
The Brooklyn Young Adult Initiative

Perceptions and Impacts of a New Approach to Young Adult Justice

By Tia Pooler and Kimberly Dalve

 Center
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Executive Summary

Over the last decade, jurisdictions across New York state have dramatically shifted their criminal justice system response to young adults. Motivated by a robust body of research showing that young people—into their mid-twenties—have demonstrably different brain architecture than adults, current young-adult focused models, including diversion and alternative dispositions or sentences, aim to minimize or even avoid the legal and collateral consequences that can accompany traditional criminal prosecution and case processing. The current study examines one such specialized approach in Brooklyn, where system actors created a young adult court to promote social services as alternative court outcomes. By connecting criminal justice-involved 16- to 24-year-olds¹ with case management and targeted social services, the goal is to address the underlying issues driving criminal behavior, while at the same time, minimizing the harms arising from criminal conviction and incarceration (e.g., Travis 2002).

As part of these efforts, in 2016, the Kings County (Brooklyn) District Attorney’s Office, the Kings County Criminal Court, and the Center for Court Innovation’s Brooklyn Justice Initiatives, with support from the Bureau of Justice Assistance’s Smart Prosecution Initiative, expanded the Brooklyn Young Adult Court pilot project to take nearly all misdemeanor cases in Kings County for 16- to 24-year-olds not disposed at arraignment. (This expansion, within Brooklyn Young Adult Court is referred to herein as the Young Adult Initiative.) The Kings County District Attorney’s Office worked closely with Brooklyn Justice Initiatives to develop the specialized policies and procedures for the Young Adult Initiative, which includes dedicated staffing (i.e., judge, prosecutors, defense attorneys, resource coordinator, and clinical staff); case conferencing; referrals to on-site and community-based clinical programming; and court-based compliance reporting. In addition, the Center for Court Innovation (the Center) created and provided training on procedural justice principles, risk-need-responsivity theory, and adolescent brain development for initiative personnel. The Center’s Brooklyn Justice Initiatives developed a range of programming to satisfy court

¹ On a statewide level, legislation enacted in 2016 is raising the age of criminal responsibility to 18 years of age.

mandates for the young adult population that target individual needs (e.g., employment readiness, conflict resolution workshops) as alternatives to criminal conviction and jail.

This report details the evaluation of the Young Adult Initiative comprising 1) a quantitative outcome evaluation, measuring program impacts on case outcomes and re-arrest, and 2) a survey of participant perceptions of the Brooklyn Young Adult Court and Brooklyn Justice Initiatives.

Major Findings

Case Outcomes: Convictions, Dismissals, and Jail

Young Adult Initiative participants received fewer criminal convictions on misdemeanor charges than the matched comparison group. Of those who pleaded guilty, Young Adult Initiative participants more frequently did so to non-criminal disposition charges (i.e., violations or infractions; 99% v. 89%). Young Adult Initiative participants were also more likely to receive an adjournment in contemplation of dismissal (ACD) than the comparison group (59% v. 31%); 99% of those ACDs were ultimately dismissed. Including ACDs that were ultimately dismissed, the overall dismissal rates for both groups were virtually identical (58% v. 56%), with the comparison group receiving more outright dismissals (25% v. 2%). Brooklyn Young Adult Initiative participants were less likely to receive jail sentences than the comparison group (2% v. 13%), reducing the direct and collateral harms arising from criminal conviction and confinement, which can affect employment, housing, higher education, and other benefit applications. Through Brooklyn Justice Initiatives programming, the Brooklyn Young Adult Court was able to provide nearly 20 types of alternative service sentences.

Re-Arrest

There are no statistical differences in overall re-arrest rates between Brooklyn Young Adult Initiative participants and a matched comparison group as measured at six months (32% v. 32%) and one-year post-arraignment (46% v. 46%). This suggests that the use of more age- and developmentally-appropriate interventions (instead of traditional justice processing and sentencing) does not negatively impact public safety. Likewise, there were no differences in comparative misdemeanor, felony, or violent felony re-arrest rates between the two groups. Within the Brooklyn Young Adult Initiative sample, program completers had a relatively

lower incidence of re-arrest when compared to the small group of non-completers² (44% v. 70% at one-year post arraignment). Time to first re-arrest was the same for the Young Adult Initiative and comparison groups (137 v. 134 days).

Timing of Re-Arrest For the entire study sample (both Young Adult Initiative participants and comparison group) the re-arrest rate at three-months post-arraignment was 19%, representing a substantial proportion of the total first re-arrests documented in the study (43%). For the Young Adult Initiative participants, this first re-arrest often occurred during the period after arraignment but before the young person’s appearances in the young adult court; the re-arrest rate for participants before engagement with the Young Adult Initiative was 17%.³

Participant Perceptions: Outcome Fairness & Procedural Justice

A participant survey revealed overall positive perceptions of the Brooklyn Young Adult Court and Brooklyn Justice Initiatives programming. Eighty percent of respondents reported feeling that their case outcome was fair. Eighty-seven percent reported that they were treated with respect by the court. Areas for improvement based on survey feedback include facilitating opportunities for defendants to speak and be heard in the courtroom, better communication with the judge, and more expeditious case processing times. Survey responses suggest positive experiences at Brooklyn Justice Initiatives; 94% of respondents felt they clearly understood what was expected of them to successfully complete their mandate, and 92% of respondents reported being treated with respect by intake staff. Finally, 59% of survey respondents reported they did not feel treated with respect by law enforcement during arrest; further analysis revealed that these individuals indicated being less likely to report a future crime to police.

Program Completion Rates

Nearly all Young Adult Initiative participants (95%) attended and completed the sessions required to satisfy their court mandate. The high program compliance rate suggests the Young Adult Initiative participants are completing their mandate without being “set up to

² Program non-completers constitute less than 10% of the total participant sample used in the impact analyses.

³ Calculated as first re-arrest occurring before the case plea date and/or first date of service with Brooklyn Justice Initiatives if “pre-plea” case; this represents 38% of all first re-arrests experienced by the Young Adult Initiative sample at one-year post-arraignment.

fail”—a noted critique of alternative sentencing and diversion programs with arduous fulfillment requirements (Bullington et al. 1978; Sung and Belenko 2006; White and Dalve 2017).

Case Processing Time

In 2016, about 29% of the more than 60,000 cases arraigned in Kings County Criminal Court on misdemeanor or violation/infraction charges belonged to young adult defendants aged 16-24.⁴ Directly after expansion, the Brooklyn Young Adult Court became one of the busiest courtrooms in the courthouse. This negatively impacted case processing times, with an average duration of 167 days (5.5 months) from arraignment to disposition;⁵ and 106 days (3.5 months) from arraignment to plea date.⁶ In the current study, this resulted in longer time to case resolutions for the Brooklyn Young Adult Initiative sample than for a comparison group,⁷ processed before the court’s expansion. In response to these delays in processing, the Brooklyn Young Adult Court adopted early case conferencing and the option of sentencing cases to Brooklyn Justice Initiatives programming directly from arraignments. An updated analysis of Brooklyn Young Adult Court cases arraigned between July 2017 and March 2018 revealed over a month’s reduction in the average time between arraignment and plea date or first day of programming with Brooklyn Justice Initiatives (65 days).

Recommendations

Develop community-based social services for criminal justice-involved young adults. Jurisdictions should focus efforts and resources on developing age-appropriate programming for 16- to- 24-year-old defendants. Individualized programming that targets criminogenic risks and needs should be designed to fulfill short-term, proportionate mandates in response to the population’s identified needs (e.g., mental health, substance use).

⁴ Source: Data provided by the New York State Office of Court Administration (analyzed by the Center for Court Innovation).

⁵ During the first nine months of operations. Based on an analysis of the 944 Young Adult Initiative sample cases used in the impact evaluation (see Chapter 4).

⁶ If referred pre-plea, time from arraignment to the first day of programming with Brooklyn Justice Initiatives.

⁷ Case processing time for comparison group was measured as arraignment date to disposition date only.

Supported by the findings in this report, community-based services can be mandated with confidence; there is no evidence that such alternative mandates compromise safety. Additionally, justice-involved young adults receiving Brooklyn Justice Initiatives programming often perceive their case outcomes as fair and are likely to successfully complete their obligations.

Incorporate procedural justice elements into programming; in particular, leverage opportunities to maximize defendant voice. Consistent use of procedural justice elements is theorized to translate into more positive perceptions of the court process and criminal justice personnel. For the Brooklyn Young Adult Initiative, specifically, stakeholders achieved high levels of perceived respect and fairness as reported by the survey respondents. However, many survey respondents reported being unable to express their views in court. While general perceptions of the judge were positive, only half of respondents (53%) agreed that the judge listened to their side of the story before making a decision. Findings further suggest that this perception may be important beyond the immediate court experience; just over half of respondents (57%) felt that Brooklyn judges, generally, are fair in their decisions. Jurisdictions should incorporate strategies that mitigate the effects of high case volume and case processing time pressures that may result in shorter and more impersonal courtroom interactions.

Promote efficient case processing and celerity. Jurisdictions beginning or expanding to work with young adults should preempt case processing time lags that may arise due to high case volume. In preparation for such initiatives, jurisdictions should engage in a critical, data-informed caseload analysis to realistically estimate case volume. Where insufficient resources are available to support anticipated caseloads, jurisdictions might consider a multiphase rollout (e.g., accepting limited charges initially). Working groups—including the judge, defense bar, prosecutor’s office, and service providers—could focus efforts on providing more immediate access to services for young adult defendants by efficiently moving them to intake, assessment, and programming when appropriate. In the current study, a substantial proportion of documented first re-arrests took place during the delays between arraignment and adjournment to the Brooklyn Young Adult Court, underscoring the importance of celerity in processing these cases.

Finally, in the current study, a higher proportion of comparison cases ended in outright dismissal, compared to the Brooklyn Young Adult Initiative participant cases (25% v. 2%), which were more likely to receive adjournments in contemplation of dismissal. To further

promote overall celerity, jurisdictions should make efforts to identify appropriate cases for outright dismissal, potentially in conjunction with proportionate, mandated or voluntary social services.

Inform programming with a risk-need assessment tool that considers prior justice system experience. As suggested by the evidence-based risk-need-responsivity framework (Bonta and Andrews 2007), jurisdictions should employ methods to assess the risks and needs of young adult justice-involved populations. Results of the current study suggest that prior justice system contact may be particularly informative in terms of both risk and needs for this population. Drawing on needs assessment results, programming and services offered should aim to address the specific needs identified; stakeholders should be cognizant of prior experiences with and perceptions of the justice system; and court personnel and service providers should receive training on trauma-informed approaches. Brooklyn Young Adult Initiative survey respondents reported high incidence of justice system involvement, with a majority reporting three or more prior arrests and previous court experience. Survey respondents' rate of victimization increased with prior arrests—those with more prior arrests were more likely to also report victimization. Across all young adults assessed by Brooklyn Justice Initiatives, more than a third presented possible trauma-related needs.

Where possible, a risk assessment tool should be integrated into the court process to aid determination of young adult defendants' risk of re-arrest. The results can enable jurisdictions to target resources for high-risk defendants and avoid longer case processing and in-depth programming for defendants at lower risk for reoffending.

Chapter 1

Introduction

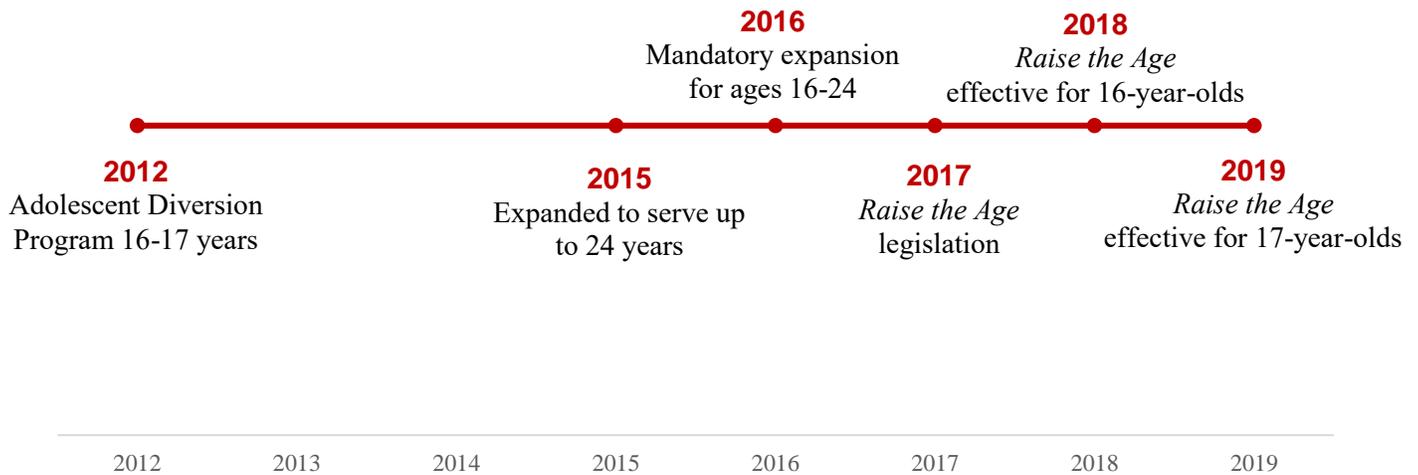
New York state’s criminal justice system responses to young adults have seen a dramatic shift in recent years. Raise the Age legislation⁸ is changing the historic practice of processing 16- and 17-year-olds in the adult criminal courts, instead moving their cases to the juvenile justice system. Prior to this legislative change, efforts launched in New York City over the prior seven years advanced the cause for adolescent and young adult justice reform. Specifically, the New York State Unified Court System worked closely with the Center for Court Innovation to implement and run the Adolescent Diversion Program—citywide specialized youth courtrooms for 16- and 17-year-olds, starting in 2012. These courtrooms rely on dedicated judges to connect defendants to a wide range of age- and needs-appropriate social service programs as an alternative to traditional case processing, criminal dispositions, and jail sentences. Researchers at the Center for Court Innovation carried out multiple evaluations of the adolescent diversion program over the subsequent years (Rempel et al. 2013; Reich et al. 2014). In short, study findings suggest the program does not jeopardize public safety and that—in line with risk-need-responsivity theory—re-offending was reduced among the highest-risk participants, while re-arrest rates increased somewhat among low-risk participants. Spearheaded by the New York State Chief Judge, the program was also implemented in other select counties across New York State.

