

BEFORE IT'S TOO LATE: A NEW STRATEGY FOR PREVENTING JUVENILE CRIME

“Our community should provide every young person with the promise of a genuine opportunity to succeed. It’s time for our justice system to help fulfill that promise.” – Richard Aborn

“When I was 13,” reported one young person who became involved with a gang, “a judge sent me to a [juvenile placement facility]... That’s where I learned what to pick up a gun was, what to do stick-up was, and how to bag dope. I didn’t learn it in the street; I learned it in the [juvenile placement facility].” [New York City Public Advocate]

His story is a human reminder that demonstrates that the justice system cannot meet the full needs of young peopleⁱⁱ and our community by only focusing on punishment; the justice system must also help young people overcome the obstacles preventing them from becoming fully contributing members of society. Richard Aborn has a strategy for preventing juvenile crime that will both ensure public safety and offer young people a chance– not just a cell.

Harsh policies such as trying youths as adults and imprisoning more young offenders actually make our communities less safe by increasing recidivism: nearly half of the youths who are released from the City’s juvenile detention facilities are readmitted within a year. [American Journal of Preventive Medicine, Correctional Association of New York] But every year New York City wastes more than \$80 million on ineffective detention programs, spending approximately \$75,000 annually for every juvenile in a secure detention facility. The yearly, per-juvenile cost of many alternative community-based programs is less than a third of that. [City Independent Budget Office]

In recent years, New York City has made progress towards more sensible youth justice programs. The new Juvenile Justice Initiative, for instance, has shown early success in reducing recidivism and costs by offering young people a combination of probation and proven therapeutic treatments instead of placement in a secure facility. [Administration for Children’s Services, *New York Times*] But there are still problems to be addressed. The Manhattan District Attorney can and should work with youths and the community to find innovative solutions.

As Manhattan District Attorney, Richard Aborn will implement proven strategies to minimize recidivism among youths who are prosecuted by the District Attorney’s office and will focus on reaching at-risk youths before they enter the justice system by:

- Promoting targeted intervention programs for youths prosecuted by the District Attorney.
- Advocating for legal reforms that keep non-violent young offenders out of “adult” courts and prisons, including raising the age of juvenile jurisdiction and expanding Family Court jurisdiction.
- Improving the justice system’s mental health assessment and treatment practices for youth.
- Leading a cooperative, evidence-based effort to evaluate the justice system’s performance and fairness.
- Expanding opportunities for parents and families to actively contribute during the justice process.
- Partnering with schools to educate young people and identify at-risk youths.
- Providing young people with after-school programs that offer positive alternatives to crime.

PREVENTING RECIDIVISM AMONG D.A. PROSECUTED- YOUTHS

Some of the most challenging cases of youth crime – particularly those involving violent and felony offenses – are prosecuted by the District Attorney’s office. This puts the D.A. in a unique position to affect the hundreds of young offenders and juvenile offenders who pose the greatest risk to their communities, and who are often most acutely in need of help. The D.A. must reach out to these young people early, and partner with the Office of the Corporation Counsel (which prosecutes juvenile delinquents) to prevent a young person’s involvement with the criminal justice system from escalating.

Targeted Intervention to Reduce Recidivism | Eighty percent of juvenile offenders prosecuted in Manhattan are re-arrested for felonies within four years of their first arrest. [New York Criminal Justice Agency] As Manhattan District Attorney, Aborn will work with local and national experts to shape a new effort, based on successful initiatives from around the country, to pinpoint the highest-risk cases and tailor programs that address their needs. He will also push for sentences given to these and other high-risk adolescents to include enrollment in appropriate criminal-intervention programs that address the unmet needs often underlying criminal behavior, such as mental health, academic, and substance abuse problems. Preventing young offenders from committing additional crimes may require sending violent or repeat offenders to prison, but other young people can be more effectively deterred from crime through psychological treatment. Aborn supports the expansion of therapeutic intervention programs such as the Vera Institute of Justice’s Adolescent Portable Therapy initiative. He will also actively monitor programs to which offenders are sent to hold the programs accountable for achieving desired outcomes.

JUSTICE THAT FITS JUVENILE OFFENDERS

While some violent crimes can only be handled by “adult” courts and prisons, the adult system is poorly equipped to handle the needs of most young offenders. According to the Bureau of Justice Statistics, minors held in adult prisons are 26 times more likely to commit suicide than youths in juvenile facilities. Moreover, an Office of Juvenile Justice and Delinquency Prevention study recently concluded that, “Transferring juvenile offenders to the criminal court does not engender community protection by reducing recidivism—it substantially increases recidivism.”

