



CELEBRATING  
THIRTY YEARS



1981-2011

***CCA'S RECOMMENDATIONS TO THE  
NEW YORK STATE SENTENCING COMMISSION  
FOR CHANGING THE AGE OF MAJORITY IN NEW YORK***

**December 2011**

**CENTER FOR COMMUNITY ALTERNATIVES  
MARSHA WEISSMAN, EXECUTIVE DIRECTOR  
JOSEFINA BASTIDAS, DEPUTY DIRECTOR  
PATRICIA WARTH, CO-DIRECTOR, JUSTICE STRATEGIES  
115 E. Jefferson St., Suite 300  
SYRACUSE, NY 13202  
(315) 422-5638  
39 WEST 19<sup>TH</sup> STREET, 10<sup>TH</sup> FLOOR  
NEW YORK, NY 10011  
(212) 691-1911**

“The reality that juveniles still struggle to define their identity means it is less supportable to conclude that even a heinous crime committed by a juvenile is evidence of irretrievably depraved character. From a moral standpoint, it would be misguided to equate the failings of a minor with those of an adult, for the greater possibility exists that a minor’s character deficiencies will be reformed.”

- *Roper v. Simmons*, 543 U.S. 551, 570 (2005)

“The teenage brain is like a car with a good accelerator but a weak brake.”

- *Professor Laurence Steinburg, Temple University*

Since 1988, the Center for Community Alternatives (CCA) has worked with court-involved people and “at-risk” youth in Syracuse and the New York City area. In our New York City office in particular, CCA runs court-mandated alternative-to-placement/alternative-to-incarceration programs for young people being prosecuted in Family Court as juvenile delinquents or in Supreme Court as juvenile offenders. Our services are designed to enhance community safety by helping young people to realize their full potential to live law-abiding lives and make positive contributions to the community. The recommendations we offer to this Committee are informed both by our day-to-day experiences working with young people and by the latest sociological and biological research about the physical and emotional changes that teenagers experience. Thus, the recommendations below flow from a perspective that is research-based and practical.

## **I. The Biology of Adolescence: Understanding How Teenagers are Wired Differently Than Adults and Why the Adult Criminal Justice System is Ill-Suited to Deal With Teenage Crime.**

Anyone who has parented, educated, or cared for teenagers knows that even the best-behaved, most goal-oriented teens are prone to shocking lapses of judgment. Nearly all of us know stories of college-bound teenagers who surprisingly end up in the Emergency Room after a night of thoughtless drinking or in jail after taking a car for a “joy-ride” or breaking into a residential home to steal a computer “on a dare.” The irrational and erratic behavior of teenagers often leaves us scratching our heads asking: What happened? How could such a good kid do something so shockingly stupid?

The answer is beginning to emerge from the rich body of biological and sociological research about adolescent development that has occurred over the last fifteen years. This

research is confirming what parents, educators, and caretakers have intuited for years: biologically, teens are poor thinking, impulsive, and risk-prone individuals. A brief overview of why this is true can go far in helping to understand how teenagers are different from adults and why an adult criminal justice system is ill-suited to deal with teenage crime.

There are several biological events that occur during the adolescent years that essentially wreak biological, emotional and intellectual havoc on teenagers. Perhaps the most significant event is the accelerated development of the brain and significant changes “in the frontal lobe of the brain, where impulse control, judgment and long-range planning occur.” Because this part of their brains is still changing, teenagers are not programmed for good executive functioning – that is, the ability to control impulses, think about consequences, and plan for the future.

Compounding this brain development issue is the fact that adolescence is that time of life when, biologically, young people are driven to “leave the nest” and venture out and away from adults. As one researcher described it: “While the structure of the teenage brain may result in startling gaps in reasoning and decision-making, adolescents pursuit of risks, novelty and reward is more intense than it will ever be again. And that drive is geared toward one goal common to all mammals: to leave the nest and explore new territories in search of a mate.”<sup>1</sup>

Add to this mix the fact that during the teenage years, there is a sudden surge of dopamine, a biological chemical that “intensifies pleasure and makes you want to seek out rewards again and again.” A “dopamine system in overdrive” can cause teenagers to “want immediate rewards,” and because the good decision-making part of their brain is not fully developed, they have difficulty controlling this drive. Finally, as we all remember from our own adolescence, teenagers experience accelerated hormonal changes. Increased levels of hormones further enhance “the tendency to take risks, which is very much about impressing peers to winning their approval.”<sup>2</sup>

In *Roper v. Simmons*,<sup>3</sup> the United States Supreme Court reviewed the research and acknowledged that teenagers are different from adults in three ways that are relevant to decision-making about teenaged crime. First, teenagers are less mature than adults and have a less developed sense of responsibility, which often results in “impetuous and ill-considered actions

---

<sup>1</sup> The quoted information in this paragraph is from Anita Slomski, “Crazy Kids,” *Photomag.com* (Fall 2010).