In 2015, the Center for Court Innovation sought to expand programs to serve young adult defendants up to the age of 24. These expansion efforts were predicated on a robust body of research showing that young people—into their mid-twenties—have demonstrably different brain architecture than adults (MacArthur Foundation Research Network 2006; Monahan, Steinberg, and Piquero 2015). In particular, the 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 (Steinberg 2004; Chein et al. 2011). This is especially true of young people who have experienced trauma; indeed, the earlier trauma was experienced, the greater the

⁸ “Raise the Age” legislation can be found in: A.3009-C / S.2009-C, Part WWW, Budget Article VII (NYS 2017).

likely effects on brain development (Teicher 2002; Perry 2006; Finkelhor et al. 2011). Standard criminal justice system processes typically do not account for these realities, and often have the unanticipated effects of compounding trauma, undermining rehabilitation efforts, and increasing recidivism among the population of adolescents and young adults. Services in the expanded New York City court model include short-term counseling; developmentally-appropriate community service; educational and vocational services; substance abuse treatment; mental health and trauma counseling; and cognitive behavioral therapy.

Figure 1.1. Timeline of Major Criminal Justice Policy Changes in New York Impacting Adolescents and Young Adults



The existing adolescent court model—named the Brooklyn Young Adult Court—was therefore expanded to serve defendants up to the age of 24. The Kings County (Brooklyn) District Attorney’s Office (one of the largest prosecutorial offices in the nation) handles approximately 20,000 cases involving defendants in this age population annually.⁹ During its first year in operation, however, the young adult court had a limited reach, operating two to three days per week, with relatively low volume; during the second half of 2015, Brooklyn Justice Initiatives saw an average of just 36 cases per month from the young adult court (see

⁹ Source: Data provided by the New York State Office of Court Administration (analyzed by the Center for Court Innovation).

Figure 2.1). For different reasons, both prosecutors and defense attorneys often declined to have their cases adjourned to the specialized court. Defense practitioners reported believing their clients might get a “better deal” in the traditional courtrooms, while prosecutors often erroneously believed their cases were ineligible (White and Dalve 2017:5). Further, before newly established case referral processes could be fully adopted through ongoing training, protocol errors may have also contributed to low volume.

The Brooklyn Young Adult Initiative

Launched in 2016, the Brooklyn Smart Prosecution Initiative (the Young Adult Initiative), funded by the Bureau of Justice Assistance at the U.S. Department of Justice, is a partnership between the Kings County District Attorney’s Office, the New York State Office of Court Administration, the local defense bar, and the Center for Court Innovation (hereafter, the Center). The aim of the Young Adult Initiative is to address the over-representation of young adults in the criminal justice system by offering alternative evidence-based, age-appropriate services, thus improving public safety and reducing the direct and collateral harms associated with conviction and jail sentences (e.g., see Cullen, Jonson, and Nagin 2011; Listwan et al. 2013). Through the Young Adult Initiative, the Brooklyn Young Adult Court was expanded with the mandate to take *all* eligible misdemeanor cases not resolved at arraignment for 16- to 24-year-old defendants in Kings County (no longer at the discretion of the prosecution and defense).^{10,11} This specialized court is staffed by a dedicated judge, prosecutors, defense attorneys, resource coordinators, and social service providers. During the start-up period, technical assistance was provided by the Association of Prosecuting Attorneys and the Center, to prepare court personnel for the influx of new cases. Technical assistance included subject matter expertise, peer-to-peer information exchanges, and training.

¹⁰ Domestic violence and sex offenses are ineligible. Cases eligible for referral to other specialized bureaus of the district attorney’s office—e.g., the domestic violence bureau, the mental health court unit—are routed to those units/programs rather than to the young adult court. Further, some cases with *felony* arraignment charges may also be referred to the young adult court in scenarios where the felony courtroom judge agrees to reduce the charge severity to a misdemeanor or violation pre-disposition.

¹¹ In previous iterations of the initiative, both prosecutors and defense attorneys had to consent before a case could be adjourned to the specialized young adult court.

As part of the Young Adult Initiative, personnel assigned to the young adult court received training on adolescent brain and psychosocial development, risk-need-responsivity theory, and procedural justice. In April 2016, the district attorney's specialized prosecution bureau and the Center hosted an all-day training for Young Adult Initiative stakeholders. Over 75 members attended the presentation on mental health and developmental challenges in the juvenile justice-involved population. Speakers gave a broad overview of child and adolescent brain development, the impact of trauma exposure and psycho-social complexity, and how to think about culpability and mitigating factors in the adolescent population.

Brooklyn Justice Initiatives

Brooklyn Justice Initiatives, an operating program of the Center, was established as an alternatives-to-incarceration (ATI) program in 2013. Staff are based in Brooklyn's criminal court (Kings County Criminal Court). Brooklyn Justice Initiatives is comprised of several different areas of work: pretrial supervised release (as an alternative to bail), court-based mental health services, human trafficking interventions, and ATI programming for both young adults and adults 25 years of age and over.

Brooklyn Justice Initiatives worked closely with the Kings County District Attorney's Office to provide case management for eligible defendants in the young adult court, through a range of age-appropriate programs of varying length and intensity. Program mandates are informed by results of a short individual needs assessment conducted with participants and may include group sessions on topics such as employment readiness or conflict resolution, individual counseling sessions, or community service. Upon successful completion, court cases are often resolved with a reduced disposition (e.g., charges are dismissed or reduced to a non-criminal conviction) and without incarceration. Such case outcomes mitigate the potential collateral consequences of traditional dispositions and sentences which can affect employment, housing, higher education, and other benefit applications.

Current Study

This report details the mixed-methods evaluation of the Brooklyn Young Adult Initiative's impact. **Chapter 2** includes a summary of the work of Brooklyn Justice Initiatives, and a description of their Young Adult Initiative participant population. **Chapters 3 and 4** present evaluation findings. First, an impact analysis compares case outcomes and re-arrest rates of the Brooklyn Young Adult Initiative participant sample (arraigned in the Kings County Criminal Court, adjourned to the young adult court and mandated to Brooklyn Justice

Initiatives for programming), to those of a matched comparison sample arraigned prior to the initiative's implementation. Second, responses to a procedural justice-focused survey provide a deeper understanding of the participant experience in the initiative. **Chapter 5** concludes with a summary, discussion of limitations, and relevant recommendations.

Chapter 2

Brooklyn Young Adult Initiative

This chapter describes case flow and participant population of the Brooklyn Young Adult Initiative, defined as those 16- to 24-year-olds who appeared in the specialized Brooklyn Young Adult Court *and* were mandated to the Center's Brooklyn Justice Initiatives for programming. The Young Adult Initiative population does not include all those whose cases are heard in the young adult court, but only the subset referred to Brooklyn Justice Initiatives programming.

Case Flow

The Kings County District Attorney's Office reviews all age- and charge-eligible cases arraigned in Kings County Criminal Court and either makes an offer to the young adult defendant or sends the case to be reviewed by the young adult bureau chief in the Brooklyn Young Adult Court. For scale, in 2016, approximately 29% of the more than 60,000 cases arraigned on misdemeanor or violation/infraction charges belonged to young adult defendants aged 16-24.¹² At adjournment to the young adult court, if a young adult defendant accepts an alternative disposition offer, they are referred to Brooklyn Justice Initiatives; this referral can take place before or after the defendant enters a plea; if pre-plea, a reduced charge severity upon program completion is often part of the offer. If the defendant does not accept the offer, their case proceeds towards trial in the traditional court. If the defendant *does* accept the offer, they will proceed through intake and a short needs assessment with Brooklyn Justice Initiatives staff. At this point in the case process, the individual becomes a Young Adult Initiatives participant for the purposes of this study. After review, staff will schedule the defendant to an appropriate program to satisfy their court mandate. Services can be either short-term or long-term, offered on-site at Brooklyn Justice Initiatives or referred off-site to a community partner organization.

¹² Source: Data provided by the New York State Office of Court Administration (analyzed by the Center for Court Innovation).

Figure 2.1. Brooklyn Young Adult Initiative Case Volume, Pre- versus Post-Expansion

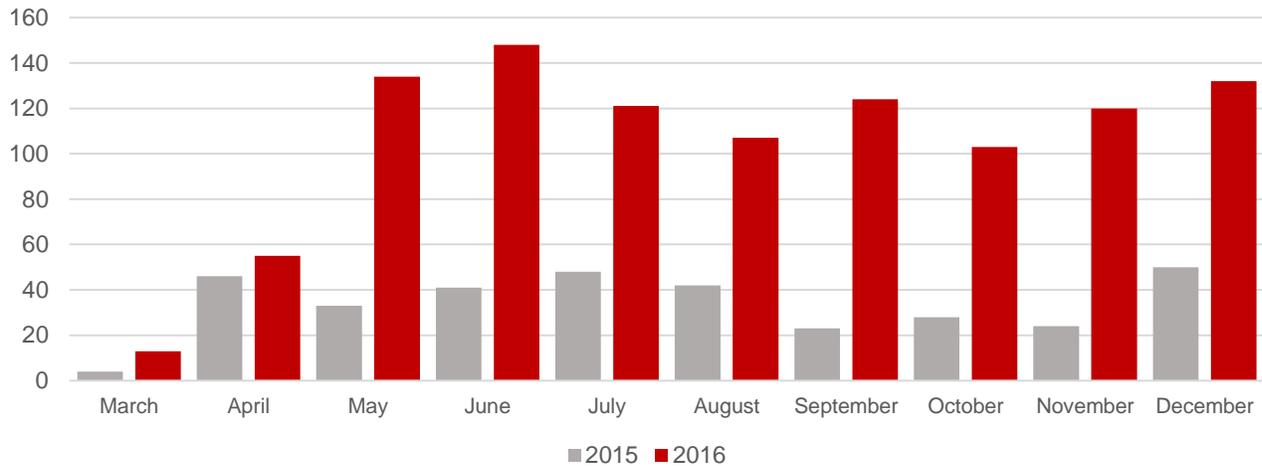
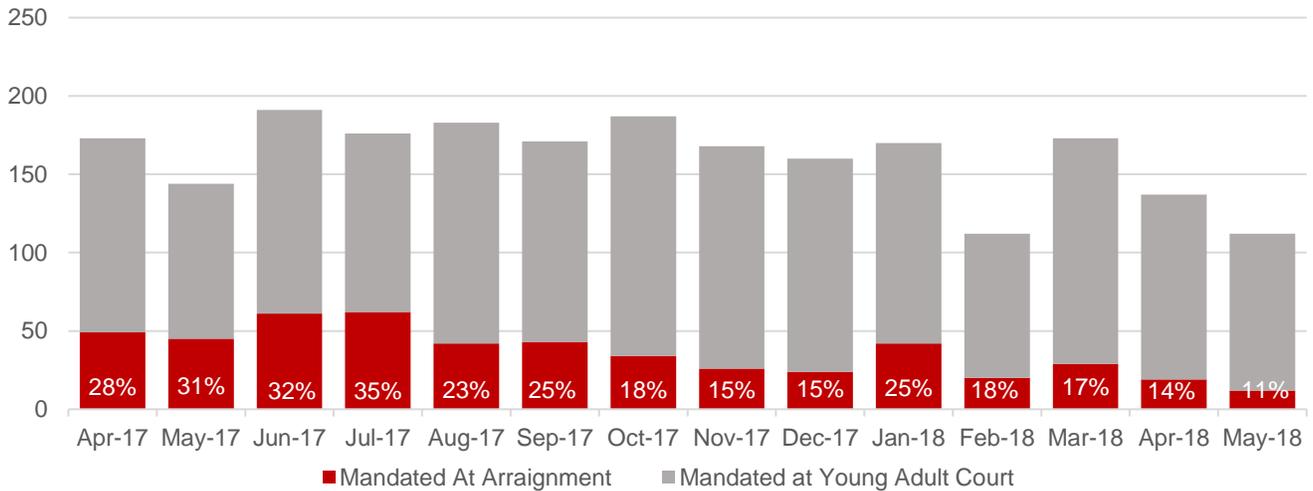


Figure 2.1 shows the change in Brooklyn Justice Initiative’s case volume (referred from the young adult court) in the year preceding and following the Young Adult Initiative’s implementation. In the first year of the expansion, 1,057 defendants received age-appropriate programming, more than double the number in 2015. This increase, however, adversely impacted court resources and soon led to lengthy average wait times for defendants to engage with services. A judge interviewed as part of a previous Center project described the backlog in the Brooklyn Young Adult Court: “*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*” (White and Dalve 2017:6). In response, in April 2017, the Brooklyn Young Adult Court social services mandates were made available during criminal court arraignment calendars, so that defendants could engage in services *before* their first appearance in front of the young adult court judge. This practice also served to reduce the number of dates defendants must return to court.

Figure 2.2 shows that this change in practice occurred regularly from April 2017 onward. Since April 2017, cases mandated at arraignment accounted for between 11% and 35% of the monthly volume.

Figure 2.2. Brooklyn Justice Initiatives Program Referrals, by Timing of Mandate



Participant Profile

From the start of the Brooklyn Young Adult Initiative at the end March 2016, through the end of May 2018, a total of 3,553 defendants referred to Brooklyn Justice Initiatives from the young adult court completed the intake process. By definition, all participants were between 16 and 24 years old at the time of the offense, with an average age of 19.6. The majority (78%) of defendants were male. Most (79%) identified as either black (58%) or Latinx (21%). Table 2.1 presents a profile of participants.

Table 2.1. Brooklyn Young Adult Initiative Participant Characteristics

	N	Young Adult Initiative Participants 3,553
Demographics		
Male Gender¹		78%
Age at Offense		
16-17		21%
18-21		51%
22-24		28%
<i>Average Age at Offense</i>		19.6
Race and Ethnicity²		
Black		58%
Latinx		21%
White		7%
Asian		3%
Multi-racial		6%
Other		5%

¹ Less than 1% of respondents identified as transgender, gender non-conforming, or other.

² Race/ethnicity data missing for 36 participants.

Defendants entered Brooklyn Justice Initiatives with a variety of over 200 unique charge codes. Table 2.2 presents the top ten arraignment charges, which represent just under 60% of all cases. Assault in the third degree and petit larceny were the most common arraignment charges; each of the top ten arraignment charges were class A misdemeanors. Sixteen percent of defendants were charged with assault in the 3rd degree (120.00), including with intent to cause physical injury (120.00.01). Petit larceny and theft of services (i.e., jumping the turnstile¹³) charges were also common. Not surprisingly, compared to the common arraignment charges, the table shows participants plea to lower severity level charges; here, nearly half (47%) pleaded to a violation-level offense.¹⁴ Nearly half of the participants had

¹³ Theft of services (N.Y. Penal Law § 165.15) is the charge of obtaining railroad, subway, bus, air, taxi or any other public transportation service without payment. In New York City, this charge is most commonly used for defendants who are accused of jumping the turnstile to avoid payment for subway service.

¹⁴ A violation level offense is less serious than a misdemeanor and is not a criminal offense; in New York State, a violation offense cannot carry an imprisonment sentence in excess of fifteen days.

no plea charge, as they engaged with programming prior to entering a plea (i.e., pre-plea cases).

