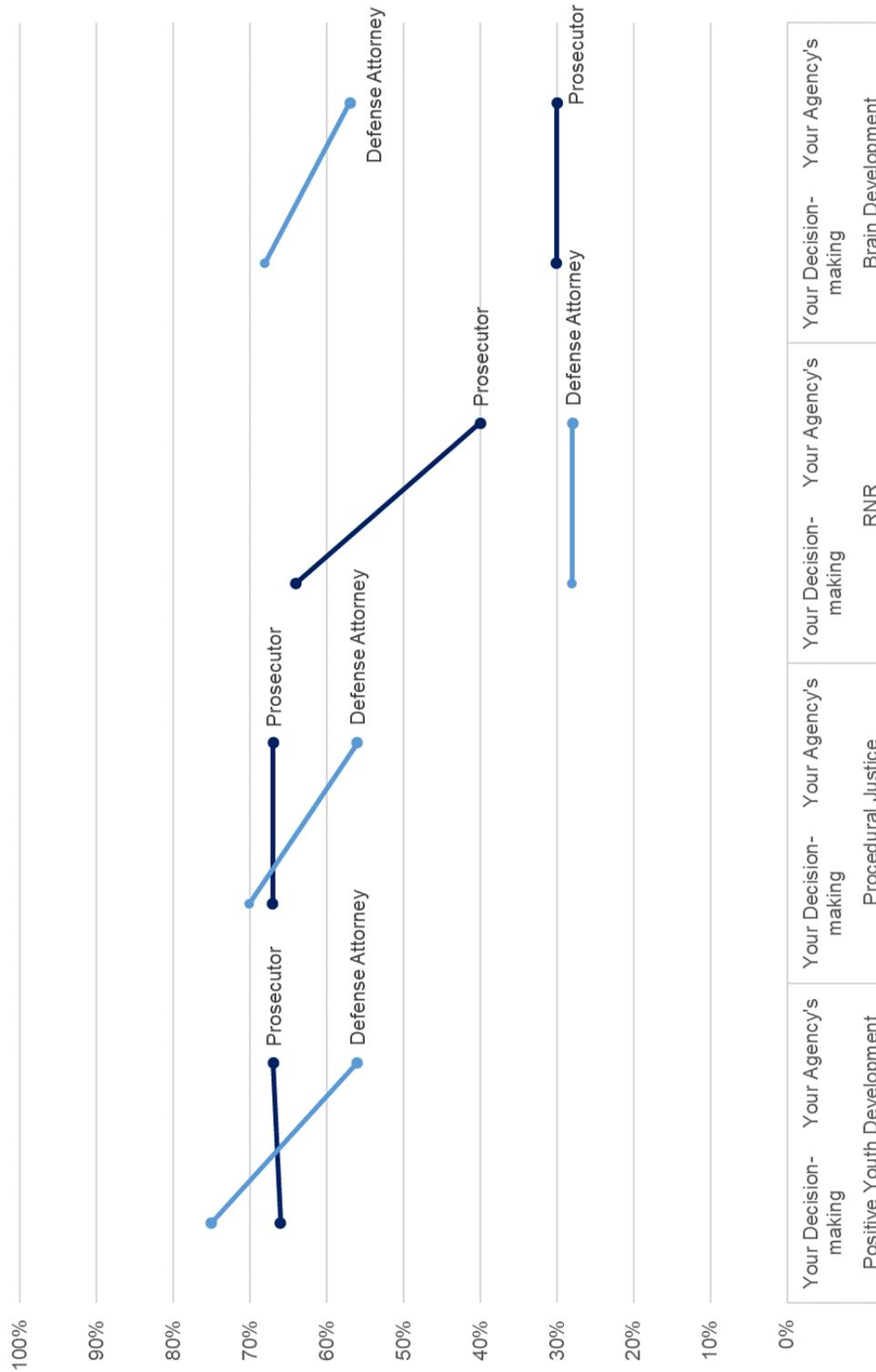
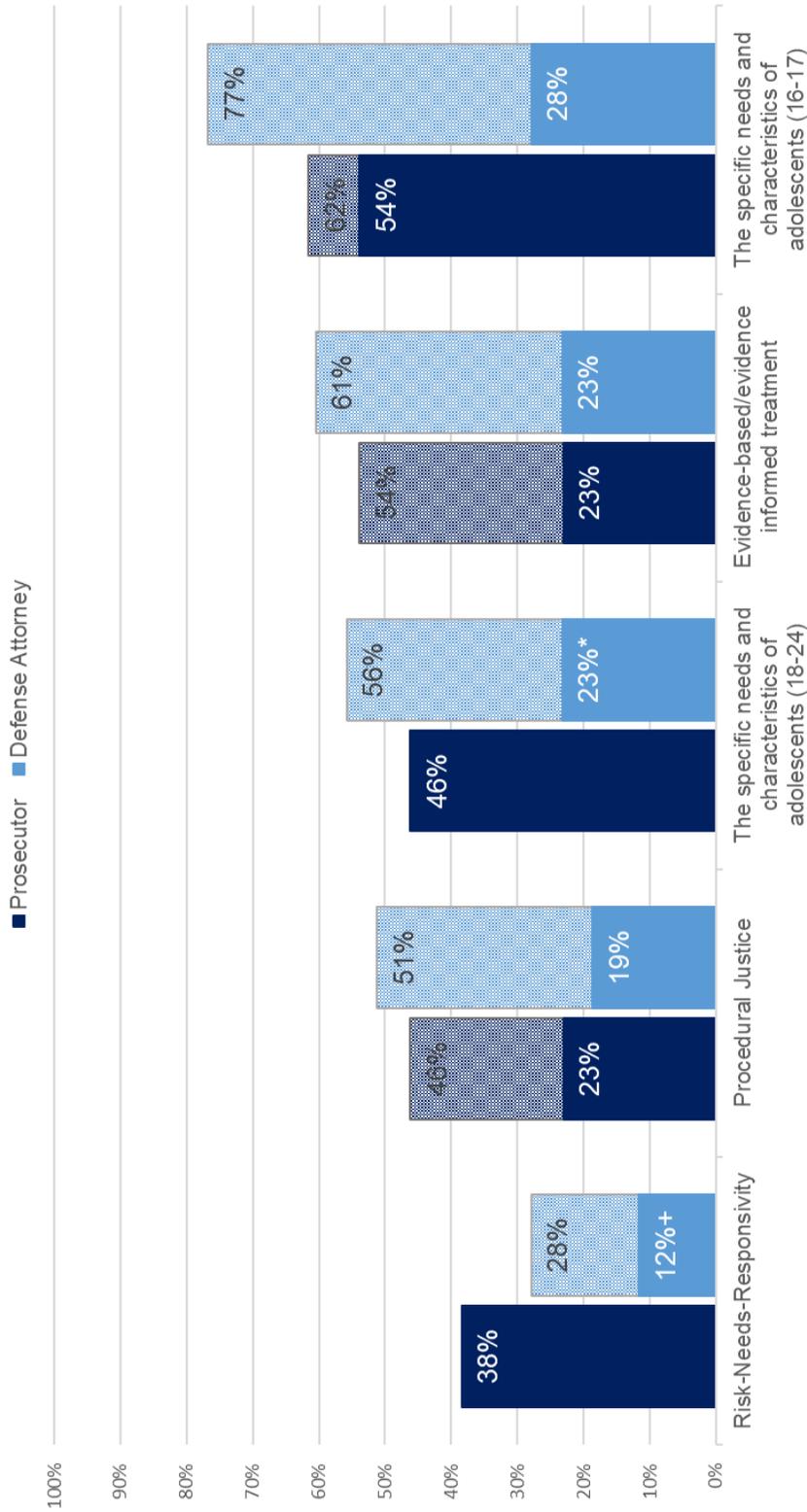


Figure C.2. Trainings Received in the Last Six Months and Ever.



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

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