Appropriate Judicial Responses for Young Offenders | Aborn will leverage the authority of the Manhattan District Attorney’s office to advocate for policy reforms that ensure public safety while keeping non-violent young offenders out of adult courts and prisons. Aborn will urge policymakers in Albany to change the statutory definition of *juvenile* to include young people under the age of 18, not 16, while preserving the District Attorney’s authority to try violent and severe crimes in adult court, because Family Courts have more latitude and greater access to social service resources, which they can use to ensure that young offenders get the help they need. This change reflects the U.S. Supreme Court finding and the consensus among scientific researchers that children and adolescents lack the neurological maturity to fully understand the consequences of their actions and control their impulses. [*Roper v. Simmons*, National Institutes of Health] New York and North Carolina are the only states with justice systems that consider adolescents over the age of 15 to be adults. [National Criminal Justice Research Service]

At the current time, an overburdened Family Court cannot handle this additional responsibility. As an interim measure, Aborn supports letting Supreme Court justices sit, in appropriate cases, as Family Court justices to use the pre- and post-conviction options that are available to Family Court and not Supreme Court.

Peer Courts to Prevent Repeat Offenses | In “peer courts” or “youth courts,” trained and supervised young people volunteer as judges, attorneys, and jurors for defendants in their age group. Sentences in youth courts often seek “restorative justice” through restitution or meaningful community service. Peer courts also help diversify the justice system by offering members of underrepresented groups an early opportunity for positive participation in the system, and by encouraging offenders who have completed their sentences to become peer court volunteers. Many studies have shown that youth courts reduce recidivism, cut costs, and are better than traditional courts at holding offenders accountable for completing their sentences. [Office of Juvenile Justice and Delinquency Prevention] Manhattan currently has only one peer court, which is run by the Harlem Youth Justice Center. [Center for Court Innovation] Aborn supports the establishment of more youth courts in Manhattan, and the referral of minor non-violent offenses from Family and Criminal Court to peer courts.

PROGRESS, NOT JUST PUNISHMENT

To make progress toward reducing crime and improving young people’s lives, the justice system must consider not only the mistakes young offenders have made in the past, but also what they are capable of achieving in the future – and how to help them succeed. If we do not shift course, we run the risk of continuing to push today’s young offenders into a cycle of crime that makes them tomorrow’s adult criminals.

New Resources for Mental Health Care | Experts estimate that 70 percent of youths in the juvenile justice system have mental health issues. [National Center for Mental Health and Juvenile Justice] According to the New York City Mayor’s Management Report, 83% of youths in Department of Juvenile Justice facilities required mental health services. To address the causes of many young offenders’ criminal behavior and stop them from committing further crimes, we must provide mental health treatment to those who need it. As District Attorney, Aborn will establish a pilot Youth Mental Health Clinic that will address the enormous unmet need for psychological and substance abuse treatment among young people prosecuted by the D.A, and will ensure that all youths who come through the system receive adequate and early assessment of mental health treatment needs. The clinic staff will include therapists and case managers who will treat youths with psychological needs, manage the youth’s case as it moves through the system, and make sentencing recommendations. A similar clinic in Chicago has proven to be effective at streamlining communication between courts and clinicians. [Circuit Court of Cook County]

FAIR AND ACCOUNTABLE JUSTICE

In recent years researchers have made great progress toward understanding juvenile crime and how to prevent it, but the justice system has not translated that knowledge into action. Many current juvenile law-enforcement policies rely on disproven ideas and are simply ineffective: nearly half of young people in the City’s secure juvenile facilities have been detained previously. [Mayor’s Management Report] It’s time for New York to implement smarter, evidence-based strategies for stopping juvenile crime.

Information for Smart Decisions | Currently, New York City collects statistics on youths in the justice system in a disorganized manner, with separate – but sometimes overlapping – databases maintained by the Departments of Juvenile Justice, Correction, Law, and Probation as well as the Administration for Children’s Services and the New York Police Department. Because the Manhattan District Attorney works with police, courts, corrections officials, and many social service

providers, the office is uniquely positioned to lead a collaborative effort to improve data collection and analysis. Aborn will create a new position in the D.A.'s office – Effectiveness Czar – to lead a study of outcomes and pinpoint best practices. This new analysis will make the entire justice system more effective while saving money and increasing the return on taxpayers' investment.

Justice through Objective Analysis | Less than two-thirds of New York City's youths are African American and Latino, but 95 percent of the city's incarcerated young people belong to these groups. [Correctional Association of New York] Across the country, individual jurisdictions have used internal audits to pinpoint and address factors that contribute to this disparity. [Annie E. Casey Foundation] As District Attorney, Aborn will examine the paths youths of different races take through the justice system, and use that information to ensure that laws are administered fairly.