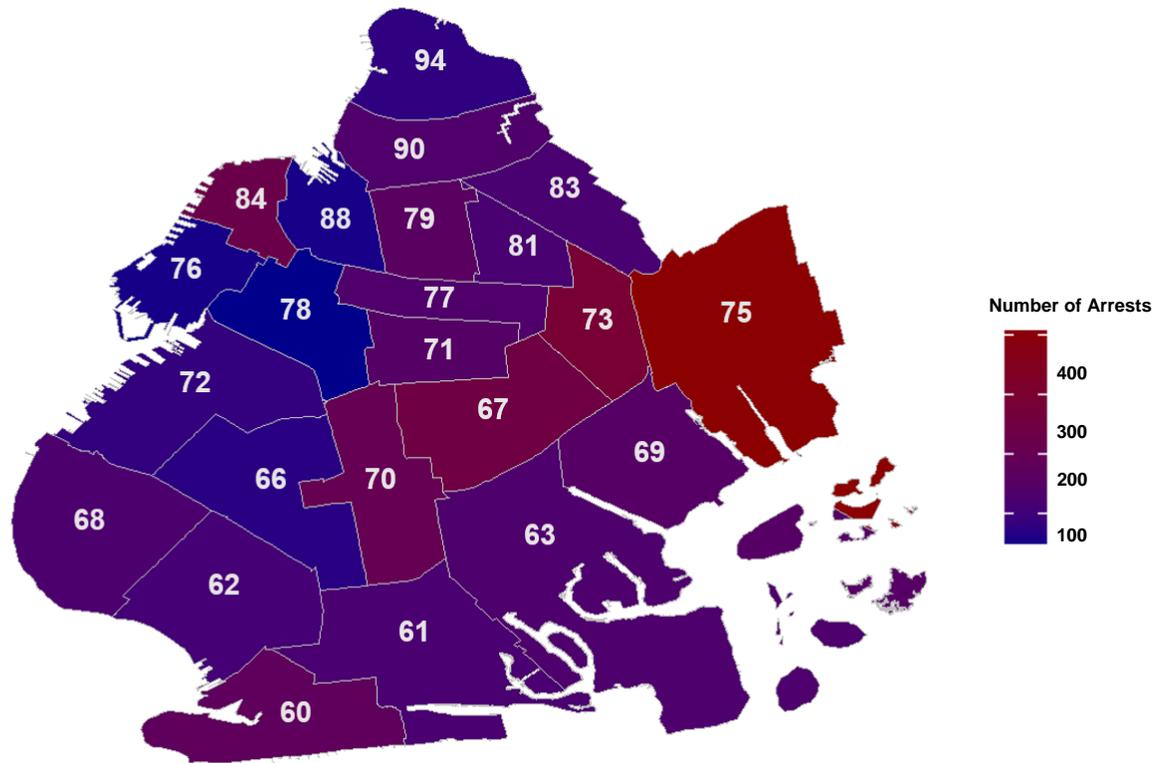
Table 2.2. Brooklyn Young Adult Initiative Participants' Top 10 Charges

			Young Adult Initiative Participants
			N
			3,553
Arraignment Charge (Code, Description, Severity)			
120.00	Assault (3 rd)	A Misd	10%
155.25	Petit Larceny	A Misd	10%
220.03	Criminal Possession of a Controlled Substance (7 th)	A Misd	7%
120.00.01	Assault (3 rd) w/Intent to Cause Physical Injury	A Misd	6%
165.15	Theft of Services	A Misd	6%
170.20	Possession of Forged Instrument (3 rd)	A Misd	5%
165.15.03	Intent/Fraud Obtain Transportation w/o Pay	A Misd	4%
265.01	Criminal Possession of Weapon (4 th)	A Misd	4%
205.30	Resisting Arrest	A Misd	4%
165.40	Criminal Possession of Stolen Property (5 th)	A Misd	3%
-	All Other Charges	<i>Varied</i>	41%
Plea Charges (Code, Description, Severity)			
-	No plea	<i>NA</i>	45%
-	Unspecified Violation of Penal Law	<i>Unspecified</i>	1%
240.20	Disorderly Conduct	Violation	47%
120.00	Assault (3 rd)	A Misd	1%
155.25	Petit Larceny	A Misd	1%
170.20	Possession of Forged Instrument (3 rd)	A Misd	1%
220.03	Criminal Possession of a Controlled Substance (7 th)	A Misd	1%
170.55	Unlawfully Using Slugs (2 nd)	B Misd	<1%
145.00	Criminal Mischief (3 rd)	A Misd	<1%
221.10	Criminal Possession Marihuana (5 th)	B Misd	<1%

Figure 2.3 presents the geographic distribution of participant arrests. The top precinct of arrest was the 75th (12%), which covers the easternmost portion of the borough and contains the neighborhoods of East New York and Cypress Hills. Another 8% of cases coming through the Brooklyn Young Adult Court to Brooklyn Justice Initiatives experienced arrest in the 73rd precinct (Brownsville, Ocean Hill), followed by the 67th and 84th precincts.

While all participants were arrested and arraigned in Brooklyn, they reside in neighborhoods across the city. Appendix A depicts all New York City zip codes where participants reported a home address.

Figure 2.3. Precinct of Arrest of Brooklyn Young Adult Initiative Participants



Programming and Mandates

After being mandated to Brooklyn Justice Initiatives, defendants meet with intake staff, who ask a series of questions to aid in case management and inform service referrals, both mandatory and voluntary. As of October 2016, the Criminal Court Assessment Tool (C-CAT), developed by the Center with support from the Bureau of Justice Assistance (Picard-Fritsche et al. 2018), is conducted as part of the intake process (though it may be scheduled for a future session). The C-CAT assessment can provide both a risk score and flags for various social service needs (see Appendix B for a description of flag types). Overall, 2,762 defendants (78%) were screened with the C-CAT during the study period.¹⁵ Table 2.3 presents needs flagged among the screened participants.

¹⁵ These data points cover responses to both the “C-CAT Short” tool (N = 2,542) and a smaller number of defendants who were assessed with the longer “C-CAT Medium” tool (N = 331; 111 of whom were assessed with both). The C-CAT Medium contains additional questions and is

Table 2.3. Criminal Court Assessment Tool Needs Flags¹

Young Adult Initiative Participants	
N	2,762
No Needs Identified	30%
1+ Needs Identified	70%
Mental Health	53%
Substance Use	47%
Trauma	38%
Employment	35%
Education	35%
Housing	7%

¹ Includes flags from both C-CAT Short and C-CAT Medium tools; participants could have more than one need, therefore, the sum of needs is > 100%.

Clinicians and case managers work with participants to ensure programming is appropriate and monitor program attendance and mandate compliance. In response to the identified needs, Brooklyn Justice Initiatives offers on-site programming such as drug education workshops, treatment readiness groups, individual counseling sessions, and full clinical assessments when appropriate. In addition, they provide linkages to outside community providers for mandatory longer-term or voluntary service engagement.

Table 2.4. Participant Mandate Track

Young Adult Initiative Participants	
N	3,553
Track 1 (1-5 days)	82%
Track 2 (6-15 days)	17%
Track 3 (16+ days)	1%

Most clients (82%) received a short-term mandate of between one and five days. Total mandate sessions ranged from 1 to 26 sessions. Two- and three-day mandates were the most common, with half (52%) of participants receiving a total of two days of mandated services (not shown). Almost all participants received a screening or assessment as part of their

utilized when individuals are determined to merit a longer mandate (track 2 or track 3) and/or when the C-CAT short tool results signal to staff that the more in-depth assessment may be appropriate.

mandate. Just over half (54%) of participants were mandated to attend at least one *group* session.

Table 2.5. Mandate Type and Length

		Young Adult Initiative Participants N 3,553
Mandate Type	Length of Mandate	% Mandated ¹
Screening Assessment	N/A (1)	98%
Groups, including Conflict Resolution and Up & Out	1-9 sessions	54%
Case Management Sessions	1-10 sessions	32%
Individual Counseling Sessions	1-13 sessions	22%
Community Service	1-15 days	20%
Youth Programming	1-12 sessions	6%
Other (e.g., education, vocation, essay, mediation)	1-4 sessions	4%

¹Participants often received multiple mandate types during one case engagement; total mandated is therefore > 100%.

As most participants engage in mandated programming for five days or less, Brooklyn Justice Initiatives created curricula for a variety of short-term programs, responsive to specific needs. Below are descriptions of the most common mandate types.

- **Up & Out:**¹⁶ A three-session curriculum informed by evidence-based practice principles (goal-oriented, motivational interviewing, procedural justice, and trauma-informed care). Participants are guided through reflecting on past experiences with the criminal justice system, exploring new ways of dealing with stress, and identifying supports for their future. The Up & Out program was developed by the Center with support from the Bureau of Justice Assistance.
- **Conflict resolution:** A one-session group that guides participants in identifying their own triggers and past experiences with conflict. Using a strength-based approach, the session aims to help participants determine alternative responses and coping mechanisms.
- **Employment readiness group:** A two-session program that engages participants in activities to build self-confidence, set employment-related goals, and map current

¹⁶ See White et al. 2018 for a full program description and evaluation findings.

and future opportunities. Specifically, facilitators will assist participants in building résumés and interview skills.

- **Individual counseling sessions:** Participants meet with a social worker for a one-on-one session, during which the social worker can provide personalized support and voluntary referrals to other services based on participant goals and needs.
- **Community service¹⁷:** Participants complete local, meaningful service projects under the supervision of Brooklyn Justice Initiatives staff and/or partner agencies. Projects include assisting in community restoration (e.g., litter removal, painting) or participating in community restitution projects (e.g., cleaning parks, planting trees).

The successful completion rate of 95% shown in Table 2.6 suggests that nearly all participants attended and successfully completed the programmatic requirements to satisfy their court mandate.

Table 2.6. Mandate Compliance

Young Adult Initiative Participants	
N	3,297
Completed Successfully	95%
Neutral Closure ¹	1%
Unsuccessful Closure	4%

¹ Neutral closure includes administrative closure and participant opt-out.

¹⁷ Since the beginning of this study, community service mandates have become a less significant element of the Young Adult Initiate model. Brooklyn Justice Initiatives continues to partner with Red Hook Community Justice Center and Brownsville Community Justice Center (both Brooklyn-based operating programs of the Center) for community service referrals in only a small number of cases, where appropriate.

Chapter 3

Program Impact

The impact analysis described in this chapter compares case outcomes and recidivism for a sample of Brooklyn Young Adult Initiative participants to a matched group of 16- to 24-year-old defendants processed through the traditional criminal court. Researchers sought to assess whether targeted training, along with a specialized court incorporating elements of procedural justice and individualized, proportionate, and developmentally-appropriate interventions would positively impact case outcomes and recidivism among young adult defendants. The Brooklyn Young Adult Initiative participants in this study sample had cases arraigned between April 2016 and December 2016, while those in the matched comparison group had cases arraigned prior to the existence of the expanded specialized young adult court (January 2014 to March 2016). Potential comparison cases were excluded from the final comparison sample if they were processed through the Brooklyn Young Adult Court or mandated to Brooklyn Justice Initiatives for programming or services.

Methodology and Sample Population

Development of Comparison Sample

The sample of Brooklyn Young Adult Initiative participants was created using data from the Center's case management system, where all demographic, assessment, programming, and compliance information is tracked. To link this participant sample to official court data and identify a pool of cases from which to draw a comparison sample, we requested a data file from the New York State's Office of Court Administration. Specifically, the data requested was to include:

- Potential **comparison cases** arraigned in Kings County Criminal Court during a period prior to the Brooklyn Young Adult Court expansion (January 2014 through March 2016); and
- The **participant sample** of cases arraigned in Kings County Criminal Court during a period immediately *following* the Brooklyn Young Adult Court expansion (April 2016 through December 2016).

The data request was limited to those defendants aged 16 to 24 at the time of arrest, arraigned on with any level misdemeanor or a C, D, or E felony charge. The comparison pool was further pared down to exclude cases disposed at arraignment, cases disposed in the Brooklyn Young Adult court, arrests in precincts not represented in the participant sample, as well as arrest and arraignment charges not represented or common in the participant sample. The comparison sample also excluded cases mandated to Brooklyn Justice Initiatives for alternative young adult programming.¹⁸

The official court data included defendant- and case-level information (e.g., defendant demographics; criminal history; and current charge, disposition, and sentence). The data also included recidivism details (i.e., re-arrest following arraignment on the instant case), used to conduct the impact analysis.

Adjustment for Selection Bias The Young Adult Initiative participant cases were merged with the official court dataset, creating the study's full participant sample. Once the comparison pool was narrowed to only those with marginally comparable background characteristics, we utilized propensity score adjustment techniques to reduce any remaining differences in background between the participant and comparison samples. Propensity score adjustments typically eliminate the need to control for specific background characteristics when performing the actual impact analysis (see, e.g., Rubin 1973; Bryson, Dorsett, and Purdon 2002).

To create the adjusted samples, the p-values for all bivariate comparisons of defendant baseline characteristics were examined. Next, all characteristics were entered into a logistic regression model, for which the dependent variable was sample membership (0 = comparison, 1 = Young Adult Initiative). Then, we implemented a one-to-one matching strategy without replacement (i.e., each participant was matched to the single comparison subject with the closest propensity score that had not previously been matched). Appendix C demonstrates that the adjustment strategy was successful at reducing background differences between the participant and comparison sample. That is, following propensity score matching, the samples were nearly identical across an array of available background measures.

¹⁸ Comparison cases may have received other community-based, alternative programming or court mandates.

Impact Findings

Case Outcomes

Table 3.1 presents disposition and sentencing outcomes for the two groups. The groups have similar rates of guilty pleas (about 40%); however, Young Adult Initiative participants received fewer criminal convictions on misdemeanor charges than the comparison group. In other words, of those who pleaded guilty, Young Adult Initiative participants more frequently did so to a non-criminal disposition charge (i.e., violation or infractions; 99% v. 89%); the difference is statistically significant. A violation- or infraction-level plea will *not* show up as a criminal conviction for the defendant; avoiding such a criminal record is an important part of the Young Adult Initiative’s effort to reduce collateral consequences of traditional criminal justice system involvement.

A higher proportion of Brooklyn Young Adult Initiative participants received an adjournment in contemplation of dismissal (ACD).¹⁹ In contrast, a higher proportion of comparison cases end in outright dismissal. Most ACDs are in fact ultimately dismissed, meaning the total proportion of overall dismissals is nearly identical across the samples (just under 60%).²⁰ During the six-month ACD period, Brooklyn Young Adult Initiative participants work with Brooklyn Justice Initiatives to complete mandated programming; the relatively higher rate of ACDs (as opposed to outright dismissals) likely contributes to the longer average time to case resolution among participants—5.5 months versus 4.7 months for the comparison group.²¹ Further, as previously noted, the high case volume during the first year of the initiative led to increased wait times before defendants’ first appearance in the young adult court; participants had an average of 106 days (3.5 months) between arraignment and plea dates.²²

Sentencing Table 3.1 also presents sentencing outcomes for the two samples. Young adults in the Brooklyn Young Adult Initiative group were less likely to receive a jail sentence than the comparison group (2% v. 13%). Participants also received a higher proportion of

¹⁹ In New York State for a typical case, an ACD remains in effect for six months, after which time the case is dismissed so long as the person has had no subsequent arrests during the adjournment period.

²⁰ During the adjournment period of an ACD, the case is searchable in criminal background checks, and there is exposure to possible future re-arrest which could counteract the dismissal.

²¹ Measured as days between arraignment date and disposition date.

²² If referred pre-plea, the first day of programming with Brooklyn Justice Initiatives.

conditional discharge sentences (94% v. 53%). By contrast, the comparison group was more likely to receive a sentence of time-served (31% v. 3%). All differences in sentencing outcomes are statistically significant.

Table 3.1. Brooklyn Young Adult Impact on Case Outcomes

		Young Adult Initiative Participants	Comparison Group
Disposition	N	944	944
Pled Guilty		38%	42%
Criminal Charge (Misd.)		1%***	11%
Non-Criminal Charge (Violation/Infraction)		99%***	89%
Adjournment in Contemplation of Dismissal (ACD)		59%***	31%
Dismissed Outright		2%***	25%
Dismissed Total ¹		58%	56%
Other		1%	1%
Case Processing	N	944	944
Average Days from Arraignment to Disposition		167***	142
Sentence (if pled guilty/convicted²)	N	357	395
Incarceration		2%***	13%
<i>Less than 30 Days</i>		2%	11%
<i>30 Days to 1 Year</i>		0%	2%
Time Served (< 1 Year)		3%***	31%
Fine		1%	3%
Conditional Discharge		94%***	53%
Other/Probation		1%	0.3%

*p<0.05, ** p<0.01, ***p<0.001

¹ Includes ACDs ultimately dismissed.

² For those that pled guilty or were convicted only. Sentence outcomes were not available for seven cases with disposition status listed as “convicted - not sentenced.”

Conditional discharge sentences require an individual to adhere to certain conditions, such as no further arrests for one year, and often require them to participate in and complete some sort of social or community service. In this case, the Brooklyn Justice Initiatives mandate is therefore the final sentence for nearly all (94%) Young Adult Initiatives cases. While the proportion of comparison cases serving jail time post-sentencing is not high, avoiding unnecessary incarceration for young adults, and the associated harms (both immediate and longer-term), is an important achievement of the Brooklyn Young Adult Court model.

Re-Arrest

Re-arrest rates were compared at six months and one year post-arraignment; results are presented in Table 3.2. The overall re-arrest rates were not statistically different between the two samples (46% v. 46% at one year). Re-arrests were further broken down by charge severity—i.e., misdemeanor, felony, and violent felony—and again, there were no statistical differences between the groups.

Table 3.2. Brooklyn Young Adult Initiative Impact on Re-Arrest

	Young Adult Initiative Participants	Comparison Group
N	944	944
Average Time to Re-Arrest ¹	137 days	134 days
Re-Arrest, 6 Months		
Any Re-Arrest	32%	32%
Any Misdemeanor Re-Arrest	27%	27%
Any Felony Re-Arrest	10%	9%
Any Violent Felony Re-Arrest	5%	5%
Re-Arrest, 1 Year		
Any Re-arrest	46%	46%
Any Misdemeanor Re-Arrest	41%	39%
Any Felony Re-Arrest	17%	16%
Any Violent Felony Re-Arrest	9%	9%

*p<0.05, ** p<0.01, ***p<0.001

¹Average time to first re-arrest of those who were re-arrested during the one-year post arraignment study period.

To better assess the possible impacts associated with *completing* Brooklyn Justice Initiatives programming—a key element of the Young Adult Initiative—researchers also compared re-arrest rates between those who successfully finished their court mandate (program completers, n = 847) and the relatively small number of participants who were non-compliant with their court mandated programming (non-completers, n = 89). While considering only those who successfully complete a program is generally not a valid analysis of impact, we wanted to assess possible differences in recidivism between the two participant groups. In part, this interest stemmed from the possibility that any perceived differences might help to inform future efforts to develop responsive programming for subsets of participants. Brooklyn Justice Initiatives program completers had a one-year re-arrest rate of 44% v. 70% for non-completers (Table 3.3).

Table 3.3. Program Completion Impact on Re-Arrest (Young Adult Initiative Participants Only)

	Successful Program Completers	Program Non-Completers
N	847	89
Any Re-Arrest, 6 Months	30%***	49%
Any Re-Arrest, 1 Year	44%***	70%

*p<0.05, ** p<0.01, ***p<0.001

As prior criminal justice involvement is often a strong predictive factor in risk assessment models, researchers also compared overall re-arrest rates for *all* defendants in the sample (both Young Adult Initiative participants and comparison groups) with (n = 1,255) and without (n = 633) prior arrest experience (results not shown). Re-arrests rates were significantly higher for those with prior arrests at both six months (40% v. 16%) and one year post-arraignment (56% v. 26%).

Time to New Arrest Even given comparable re-arrest rates between the two groups, it is possible that programming might delay new criminal activity. However, the period from arraignment to a new arrest was not significantly different between the samples. Among those re-arrested one-year post arraignment, defendants averaged 135 days to their first new arrest. A Kaplan-Meier survival analysis further compares the timing of first re-arrest during the post-arraignment period between the two groups. While the Young Adult Initiative participants experienced slightly longer average time to first re-arrest, the difference was not statistically significant. See the survival curve in Appendix D.

Further analysis of the entire study sample (both Young Adult Initiative participants and comparison group) revealed that nearly one-fifth of defendants have a new arrest within three months of arraignment (19% three-month re-arrest rate²³). This represents a substantial proportion of the total first re-arrests documented in the study (43%); at six-months post-arraignment, 69% of documented first re-arrests had occurred. These findings suggest that incidents of re-arrest occur relatively quickly—within six months of the initial arraignment—

²³ The three-month re-arrest rate was 19.6% for Young Adult Initiative participants and 19.0% for the comparison group.

and may support front-loading services and interventions during this vulnerable period for appropriate cases/defendants.

Timing of First Re-Arrest for Participants In order to create a comparison group using official court data, arraignment date was chosen as the “beginning” of the one-year recidivism period included in this study. However, we acknowledge that Brooklyn Justice Initiatives programming—services aimed at individual needs—is a key element of the Brooklyn Young Adult Initiative. It is hypothesized that such programming can help mitigate criminogenic risks and behaviors of the justice-involved young adult population. An ideal study would include program type, attendance (e.g., number of days/sessions), and post-program time in the recidivism analysis period to assess the full impact of the interventions utilized by the court. For the Young Adult Initiative participants in the current study, first re-arrest often occurred while the case was pending—17% of participants were re-arrested *before* their young adult court appearance,²⁴ before they become fully engaged in the initiative or have a chance to begin social services and experience any of the intended benefits of initiative programming (see Appendix E).

²⁴ Calculated as first re-arrest occurring before the case plea date and/or first date of service with BJI if “pre-plea” case; this represents 38% of all first re-arrests experienced by the Young Adult Initiative sample one-year post-arraignment.

Chapter 4

The Participant Experience

While re-arrest rates are important, they provide only a limited measure of program impact. Given the Brooklyn Young Adult Initiative model, it may be unrealistic to anticipate that such a brief intervention (usually less than five days) would show substantial impacts on incidence of future arrests. However, the collective experience—from the courtroom experience, to interacting with the judge, to participation in mandates such as a workshop with peers or sessions with a social worker, to voluntary service referrals—and the use of proportionate and clinical, restorative, or educational interventions, might, in fact, manifest in harder-to-quantify improvements for young adult participants and their experience and perceptions of the justice system (Frazer 2006). In recognition of this limitation, researchers also distributed and analyzed a short survey to a sample of Young Adult Initiative participants.

Over a period of approximately one year (February 2017 to April 2018), Young Adult Initiative participants were invited to share their views through a survey including both closed- and open-ended questions. Administered just after Brooklyn Justice Initiatives intake—and thus, before participants engaged in any services—the survey examined participant interactions with defense attorneys, the prosecutor, judge, and service providers in the young adult court. Findings shed light on participant definitions and perceptions of outcome fairness and the key elements of procedural justice—such as neutrality and respect—that were integral to the training efforts for the specialized court (see Chapter 2 and White and Dalve 2017). Participant feedback also highlights potential areas for additional training.

Methodology and Sample Population

Survey Development

The survey instrument draws from the procedural justice literature and other procedural justice-focused research projects and community surveys previously conducted by the Center. Procedural justice is theorized to be an important element of an effective and legitimate criminal justice system; first, because as individuals, defendants should be treated with respect as a statement of our society's principles, but also because previous research has

suggested the experience of procedural justice might be linked to legal compliance via perceived justice system legitimacy (Tyler and Huo 2002; Tyler 2006).²⁵ Further, perceived case outcome fairness, which can be experienced as distinct from case outcome *favorability* matters for both defendants and the larger justice system (Skitka, Winquist, and Hutchinson 2003). Specifically, as a means for evaluating the Brooklyn Young Adult Initiative, questions were designed to elicit feedback on key procedural justice elements which were integral to stakeholder training, including understanding, respect, and voice. Respondents were also asked to reflect on how fair they felt their case outcome to be. The survey covered the following domains (see Appendix H for the full survey instrument):

1. Attitudes about the law and the criminal justice system;
2. Perceptions of fairness in the Brooklyn Young Adult Court;
3. Procedural justice and the intake process at Brooklyn Justice Initiatives;
4. Previous criminal justice system experiences; and
5. Anticipated future engagement with police.

Survey Protocol

The survey was administered to a sample of young adults mandated in the Brooklyn Young Adult Court to programming at Brooklyn Justice Initiatives. Just after intake, individuals gave verbal informed consent before voluntarily taking the survey. Research staff explained that survey responses would be used for research purposes only and would not affect court outcomes or services received. The survey was available in both English and Spanish.²⁶ Respondents' names were collected so that survey responses could be linked to case and program data.²⁷ No other personally identifying information was collected. In response to low early response rates, five-dollar gift cards for a major chain cafe were offered to survey respondents as a compensation for their time starting in June 2017. The materials and protocol related to this survey were approved by the Center's Institutional Review Board.

²⁵ Other study findings point to the complexities of measuring procedural justice impacts; researchers with the Center, for example, previously found no evidence that observed courtroom procedural justice positively affected defendants' perceptions, compliance or recidivism (Farley, Jensen, and Rempel 2014).

²⁶ Only one respondent completed the survey in Spanish.

²⁷ Although linked to BJI participant names on the survey instrument itself, responses were not entered into the case management system and were not accessible to non-research staff.

Challenges The high volume of mandated defendants and the relatively small waiting room area proved to be a challenging combination during survey administration. The gift card incentives were crucial to participation and reducing selection bias. Although a few clients agreed to take the survey prior to the introduction of the gift card compensation, researchers were concerned that these respondents were not representative of the full participant sample (e.g., that those participants who were willing and able to stay to complete the survey without remuneration were less likely to have obligations such as work). Therefore, introducing the gift card stipends not only increased participation, it also helped to mitigate the potential bias issue.

Survey Response and Analytic Plan

In total, 207 surveys were administered between February 2017 and April 2018. After accounting for missing data, surveys taken in error by participants in other Brooklyn Justice Initiatives programming (i.e., not part of the Young Adult Initiative), and duplicate surveys, a final count of 170 valid surveys were included in the results presented below.

Quantitative analyses were carried out using SPSS statistical software; a majority of Likert scale questions were analyzed by comparing means and/or combining responses into “agree or strongly agree” indicators. Open-ended qualitative question responses were analyzed using emergent thematic coding.

Respondent and Case Characteristics

Researchers merged survey responses to demographic, instant case (e.g., arraignment charge), and compliance data from the Brooklyn Justice Initiatives’ case management system. Where respondents had multiple cases, researchers chose the instant case with an open date closest to the survey completion date.

Demographics and Case Type Of the 170 survey respondents, the majority identified as male (72%), over half identified as black/African American (58%), just over a fifth (21%) identified as Latinx, and half were 18-21 years old. Over a quarter of respondents’ arrests occurred in three police precincts (i.e., the 70th, 73rd, and 75th). Most were arraigned on a category A misdemeanor (88%), with assault and petit larceny representing the most common specific offense charges. Most respondents (78%) received short-term (1-5 day) mandates with Brooklyn Justice Initiatives. (For all survey respondent characteristics, see Appendix F.)

Brooklyn Justice Initiatives Compliance Among those survey respondents with closed Brooklyn Justice Initiatives engagements (as indicated by official program data matched to survey responses, N = 128),²⁸ over 98% had successfully completed their mandate (slightly higher than the overall program compliance rate of approximately 95% reported in Chapter 2 of this report).

Survey Findings

Perceptions of the Law and the Criminal Justice System

While the existing evidence is mixed (e.g., see Farley et al. 2014), perceived legitimacy of the criminal justice system overall is theorized as an important correlate of legal compliance (Beetham 1991; Tyler 2006). A majority of survey respondents agreed²⁹ that laws are intended to protect people (77%), with fewer agreeing that people should obey the law even when it goes against what they think is right (61%). Just over half of respondents (57%) believed that judges in Brooklyn are generally be fair in their decisions.