IMPROVING OUTCOMES THROUGH FAMILY INVOLVEMENT

In a multistate survey, parents of youths in the juvenile justice system reported feeling confused and alienated by legal proceedings. [Annie E. Casey Foundation] By failing to engage parents in efforts to intervene with young offenders, the justice system is squandering a valuable resource and undermining youths' chances for success.

Empowerment for Parents and Families | In Santa Cruz, California, a new initiative to involve families in youth sentencing hearings has yielded positive results. Justice officials in Santa Cruz report that corrections plans developed with input from parents are more comprehensive than plans developed by the court alone, and that family-driven plans are more likely to be carried out successfully. Aborn will promote the inclusion of "family conferences" in the D.A. office's sentencing process, and will advocate for treatment plans that incorporate family counseling where appropriate.

EARLY INTERVENTION TO STOP YOUTH CRIME

Decades of research on young offenders has given us a clear idea about which young people need extra help to make sound choices. Fighting in school, truancy, and alcohol abuse are all early indicators that a youth may need extra guidance. [Office of Juvenile Justice and Delinquency Prevention] We can't let first-time offenders and kids who show early warning signs slip beyond our reach. We must reach out to them now with programs that provide them, their families, and their communities with the tools they need to be successful.

Strong School Partnerships | Educators are often the first people in a youth's life to spot early risk-factors for criminal activity, such as truancy, fighting, and drug abuse. Aborn will strengthen connections between schools and the District Attorney's office to help reach struggling youths before they commit crimes. As part of a new partnership program, Assistant District Attorneys who work on juvenile cases will be assigned to serve as a link to a schools with a high population of at-risk youth. These A.D.A.s will build long-term relationships with educators, administrators, and school-resource officers so they can identify at-risk students and act on problematic trends before they get out of control. The partnering attorneys will also provide students and faculty with educational programs on crime prevention, school safety issues, gang avoidance, and the justice system.

Career-Focused After-School Development Programs | Too many young offenders grow up without strong role models or adequate guidance. The justice system should go beyond teaching these youths to "just say no," and give them something to say "yes" to. As Manhattan District Attorney, Richard Aborn will sponsor and coordinate a career-focused after-school development

program, to be run by effective service providers, for targeted struggling students. The program will include guest lectures from successful professionals, “job shadowing” field trips, and internship opportunities with community partners. A recent University of Maryland Study suggests that targeting at-risk youths is an important component of reducing crime through after-school programs, and innovative D.A.s across the country have achieved success with similar initiatives. The CDC found that a similar program in North Carolina helped reduce participants’ involvement with drugs or gun crimes. [Office of Juvenile Justice and Delinquency Prevention]

Enrichment Opportunities for Young People and Parents | Many young people and parents strive to build a bright future, but lack the resources and guidance they need to overcome obstacles. Under Aborn, the D.A.’s office will support and coordinate educational opportunities for targeted at-risk youths and their families to help break the cycle of recidivism.

Life-Skills Training for Youth | Instruction in decision-making, self-management, and social skills has been proven to deter young people from committing crimes. For an annual investment of approximately \$7 per student, life-skills programs have been shown to help reduce risky behavior by up to 75 percent. [Center for the Study and Prevention of Violence]

Family-Management Education for Parents | Parents who are struggling to steer their children in the right direction can benefit from “family-management training” that teaches them how to set and enforce rules, find community resources, and intervene in dangerous situations. Other District Attorneys in New York State and across the country have successfully used parent-training programs to combat truancy and reduce crime. [Saratoga County District Attorney]

ⁱ In the juvenile justice system, *placement* is the equivalent of prison. What is referred to as *jail* in the “adult” system is called *detention* in the juvenile system.

ⁱⁱ In New York State and City courts, the term *juvenile* is generally applied to people under the age of 16. This paper, however, addresses criminality among children, adolescents, and young adults. New York City and State courts categorize members of this group by age and crime, classifying them as either *juvenile delinquents*, *juvenile offenders*, or *youthful offenders*. Each of these terms is defined below and used in this paper in accordance with these definitions. Where other, generic labels— such as *young offender*— are used, they should be understood to include people not legally considered juveniles.

- **Juvenile Delinquent:** A young person between the ages of 7 and 15 who has committed an act that would be considered a crime if committed by an adult. Cases involving possible juvenile delinquents are heard in Family Court.
- **Juvenile Offender:** A youth between 13 and fifteen years old who is found to have committed one or more of 18 specific crimes. Potential juvenile offenders are prosecuted by the District Attorney’s office in Criminal or Supreme Court.
- **Youthful Offender:** A young person age 16 to 18 or a juvenile offender who has been adjudicated in Criminal Court.. Youthful offenders are prosecuted by the District Attorney’s office.