Related, research indicates that the perception of neutrality within the justice system is often a driver of the system’s overall perceived legitimacy (Tyler 2006; Mazerolle et al. 2013). As seen in Figure 4.1, while perceived negative racial or ethnic bias was *relatively* more prevalent than other perceived sources of bias, (34% feel that courts treat people different based on race/ethnicity³⁰), survey respondents did not overwhelmingly express the opinion that the courts treat some groups better than others (27% felt poor people are treated worse; 17% felt non-fluent English speakers are treated worse). While these proportions are low, it is important to acknowledge that some respondents—particularly within a sample of primarily young black and Latinx men—feel that the courts do not offer them the neutrality expected of an ideal justice system. It is also important to note that around 30% of responses

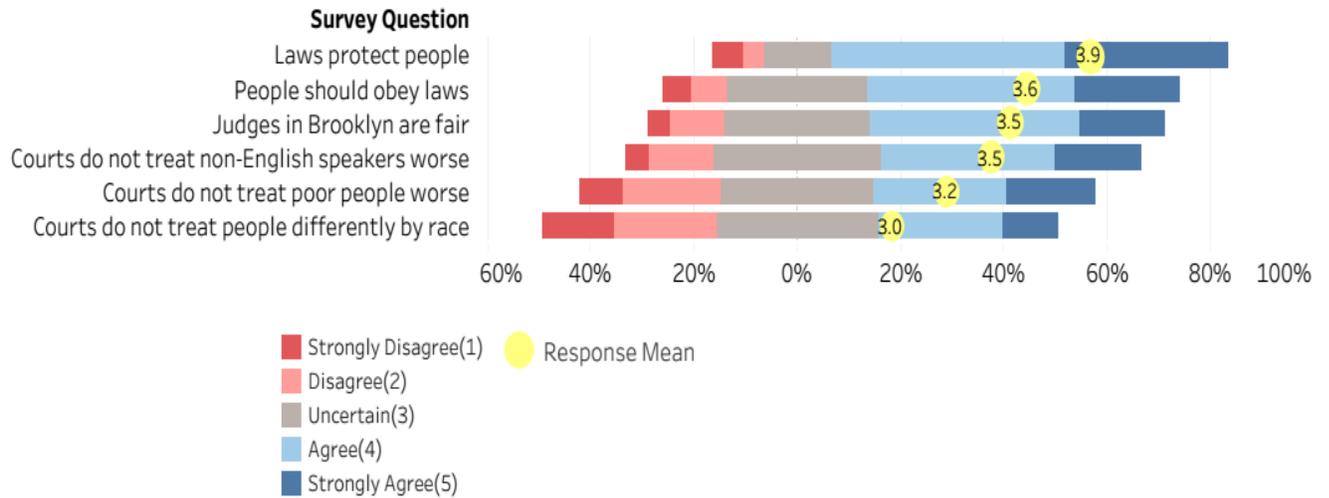
²⁸ These are individuals whose case mandates have been closed out in Brooklyn Justice Initiative’s case management system as they are no longer engaged with services. The defendant has either successfully completed the programming to fulfill their court mandate, or unsuccessfully left programming (e.g., due to re-arrest, failure to contact).

²⁹ “Agreed” response totals represent the sum of “Agree” and “Strongly Agree” survey question responses unless otherwise indicated. See Appendix G for proportions of “Agree” or “Strongly Agree” responses for all survey questions.

³⁰ This proportion represents the combined number of respondents disagreeing or strongly disagreeing with the statement: “the courts do not treat people differently based on their race or ethnicity.”

on all three equity questions responded that they were uncertain, suggesting that perceptions of fairness in the criminal justice context may not have yet been fully crystalized by the young respondents.

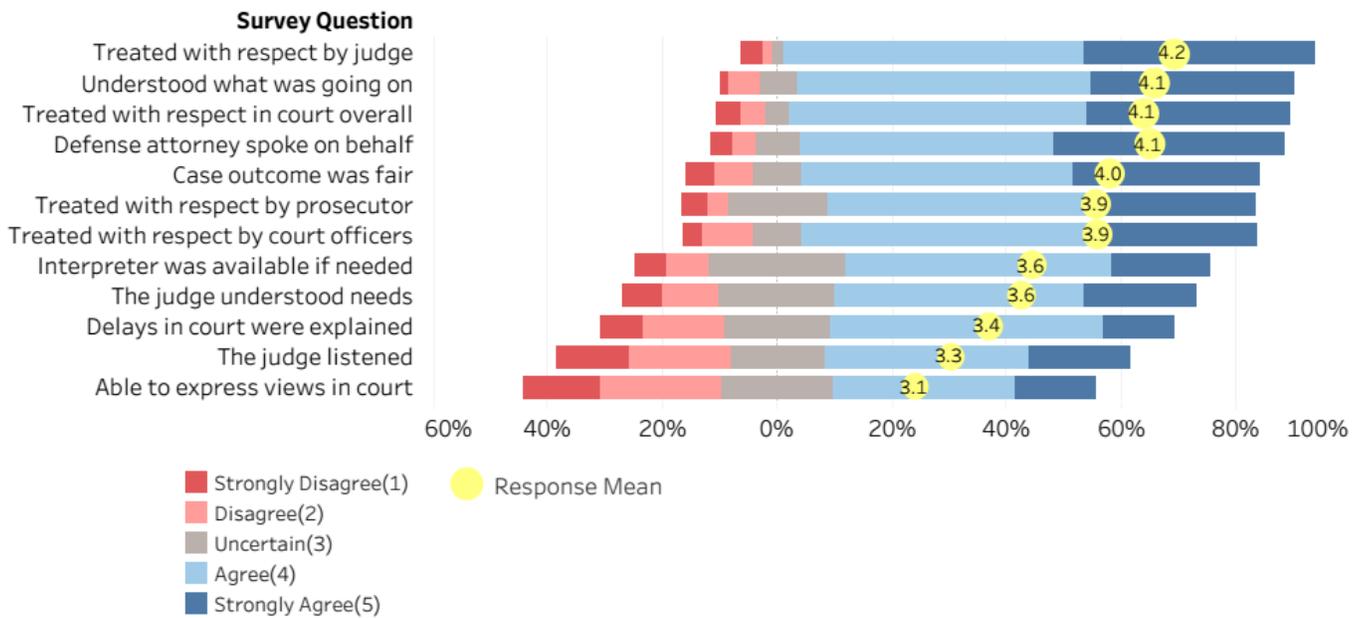
Figure 4.1. Perceptions of the Law and the Criminal Justice System



Perceptions of Procedural Justice and Fairness in the Court

As part of the Young Adult Initiative, court personnel received training on elements of procedural justice. To gauge user experiences of key procedural justice elements including respect, voice, neutrality, understanding, and fairness, survey respondents were asked to assess specific court personnel and the overall court experience. In addition, an open-ended question asked respondents whether there was anything the court could have done to make their experience fairer. Although such open-ended questions have the potential to provide richer information, they are often skipped by respondents. Indeed, 36% of respondents left this question unanswered, and another 36% stated there was nothing more they felt should have been done.

Figure 4.2. Perceived Procedural Justice and Outcome Fairness in the Brooklyn Young Adult Court



“No, all in all... although I was not happy about going to court, it was a positive experience.”

Overall Respect and Outcome Fairness A large majority of young adult respondents felt that the outcome of their case was fair (80%). In large measure, they also reported that they felt treated with respect in court (87%).

80% Felt the outcome of their case was fair

87% Felt they were treated with respect in court

One respondent summarized: “I had a good experience. Everyone seemed nice and fair.” Another articulated their perceived fairness as a consequence of the court’s intent to tailor mandates to individual defendants: “They did their best to take me from community service to a program that will benefit me.”

However, not all responses were positive; one respondent explained their frustration with perceived injustice during the process and subsequent case outcome: “I feel the option to plead guilty to a crime you didn't commit is unfair and to get out of going to jail you have to take a plea deal even if the accusations are false.”

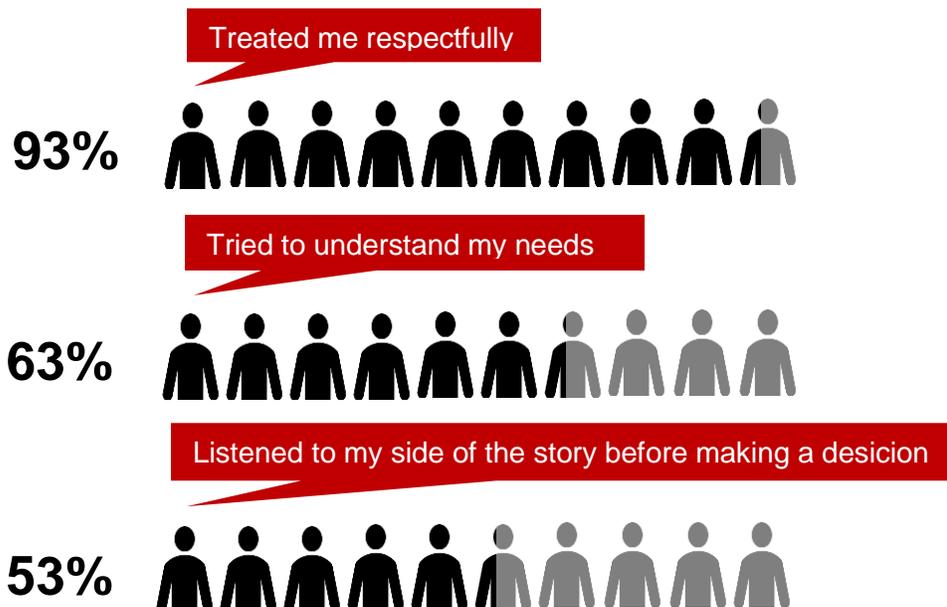
A range of survey questions were designed to identify underlying factors that may contribute to overall perceptions of fairness.³¹ In general, court experiences were rated positively, with respondents on average expressing that their defense attorney spoke on their behalf (84%), and that the court officers (79%) and prosecutors (75%) treated them respectfully. Most respondents felt they understood what was going on in court (87%), though fewer reported that court wait times were explained to them (60%), potentially identifying an area for improvement in communication.

The Judge As the ultimate decision-maker, the judge plays a pivotal role in the courtroom generally, and for setting the tone for procedural justice specifically. Because of this, multiple survey questions focused on the respondent experience with the judge. Figure 4.3 indicates that a high proportion of young adult survey respondents felt that the judge treated them with respect in the court (93%).

³¹ The question regarding respondents' ability to express their views (a measurement of respondent voice) must be interpreted with caution. The question was framed negatively (“In court, you felt you were unable to express your views”), necessitating a reverse Likert scale. Given inconsistent results, researchers hypothesize that some respondents may not have read this question carefully before responding.

Figure 4.3. Perceptions of Judges

Percent Agree¹ that the Brooklyn Young Adult Court Judge...



Percent Agree¹ that Judges in Brooklyn...



¹Combines "Agree" and "Strongly Agree" responses

While a respectful interaction with the judge is certainly important, other elements impact overall perceptions. For example, when we compare responses to the survey question asking about general perceived fairness of “judges in Brooklyn” (general) with responses to the judge-related questions about this recent court experience (specific), the specific “respect” measure stands out as the exception to other ratings of judicial fairness and defendant voice. Rather than necessarily indicating inconsistency of responses, this may suggest that factors beyond voice and neutrality go into respondents’ internal calculations of respect (see Figure 4.3).

Voice Two questions about judicial interaction target the element of voice. A majority of respondents (63%) felt that the judge tried to understand their needs—specifically in terms of tailoring service recommendations to address them. Just over half of respondents felt that the judge listened to their side of the story before making a decision. These findings suggest that the about half of the young adult respondents felt that the judge provided them with an opportunity for voice. For the remaining half, promoting defendant voice represents a potential area for improvement, through further training or change in practice.

Indeed, asked if there was anything else that could have been done to make the experience in court fairer, some respondents specifically expressed a desire for better communication with the judge: “Have the judge listen to my story”; “Let[ting] me talk to the judge would [have] made me feel comfortable”; and “I wish the judge heard me out personally, and certain things weren’t always assumed in a case.”

“A statement from me should be required, how else can a judge decide what is [the] proper way to proceed with my case if my character and views are unknown?”

The element of voice emerges as a recurring theme throughout the survey responses. One respondent explained, “I should be able to plea my case to the judge instead of the lawyer speaking 100 percent for [me] and [the judge should] take what I say in consideration.” Another wrote more generally: “The New York court system should let defendants speak their minds!” The importance of voice begins before a defendant ever arrives at court: “The only thing is I wish I was able to explain myself before I got arrested.”

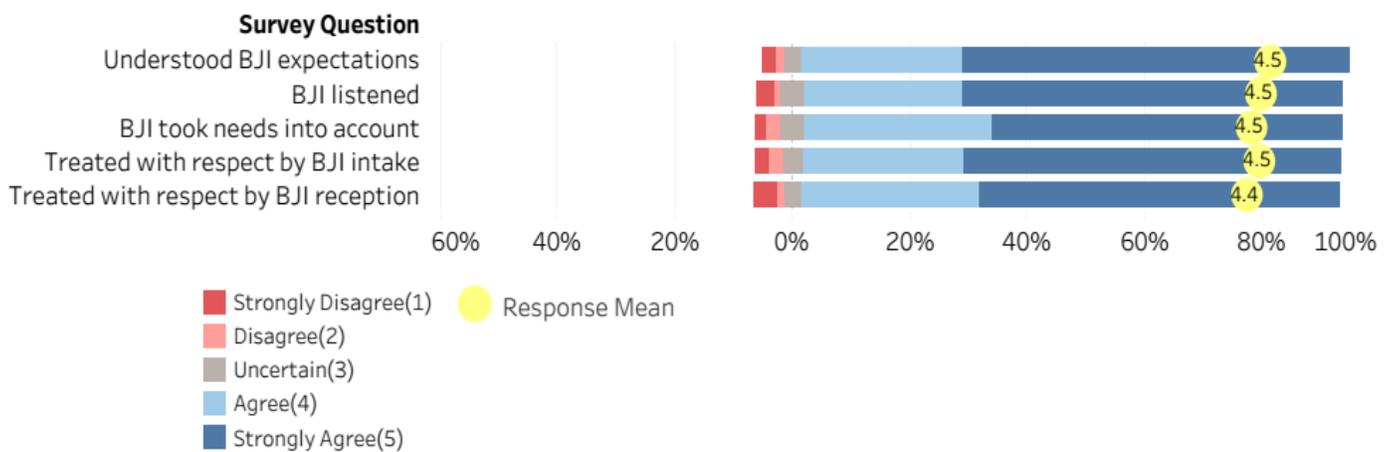
“If I had chance to speak and tell them what really happened. That would be fair.”

Experience at Brooklyn Justice Initiatives

Survey respondents overwhelmingly reported having a positive experience satisfying their court mandate through Brooklyn Justice Initiatives. Survey respondents felt they were treated with respect by both reception and intake staff, that staff listened to what they had to say, and

that their needs were considered. These findings can be contrasted to perceptions of the judge in the courtroom, where there was more of a disconnect between respectful interactions and respondent voice. This may be impacted by the relatively longer and more personal interactions allowed in the non-courtroom setting, whereas judges may be hindered by high case volume and time pressures during court appearances. Further, these findings may speak to the professionalism of Brooklyn Justice Initiatives staff: clinically trained case managers, intake specialists, and social workers with extensive experience working with criminal justice-involved young adult populations and providing trauma-informed care. Respondents’ positive experiences with Brooklyn Justice Initiatives—despite being court mandated—may also be based on internal comparisons with previous court experience and expected case outcomes in the traditional court setting (see Figure 4.6).

Figure 4.4. Perceptions of Brooklyn Justice Initiatives (BJI)



Asked if there was anything Brooklyn Justice Initiatives could have done to improve their experience, response patterns were similar to the previously discussed court-related open-ended question. More than two-thirds of respondents either did not provide a substantive response (39%) or indicated there was nothing the program could do to improve their experience (31%). Five respondents explicitly mentioned that the snacks provided were appreciated, and/or requested more/other food to be supplied.

92% Felt the BJI intake process took their needs into account

94% Felt they clearly understood what was expected of them to successfully complete their mandate with BJI

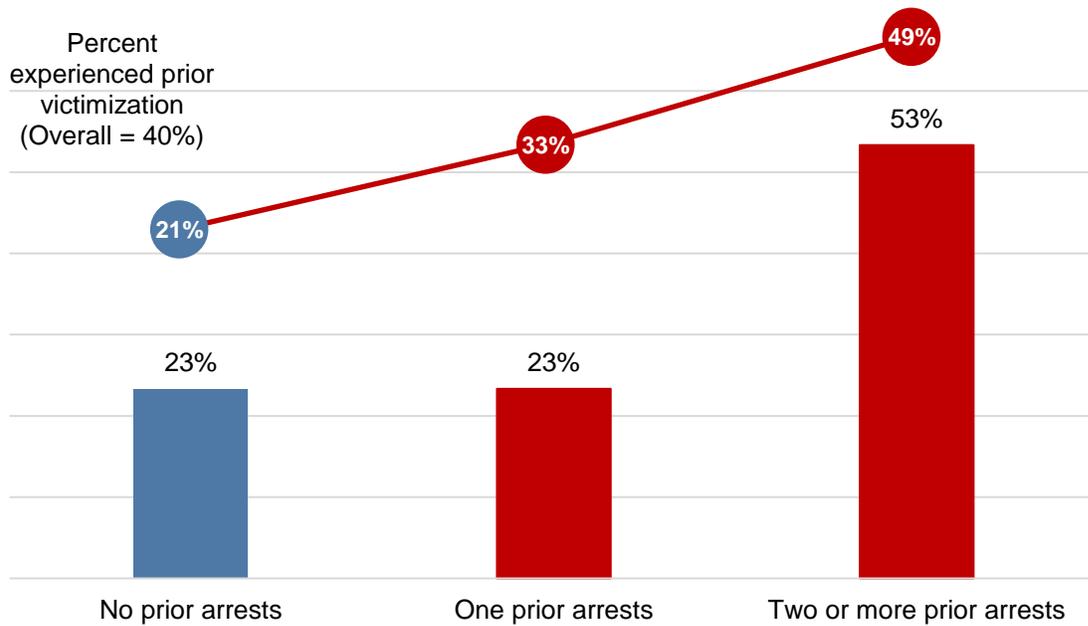
For the most part, the qualitative responses mirrored the positive findings from the closed-ended survey items: “There’s nothing else I feel could make the intake here a better experience. The people are very nice and respectful.” A number of respondents expressed that Brooklyn Justice Initiatives intake staff could not have treated them better: “I honestly feel they do everything right already. Their energy and positivity is amazing”; “I felt like they did everything to help me in my case.” Being able to communicate openly with Brooklyn Justice Initiatives staff emerged as a driver of such positive experiences. “I like how intake makes you feel relaxed and comfortable to say what’s bothering you,” offered one respondent.

“[The intake specialist] did a great job listening and understanding me and my views.”

Previous Criminal Justice System Experience

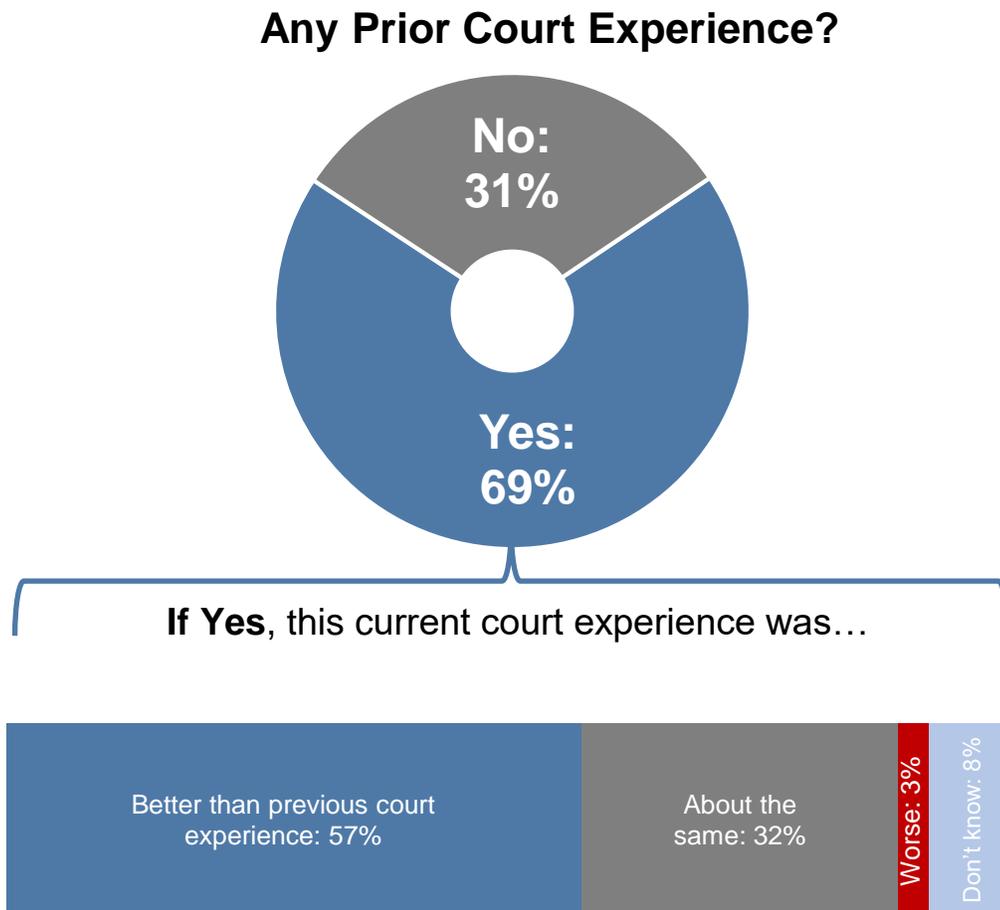
Survey respondents were asked whether they had ever been arrested prior to their current case; just over three-quarters had. In fact, over half of the respondents had been arrested three or more times (including their current case). When asked about victimization, nearly 40% reported that they had ever been the victim of a crime. Further, victimization was positively correlated with prior arrest counts; as shown in Figure 4.5, of respondents with no prior arrests, 21% reported being a crime victim, while nearly half (49%) of those with two or more prior arrests had been a victim.

Figure 4.5. Prior Arrests and Victimization



Respondents were asked if they had prior experience in court; those who did were prompted to answer a follow-up question comparing previous court experience to their most recent experience in the Brooklyn Young Adult Court. About two-thirds of respondents had prior court experience, and of those, over half (57%) felt that comparatively, their recent experience in the Brooklyn Young Adult Court was better than prior court experiences. Nearly a third (32%) rated the experience as “about the same,” while only 3% reported it was worse.

Figure 4.6. Brooklyn Young Adult Court Experience Compared to Prior Court Experience



Perceptions of Police Before court engagement, Brooklyn Young Adult Court defendants interact with police at the point of arrest. Although members of the New York City Police Department were not included in the Kings County Young Adult Initiative training efforts, their role in the larger criminal justice process is critical—police are often the first point of system contact for individuals who will eventually come to court—with potential to shape defendants’ experience of the criminal justice system (Skogan 2006; Bradford, Jackson and

Stanko 2009; Swaner et al. 2018³²). Nearly 60% of survey respondents reported that they were not treated with respect by the police officer during their most recent arrest.

Respondents were also asked to report their future likelihood of calling the police if they saw someone getting robbed, assaulted, or mugged—a proxy for police cooperation. Over half of respondents reported that they would likely (57%) contact the police if they witnessed such a crime,³³ while a quarter (26%) were unsure, and the remaining 18% said they were unlikely to call police.³⁴ In line with the literature (Tyler and Fagan 2008), these results further suggest that police interactions—here, measured as perceived respect during arrest—affect willingness to cooperate with the police in reporting crime. Survey respondents who reported a respectful police interaction were more likely to report they would call the police if they witnessed a crime (71%) than respondents who did not report a respectful police interaction (45%, $p < 0.01$). A substantial proportion of total respondents, however, reported being “not sure” if they would call the police (26%); Figure 4.7 illustrates the differences in response averages between these two groups.

Figure 4.7. Likelihood of Calling Police to a Crime by Perceived Police Respect at Last Arrest



³² A recent study conducted by Center researchers found criminal justice system satisfaction to be significantly higher for people who had positive perceptions of procedural justice during their most recent police stop or arrest, and for those who had positive general perceptions of local police.

³³ Includes those who responded that they were likely or very likely to call police.

³⁴ Includes those who responded that they were unlikely or very unlikely to call police.

Feedback for Improved Court Experience

We asked respondents to identify possible ways to increase fairness in court. One recurring theme was the lack of celerity in the process. Comments touched on delays during the post-arrest/booking period, time spent in court, and overall time to case resolution: “Maybe in the booking process, expedite the petty cases. No reason to sit in jail for two days for something that's going to be dismissed,” suggested one respondent. Another wrote: “My case [file] was lost once, and it wasted a lot of time considering I need to apply for [Federal student aid], which I can't do with an open case.” “I feel like they shouldn't have taken this long to come to the conclusion of my case.”

“[They] should not have made me wait in jail before the court date.”

Other respondents took the survey opportunity to offer more concrete suggestions, such as: “[You should] have your lawyer’s personal [phone] number”; “make the room warmer and [provide] free coffee”; and finally, “I believe to make things more convenient, the courts should have [electrical] outlets.”

Conclusion & Recommendations

The Brooklyn Young Adult Initiative aimed to expand on a specialized court reflecting evidence that adolescents' and young adults' ongoing cognitive development impacts criminal behavior related to risk-taking and decision-making. In keeping with problem-solving court principles (Farole et al. 2005), the Young Adult Initiative employs key elements of procedural justice, and through evidence-based, age- and developmentally-appropriate interventions, aims to provide more effective justice processes and proportional case outcomes for the young adult misdemeanor population in the county. In practice, the Young Adult Initiative seeks to address the criminogenic risk and needs of defendants where possible through community-based programming, and to mitigate the collateral consequences often associated with traditional court outcomes of criminal conviction and jail.

Study Findings

Impact on Case Outcomes and Re-Arrest

The Brooklyn Young Adult Initiative evaluation shows that the court's collaboration with Brooklyn Justice Initiatives has been effective in reducing the use of jail sentences and criminal convictions while not compromising public safety. Instead, adjournments in contemplation of dismissal and outright dismissals are more favorable and proportionate case outcomes that avoid the collateral consequences of a criminal record. Additionally, there was a high rate of non-criminal disposition charges (i.e., violation, infraction) among the Young Adult Initiative participants, with fewer than 1% of participants receiving a misdemeanor disposition. Potentially, even these non-criminal guilty pleas could be further decreased as young adults complete programming and diversionary interventions earlier in the case processing.

Encouragingly, jail and prison sentence outcomes for Young Adult Initiative participants were significantly lower than for the comparison group. In the current Brooklyn Young Adult Court model, alternative to incarceration programming is provided by Brooklyn Justice Initiatives, with the specific intervention based on individual circumstances and needs (based on C-CAT needs flags).

Given the brevity of most of the interventions (82% lasting five or fewer days), substantial reductions on re-arrest rates were not anticipated to be a likely program effect. Young Adult Initiative participants experienced re-arrest at the same rate as the comparison group over the year following arraignment. Notably, the *violent* felony re-arrest rates were not statistically different, suggesting that the use of more age- and developmentally-appropriate community-based interventions (instead of traditional processing, disposition, and sentencing) does *not* come at a risk to public safety. At the same time, these interventions can minimize the direct and collateral harms arising from confinement and criminal conviction, both of which can affect employment, housing, higher education, and access to other benefits.

While we do not have risk scores for our samples in this study, researchers compared re-arrest rates of both program completers and non-completers in the participant sample. This subgroup of non-completers who experience higher rates of re-arrest should be the focus of further research and exploratory analyses with the aim of identifying appropriate programming, case management, and other strategies to mitigate their criminogenic risk and address their needs.

Case Processing

The average duration from arraignment to plea date³⁵ for participants processed during the first nine months of the initiative was 106 days (3.5 months);³⁶ cases took 167 days (5.5 months) from arraignment to reach final disposition. This suggests a longer period to case resolution for the Brooklyn Young Adult Initiative participants than for a comparison group.³⁷ In response to these delays in processing, the Brooklyn Young Adult Court adopted early case conferencing and the option of sentencing to Brooklyn Justice Initiatives programming directly from arraignments. An updated analysis of Brooklyn Young Adult Court cases arraigned between July 2017 and March 2018 revealed over a month's reduction in the average time between arraignment and plea date or first day of programming with

³⁵ If referred pre-plea, the first day of programming with Brooklyn Justice Initiatives.

³⁶ Based on an analysis of the 944 Young Adult Initiative sample cases used in the impact evaluation (see Chapter 4).

³⁷ Case processing time for comparison group was measured as arraignment date to disposition date only.

Brooklyn Justice Initiatives (65 days).³⁸ While case processing times in the Brooklyn Young Adult Court have improved since inception, this implementation issue—higher than anticipated case volume—should be noted for potential further expansion efforts.

Once fully engaged in Brooklyn Justice Initiatives case management and services—for example, group workshops and individual counseling sessions—mandate compliance is very high (95%). One noted critique of alternative sentencing and diversion or community-based programming in the criminal justice system focuses on the possibility of a “supervision effect”—placing onerous conditions on participants (such as attending multiple group sessions) that they could potentially fail to complete, resulting in worse outcomes, such as warrants or jail time. (Bullington et al. 1978; Sung and Belenko 2006; White and Dalve 2017). The high program compliance rate of the Young Adult Initiative participants suggests this group are instead, able to complete their mandates without being “set up to fail.”

Given time constraints on the evaluation period, as well as potential challenges in defining an appropriate comparison sample, researchers were not able to provide re-arrest rates at one-year post *completion* (successful or not) of service mandates, reflecting a study limitation. Indeed, a large proportion of identified first re-arrests for the Young Adult Initiative participant sample occurred before case disposition (59%). In conjunction with the noted case processing time lags, these findings reinforce the importance of expeditiously moving these young adult cases through the system and towards resolution.

Perceptions of the Brooklyn Young Adult Initiative

Results from surveys suggest, on balance, positive experiences for Brooklyn Young Adult Initiative participants. Respondents expressed experiencing key elements of procedural justice from all courtroom stakeholders, which speaks to the “buy-in” or collaborative dynamic between the judge, prosecutors, defense, and service providers. Specifically, respondents expressed that they were treated with respect in court—in particular by the judge—and a majority of respondents with previous court case(s) rated their experience at the Brooklyn Young Adult Court as better than previous court experiences. A high proportion of respondents reported feeling that their case outcome was fair (80%);

³⁸ When comparing samples of cases arraigned during the first nine months of the Young Adult Initiative in 2016 with cases arraigned during a more recent nine-month time period (July 2017 through March 2018).

researchers hypothesize this perception of outcome fairness is likely a contributing driver of such high mandate compliance rates with Brooklyn Justice Initiative programming.³⁹

However, survey findings also pointed to essential areas for improvement: sufficient opportunities for defendants to speak in the courtroom, and subsequent indicators from the judge that the young adults are being heard. While a majority of respondents reported they understood what was going on in court, long case processing times were less likely to be adequately explained—only 60% reported that delays were explained to them. Continued trainings for court personnel should particularly focus on the areas of transparency and communication.

Experiences of the Brooklyn Justice Initiatives intake process were overwhelmingly reported as very positive. Survey responses to individual questions highlight the presence of key procedural justice elements, with defendants expressing not only respectful treatment, but also the opportunity to tell their story (that is, voice). In turn, respondents felt that Brooklyn Justice Initiatives staff listened to them and took their individual needs into account. Crucially, respondents felt they understood what was expected of them to successfully complete their court mandate—a finding supported by the high successful completion rate of Brooklyn Justice Initiatives programming.

Establishing trust and good communication is vital for accurately assessing the participants' individual needs and successfully linking them to voluntary services beyond their court mandate where appropriate. The measured prevalence of trauma, substance use, prior justice system involvement, and victimization for this young adult population make these assessments and linkages an important component of an effective and responsive justice system. Again, starting this work earlier in the life of the case—for example straight from arraignments or after a brief adjournment—is one way to provide a swifter justice response, and potentially reduce further pre-disposition re-arrests.

³⁹ For example: “people's willingness to accept decisions is based in part on the degree to which they regard the decisions made by legal authorities as being fair or favorable. Not surprisingly, people are more willing to accept decisions that provide them with outcomes that they view as desirable or fair or both.” (Tyler 2003:294).

Study Limitations

The comparison sample utilized in the impact evaluation is drawn from the time period directly prior to the expansion of the current Brooklyn Young Adult Court model, creating the potential that observed differences are attributable to changes in policies or context over time (e.g., changes in arrest, charging, or sentencing practices; differences in crime rates). During the period represented by the comparison sample, adolescent diversion programming was available to 16- and 17-year-old defendants; and since 2013, Brooklyn Justice Initiatives has provided some programming and services to 18- to 24-year-old defendants on a limited basis. Further, Brooklyn Justice Initiatives—along with other community providers such as the Red Hook Community Justice Center and the Brownsville Community Justice Center (both operating projects of the Center for Court Innovation)—were engaging young adult defendants with community-based programming during the study period. Given the available data, it was not possible to control for potential effects of these other non-traditional criminal justice experiences on the sample populations used in this current study. The methods employed in this study aimed to isolate the impact of the new *comprehensive* Young Adult Initiative model: a procedurally just experience in the Brooklyn Young Adult Court followed by age- and needs-appropriate community-based programming with Brooklyn Justice Initiatives; however, some overlap in the defining elements inevitably exists.

Additionally, analysis of case outcomes revealed that the comparison sample contained a high proportion of cases dismissed post-arraignment, but not conditional on an initial ACD disposition. Data limitations meant that researchers were unable to determine the reasons for these dismissals—for instance, if there are unmeasured characteristics of the subgroup of dismissed cases that would potentially bias the recidivism analysis (e.g., cases dismissed due to the complaining witness withdrawing charges, lack of evidence, wrongful arrest). Further, appropriate matching for the comparison analyses was carried out using the available data points provided in the Office of Court Administration’s dataset; these may not account for all possible meaningful case or defendant characteristics, such as psychosocial factors. Given the stated goal of reducing collateral consequences of confinement for this young adult population, it must be noted that this current study did not include data or analyses on bail or pre-trial detention.

Finally, while re-arrest rates are important, a more comprehensive outcome evaluation should aim to measure change in other outcomes that may be improved through Brooklyn Justice Initiatives programming and voluntary service referrals, such as socioeconomic or

psychosocial status. For example, an analysis of educational, housing, employment, and substance use data would provide for a broader measure of successful outcomes. Such an evaluation should also seek to explore the effective components and mechanisms of individual programs, rather than solely examining the initiative's overall impacts. Further, a longitudinal study, looking at re-arrests over longer periods would provide a better picture of potential long-term impact of the Young Adult Initiative.

With regards to the survey, while the monetary compensation likely helped to mitigate some selection bias, all survey respondents were Brooklyn Young Adult Initiative participants who completed intake with Brooklyn Justice Initiatives and were willing to answer our short survey before leaving the courthouse. Surveying only program participants means there was no control sample in this study for comparison for perceived experiences of the traditional court and case processing model.

Recommendations

The following recommendations draw on all components of the Young Adult Initiative: the operational experiences of both the prosecution office, and the Brooklyn Justice Initiatives service provider, as well as findings from the participant survey and impact evaluation.

Develop community-based social services for criminal justice-involved young adults. Building on adolescent brain development literature, jurisdictions should focus efforts and resources on developing age-appropriate programming for 16- to 24-year-old defendants. Individualized programming that targets criminogenic risks and needs (e.g., relating to conflict resolution skills or lack of employment) should be designed to fulfill short-term, proportionate mandates in response to the population's identified needs (e.g., mental health, substance use). Through Brooklyn Justice Initiatives programming, the Brooklyn Young Adult Court was able to provide nearly 20 types of services to serve as alternatives to traditional processing, in particular, the use of jail sentences and criminal conviction.

Supported by the findings in this report—no impact on recidivism rates, fewer criminal convictions, fewer jail sentences, and 95% program completion rate—community-based services can be mandated with confidence; there is no evidence that such alternative mandates compromise public safety. Additionally, justice-involved young adults receiving Brooklyn Justice Initiatives programming often perceive their case outcomes as fair and are likely to successfully complete their obligations.

Further evaluations should seek to explore the effective components and mechanisms of individual services. Researchers should endeavor to measure the impacts of specific social services on case outcomes, participant perceptions, and other outcomes beyond recidivism; important socioeconomic and health-related outcome factors such as employment, educational engagement, or substance use needs should be analyzed where possible.

Incorporate procedural justice elements into programming; in particular, leverage opportunities to maximize defendant voice. Stakeholder trainings for young adult initiatives should focus not only on adolescent brain and psychosocial development, but also on elements of procedural justice. For the Brooklyn Young Adult Initiative specifically, stakeholders achieved high levels of perceived respect and fairness as reported by the survey respondents and should continue best practices to ensure neutrality and clarity are conveyed in the courtroom. However, many survey respondents reported being unable to express their views in court. While general perceptions of the judge were positive, only half of respondents (53%) agreed that the judge listened to their side of the story before making a decision—a sentiment reflected in a number of open-ended responses around areas for court improvement. Findings further suggest that this perception may be important beyond the immediate court experience; just over half of respondents (57%) felt that Brooklyn judges, generally, are fair in their decisions. Jurisdictions should incorporate strategies that mitigate the effects of high case volume and case processing time pressures that may result in shorter and more impersonal courtroom interactions.

Promote efficient case processing and celerity. Jurisdictions beginning or expanding to work with young adults should preempt case processing time lags that may arise due to high case volume. In preparation for such initiatives, jurisdictions should engage in a critical, data-informed caseload analysis to realistically estimate case volume. Given those anticipated resource needs, jurisdictions should prioritize moving cases through the court expeditiously in efforts to minimize the time opportunity for pre-intervention re-arrests. Where insufficient resource are available to support anticipated caseloads, jurisdictions might consider a multiphase rollout (e.g., accepting limited charges initially).

Working groups—including the judge, defense bar, prosecutor’s office, and service providers—could focus efforts on providing more immediate access to services for young adult defendants by efficiently moving them to intake, assessment, and programming when appropriate. In the current study, a substantial proportion of documented first re-arrests took

place during the delays between arraignment and adjournment to the Brooklyn Young Adult Court, underscoring the importance of celerity in processing these cases.

The longer case processing times documented in the Brooklyn Young Adult Initiative data were reflected in survey respondents' frustration with delays, time spent in jail, and negative collateral effects of having an ongoing court case. Direct, mandated referrals to Brooklyn Justice Initiatives from arraignment and case conferencing during regular monthly meetings were two methods for improving case processing efficiency; these were successfully implemented during the study period. Further analyses of Brooklyn Young Adult Initiatives data should be conducted to document further case processing time improvements, identify trends, and flag possible issues.

Finally, in the current study, a higher proportion of comparison cases ended in outright dismissal, compared to the Brooklyn Young Adult Initiative participant cases (25% v. 2%), which were more likely to receive adjournments in contemplation of dismissal. To further promote overall celerity, jurisdictions should make efforts to identify appropriate cases for outright dismissal, potentially in conjunction with proportionate, mandated or voluntary social services.

Inform programming with a risk-need assessment tool that considers prior justice system experience. As suggested by the evidence-based risk-need-responsivity framework (Bonta and Andrews 2007), jurisdictions should employ methods to assess the risks and needs of young adult justice-involved populations. Results of the current study suggest that prior justice system contact may be particularly informative in terms of both risk and needs for this population. Drawing on needs assessment results, programming and services offered should aim to address the specific needs identified; stakeholders should be cognizant of users' prior experiences with and perceptions of the justice system; and court personnel and service providers should receive training on trauma-informed approaches. Brooklyn Young Adult Initiative survey respondents reported high incidence of justice system involvement, with a majority reporting three or more prior arrests and previous court experience. Survey respondents' rate of victimization increased with prior arrests—those with more prior arrests were more likely to also report victimization. Across all young adults assessed by Brooklyn Justice Initiatives, more than a third presented possible trauma-related needs.

Where possible, a risk assessment tool should be integrated into the court process to aid determination of young adult defendants' risk of re-arrest. Using prior arrest measures as a proxy for risk in the current study, researchers indeed found that re-arrest rates were significantly higher for individuals with prior arrests, compared to those with none, across the entire combined sample; prior criminal justice involvement is often a strong predictive factor in risk assessment models (e.g., see recent study by Rempel et al. 2018). The results can enable jurisdictions to target resources for high-risk defendants and avoid longer case processing and in-depth programming for defendants at lower risk for reoffending.

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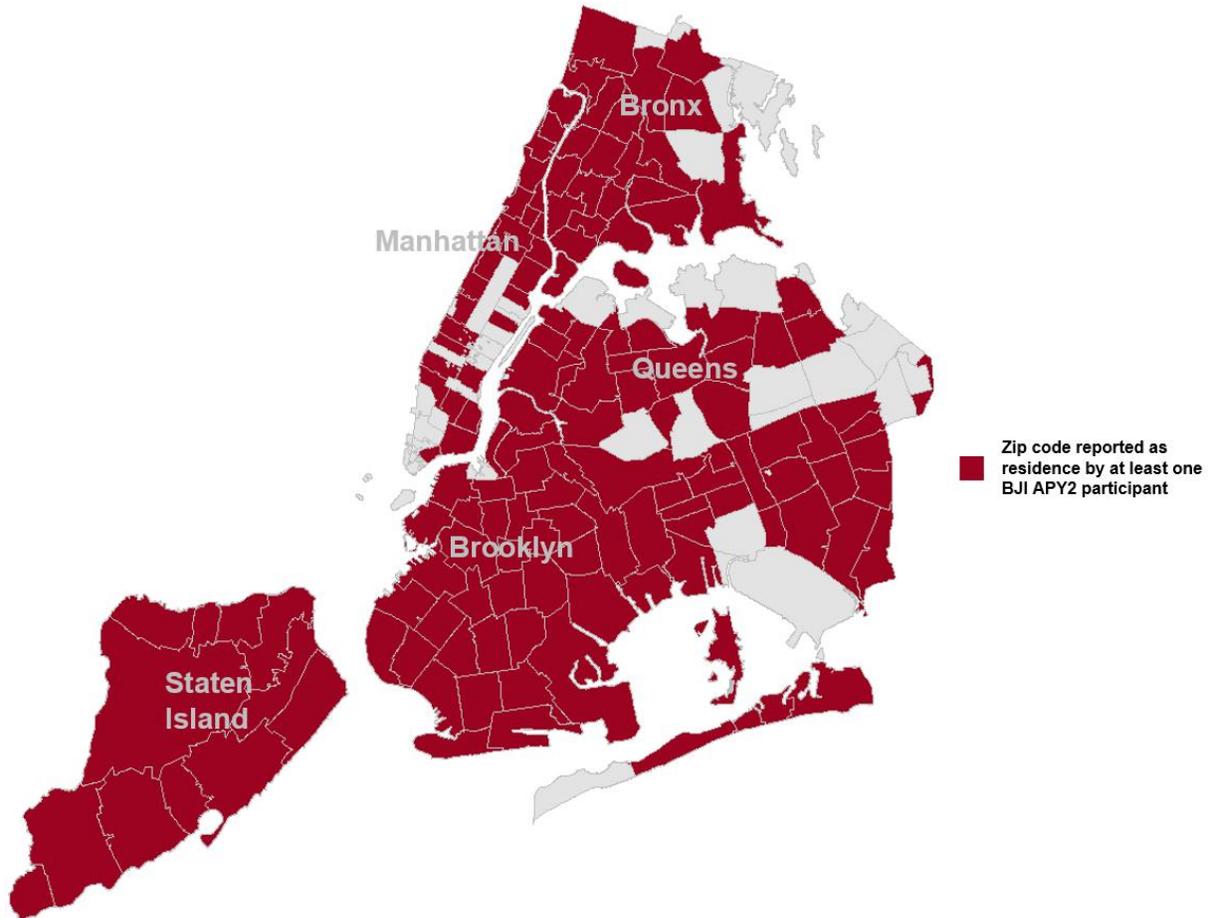
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Appendix A.

Home Zip Code of Participants



Appendix B.

Criminal Court Assessment Tool Needs Flags

Education is flagged for a need if the client has completed only grade school or some high school as their highest level of education or has indicated they are interested in educational or vocational training assistance.

Employment is flagged for a need if the client was not working (on or off the books) or enrolled in school or vocational program at the time of arrest or has indicated they are interested in educational or vocational training assistance.

Housing is flagged for a need if the client is currently homeless (on the streets, in a car, in a drop-in shelter) or living in a long-term shelter (transitional housing) or has indicated they are interested in housing assistance.

Substance Use is flagged for a need if the client is currently using drugs multiple times a day or five or more times a week or has four or more drinks of an alcoholic beverage about every day, or in a single day one or a few times per week or has indicated they are interested in drug or alcohol treatment.

Mental Health is flagged for a need if the client feels that their mental health has impacted their case, interfered with things in their life such as work, schools, and relationships, and/or has been given a mental health diagnosis, or has indicated they are interested in mental health services.

Trauma is flagged for a need if the client reports having frequent repeated disturbing memories, thoughts, or images of a stressful or frightening experience in the past month.

Appendix C.

Participant and Comparison Group Baseline Characteristics

	Unadjusted Samples			Adjusted Samples		
	N	Young Adult Initiative	Comparison Group	P-value <0.50	Young Adult Initiative	Comparison Group
		946	6,826		944	944
Demographics						
Age at Arrest		19.7***	20.5	✓	19.7	19.8
Age Category at Arrest		***		✓		
16 or 17		25%***	16%	✓	25%	25%
18 - 21		48%	46%	✓	48%	47%
22 - 24		27%***	39%	✓	28%	28%
Sex			0%	✓		
Male Gender		75%	73%	✓	74%	74%
Race				✓		
Black		73%	74%	✓	73%	75%
White		27%	26%		27%	25%
Ethnicity				✓		
Latinx		22%	21%	✓	22%	20%
Non Latinx		78%	79%		78%	80%
Criminal History						
Any Prior		68%	70%	✓	68%	65%
Any Prior Count		3.29**	3.72	✓	3.29	3.14
Any Prior Misdemeanor		64%	67%	✓	64%	62%
Prior Misdemeanor Count		2.68*	2.98	✓	2.68	2.56
Any Prior Felony		33%*	37%	✓	33%	31%
Prior Felony Count		0.61**	0.75	✓	0.61	0.58
Any Prior Violent Felony		24%**	29%	✓	24%	24%
Prior Violent Felony Count		0.36**	0.46	✓	0.36	0.35
Current Case - Arrest						
Desk Appearance Ticket (DAT)		16%**	12%	✓	16%	16%
Arrest Charge Category		***		✓		
Person Offense		27%***	39%	✓	27%	28%
Property Offense		49%***	40%	✓	49%	49%
Drug Offense		8%	8%	✓	7%	8%
Weapons Offense		9%***	6%	✓	9%	10%
Other Offense		8%	7%	✓	8%	7%

*p<0.05, ** p<0.01, ***p<0.001

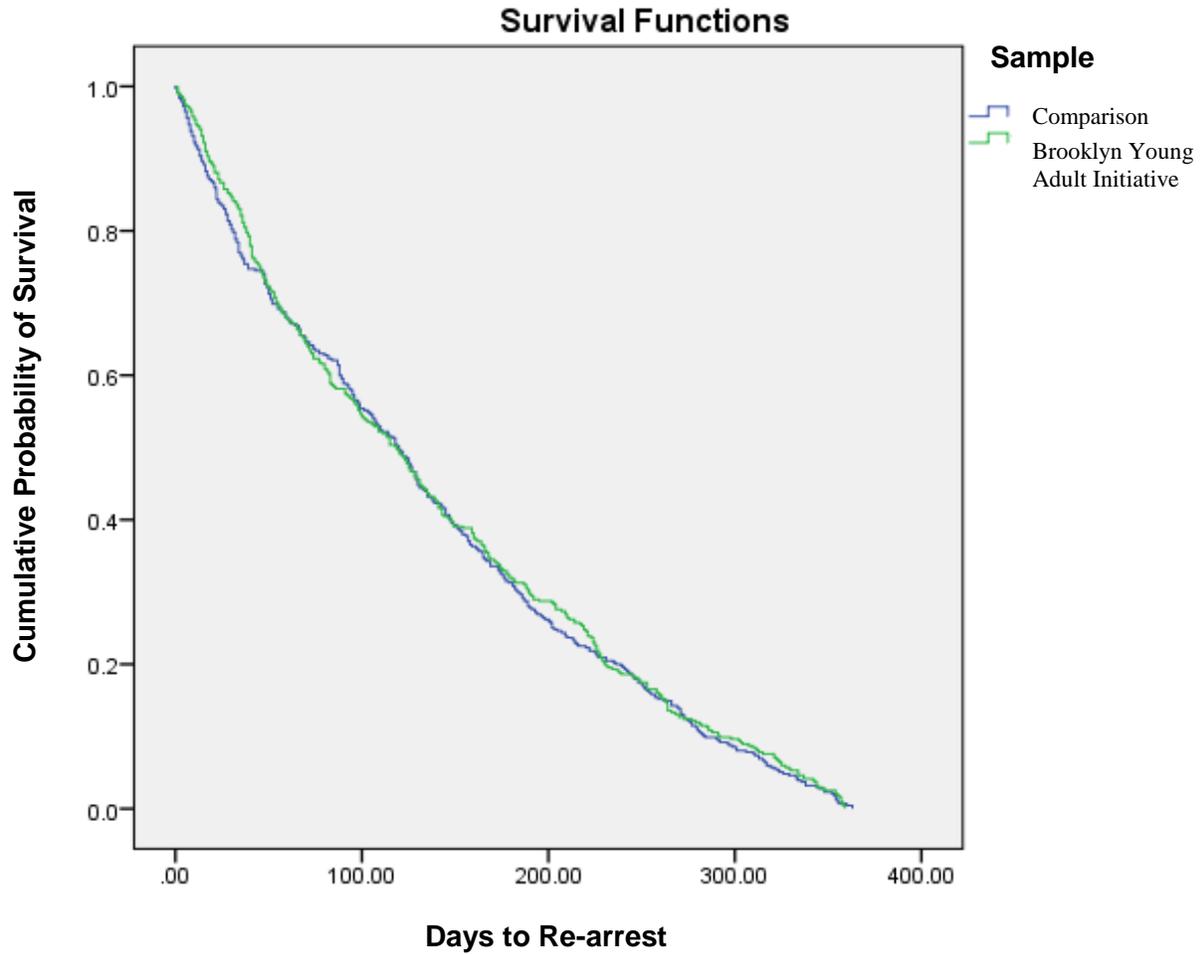
	Unadjusted Samples			Adjusted Samples		
	N	Young Adult Initiative	Comparison Group	P-value <0.50	Young Adult Initiative	Comparison Group
Current Case – Arrest Cont.						
Arrest Severity General		***		✓		
Misdemeanor		63%***	69%		63%	63%
Felony		37%***	31%		37%	37%
Arrest Precinct¹		***		✓		
Current Case - Arraignment						
Arraignment Charge Category		***		✓		
Person Offense		27%***	38%	✓	27%	28%
Property Offense		49%***	40%	✓	49%	49%
Drug Offense		8%	9%	✓	8%	8%
Weapons Offense		8%**	5%	✓	8%	8%
Other Offense		9%	8%	✓	9%	8%
Arraignment Severity General				✓		
Misdemeanor		91%	90%		91%	92%
Felony		9%	10%		9%	8%

*p<0.05, ** p<0.01, ***p<0.001

¹Full array of individual precincts represented in the data not shown here.

Appendix D.

Kaplan-Meier Survival Curves for Re-arrest



Appendix E.

Timing of First Re-Arrest for Participants

Brooklyn Young Adult Initiative Participants		
	Re-arrested at 1 Year	Total Sample
N	435	944
Re-Arrest 1 Year		
First Re-Arrest Before Plea Date/Start of BJI Programming	38%	17%
First Re-Arrest Before Case Disposition Date	59%	27%

*p<0.05, ** p<0.01, ***p<0.001

Appendix F. Survey Respondent Characteristics

N = 170	
Demographics	Percent
Male Gender	72%
Age at Arrest	
16-17	22%
18-21	50%
22-24	28%
Race and Ethnicity	
Black	58%
Latinx	21%
White	8%
Asian	3%
Multi-racial	7%
Other	3%
Currently Employed or in School	
Yes	73%
No	27%
Instant Case and Mandate Type	
Arrest Charge Severity	
Misdemeanor (A or B)	94%
Felony (C, D or E)	5%
Violation or missing	2%
BJI Mandate Track	
Track 1 (1-5 days)	78%
Track 2 (6-15 days)	16%
Track 3 (16+ days)	1%
Case Outcome and Compliance	
Status of case at time of analysis	
Closed	75%
Open	25%
Overall Mandate Completion (of closed cases)	
Completed Successfully (including 4 modified sentences)	98%
Failed: non-compliance	2%
% of Mandate Completed (of closed cases)	
100% complete	95%
At least 66% completed	2%
50% or less completed	2%
Final Disposition	
ACD	94%
Violation	5%
Unknown/Other (including 1 CD and 1 Dismissal)	12%

N = 170	
Case Outcome and Compliance Cont.	
Non-compliance Reported at a Court Appearance	
Yes (one or more times)	10%
No	90%
Unknown/Other (including 1 CD and 1 Dismissal)	12%
Failure to Appear in Court	
Yes (one or more times)	25%
No	75%
Missed scheduled programming with BJI	
Yes (one or more times)	68%
No	32%

Appendix G.

Affirmative Survey Response Summary

N	170 ¹
Attitudes about the law and criminal justice system	
	% Agree or Strongly Agree
Laws are intended to protect people	77%
People should obey the law even if it goes against what they think is right	61%
Judges in Brooklyn are fair in their decisions	57%
People of certain racial or ethnic groups gets treated worse by the courts than other groups	34%
Poor people get treated worse by the courts than other groups	27%
People who do not speak fluent English get treated worse by the courts than other groups	17%
Procedural justice perceptions of fairness: the Brooklyn Young Adult Court	
There was an interpreter available for you if you needed one ² (NA = 35) ³	63%
The court officers treated you with respect	79%
If the court didn't hear your case right away, someone explained why you had to wait ² (NA = 16) ⁴	60%
In court, your defense attorney spoke on your behalf	84%
In court, you understood what was going on	87%
The prosecutor treated you respectfully	75%
The judge treated you respectfully	93%
you felt ABLE to express your views in court	46%
The judge listened to your side of the story before making a decision ⁵	53%
The judge tried to understand your particular needs for services or any other needs you had	63%
Overall, you felt the outcome of your case was fair	80%
Overall you were treated with respect in court	87%
Procedural justice and the intake process: Brooklyn Justice Initiatives	
The person who greeted you in reception at BJI treated you with respect	92%
The person conducting your intake interview at BJI treated you with respect	92%
The person conducting your intake at BJI listened to what you had to say	92%
You feel that the BJI intake process took your needs into account	92%
You feel you clearly understand what is expected of you to successfully complete your mandate with BJI	94%

¹ Unless otherwise noted, response rates for individual questions was 93% or greater.

² Question conditional on needing interpreter or experiencing delays; analyses exclude "N/A" responses.

³ Question response rate = 79%

⁴ Question response rate = 88%

⁵ Question response rate = 87%

Appendix H. **Survey Instrument**

For Staff Only:

Survey ID # _____

PROCEDURAL JUSTICE SURVEY

Kings County District Attorney (KCDA) Brooklyn Young Adult Initiative

Participant Name: _____ **Date:** _____

INTRODUCTORY SCRIPT:

The Center for Court Innovation is conducting a survey with individuals like you, who have appeared in Brooklyn’s Young Adult Court, in order to learn about their experiences with the criminal justice system. The survey will only take about 10 minutes and it is confidential— your responses will not affect your case in any way, so please answer honestly; there are no right or wrong answers. Your participation is voluntary. You can stop at any time and skip any questions. When you have finished the survey, please place it in the envelop marked ‘Confidential’.

Attitudes about the law and the criminal justice system

For each question, please tick one box (1 – 5) to show how much you agree or disagree with the following statements:

	1. Strongly Disagree	2. Disagree	3. Uncertain	4. Agree	5. Strongly Agree
1) Laws are intended to protect people.	<input type="checkbox"/>				
2) People should obey the law even if it goes against what they think is right.	<input type="checkbox"/>				
3) Judges in Brooklyn are fair in their decisions.	<input type="checkbox"/>				
4) People of certain racial or ethnic groups get treated worse by the courts than other groups.	<input type="checkbox"/>				
5) Poor people get treated worse by the courts than other groups.	<input type="checkbox"/>				
6) People who do not speak fluent English get treated worse by the courts than other groups.	<input type="checkbox"/>				

Procedural justice and perceptions of fairness: courts

The next set of questions ask about your interactions with the court. Thinking about **this most recent time** you went to court for your criminal case, please mark how much you agree or disagree with the following (choose 'NA' if the statement does not apply to you):

	1. Strongly Disagree	2. Disagree	3. Uncertain	4. Agree	5. Strongly Agree	NA
7) There was an interpreter available for you if you needed one.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8) The court officers treated you respectfully.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9) If the court didn't hear your case right away, someone explained why you had to wait.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10) In court, your defense attorney spoke up on your behalf.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11) In court, you understood what was going on.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12) The prosecutor treated you respectfully.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13) The judge treated you respectfully.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14) You felt unable to express your views in court.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15) The judge listened to your side of the story before making a decision.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16) The judge tried to understand your particular needs for services or any other needs you had.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17) Overall, you felt the outcome of your case was fair (i.e., your sentence was equal to, or lighter than expected).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	1. Strongly Disagree	2. Disagree	3. Uncertain	4. Agree	5. Strongly Agree	NA
18) Overall you were treated with respect in court.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

19) Is there anything else you feel could have been done to make your experience in the court fairer?

Procedural justice and the intake process: Brooklyn Justice Initiatives

The next set of questions asks about your experience with Brooklyn Justice Initiatives (BJI) – the place where you have been sent to complete your mandate, and just had your intake process. Please respond to each statement below, how much you agree or disagree with the following (choose 'NA' if the statement does not apply to you):

	1. Strongly Disagree	2. Disagree	3. Uncertain	4. Agree	5. Strongly Agree	NA
20) The person who greeted you in reception at BJI treated you with respect.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21) The person conducting your intake interview at BJI treated you with respect.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22) The person conducting your intake at BJI listened to what you had to say.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

23) You feel the BJI intake process took your needs into account.	<input type="checkbox"/>					
24) You feel you clearly understand what is expected of you to successfully complete your mandate with BJI.	<input type="checkbox"/>					

25) Is there anything else you feel BJI could do to make the intake process a better experience?

The criminal justice system: previous experience

*The final set of questions are about your **previous experience** with the criminal justice system. Do not provide any details; please just choose the best response option. Answers to these questions are for program evaluation purposes only and will not affect your current case in any way. Again, please answer honestly.*

26) Have you ever been the victim of a crime? Yes No

27) How many times have you been arrested?

- Once – this current case
- Twice (including this current case)
- Three or more times

a. Thinking about the most recent time you were arrested, did the police officer treat you with respect? Yes No

28) Have you been to court for a case before this current case? Yes No

If no, skip ahead to question 32 below.

If yes, thinking about that other previous court case experience, tell me how much you agree or disagree with the following:

	1. Strongly Disagree	2. Disagree	3. Uncertain	4. Agree	5. Strongly Agree
29) You feel that your <u>other case</u> was handled fairly by the court.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30) You feel the judge in your <u>other case</u> tried to understand your particular needs for services or any other needs that you had.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

31) Overall, your experience here in court on this current case was:

- Better than your previous court experience
- Worse than your previous court experience
- About the same as your previous court experience
- Don't know/Can't remember

32) How likely is it that you would call the police if you saw someone getting robbed, assaulted, or mugged by another person?

- Very likely
- Likely
- Not sure
- Unlikely
- Very unlikely

Thank you so much for your time and for participating in this survey.

Please place the completed survey in the envelope marked 'Confidential'.

Thanks again!