<sup>2</sup> *Id.*

<sup>3</sup> 543 U.S. 551 (2005).

and decisions.”<sup>4</sup> Second, teenagers “are more vulnerable and susceptible to negative influences and outside pressures, including peer pressure.”<sup>5</sup> Third, “the character of a juvenile is not as well formed as that of an adult. The personality traits of juveniles are more transitory, less fixed.”<sup>6</sup> These differences, reasoned the Court, render it constitutionally impermissible to execute children aged eighteen and younger for a crime, *no matter how heinous and violent the crime is*. The Court reiterated these innate differences between juveniles and adults five years later, in *Graham v. Florida*<sup>7</sup> to hold that life without parole is a constitutionally impermissible sentence for a young person under the age of 18 who commits a non-homicide offense.

These biological and sociological facts about how teenagers differ from adults give rise to the following significant policy considerations in addressing teenage crime:

- *First*, teenagers are not as morally culpable for their criminal conduct as adults.
- *Second*, the penological goals of retribution, deterrence, and incapacity apply with far less force to teenagers than to adults.<sup>8</sup> “Whether viewed as an attempt to express the community’s moral outrage or as an attempt to right the balance for a wrong to the victim, the case for retribution is not as strong with a minor as with an adult.”<sup>9</sup> Deterrence assumes the existence of pre-crime thoughtfulness and consideration - thought processes which are significantly diminished in teenagers. Incapacity is a less justifiable goal with teenagers, not only because this goal fails to acknowledge the capacity

---

<sup>4</sup> *Id.* at 569.

<sup>5</sup> *Id.*, citing *Eddings v. Oklahoma*, 455 U.S. 104, 115 (1982) (“Youth is more than a chronological fact. It is a time and condition of life when a person may be most susceptible to influence and psychological damage.”).

<sup>6</sup> *Id.* at 570 (citing E. Erikson, *Identity: Youth and Crisis* (1968)).

<sup>7</sup> 130 S.Ct. 2011 (2010) (“The inadequacy of a penological theory to justify life without parole sentences for juvenile nonhomicide offenders, the limited culpability of such offenders, and the severity of these sentences all lead the Court to conclude that the sentencing practice at issue is cruel and unusual. No recent data provide reason to reconsider *Roper’s* holding that because juveniles have lessened culpability they are less deserving of the most serious forms of punishment.”)

<sup>8</sup> *Roper v. Simmons*, 543 U.S. at 571.

<sup>9</sup> *Id.*

teenagers have for positive change but also because it fails to acknowledge that imprisonment can be particularly destructive and punitive for younger people.<sup>10</sup>

- *Third*, while teenagers are susceptible to negative external influences, they are also susceptible to positive external influences. As adults, we have the moral responsibility to ensure that teenagers – even teenagers who have committed a crime - are raised in a positive, pro-social environment. Prison is not a positive environment for teenagers and can have life-long, negative effects. As one researcher summarized:

*The process of institutionalization is facilitated in cases in which persons enter institutional settings at an early age, before they have formed the ability and expectation to control their own life choices. Because there is less tension between the demands of the institution and the autonomy of a mature adult, institutionalization proceeds more quickly and less problematically with at least some younger inmates. Moreover, younger inmates have little in the way of already developed independent judgment, so they have little if anything to revert to or rely upon if and when the institutional structure is removed.<sup>11</sup>*

- *Fourth*, and perhaps most importantly, adolescence is transitory. Teenagers mature and outgrow their impulsive and risky behavior. Thus, the “vast majority of adolescents who engage in criminal or delinquent behaviors desist from crime as they mature.”<sup>12</sup> This is no less true for teenagers who engage in violent behavior; a violent act committed by a 16 or 17 year old simply is not predictive of that child’s behavior as an adult.<sup>13</sup> Indeed, the Office of Juvenile Justice and Delinquency Prevention’s (OJJDP) review of “Pathways to Desistance Study” reports that most serious juvenile offenders “mature” out of crime. OJJDP notes that longer juvenile incarceration is ineffective in reducing recidivism;

---

<sup>10</sup> See generally, Craig Haney, “The Psychological Impact of Incarceration: Implications for Post-Prison Adjustment,” *National Policy Conference: From Prison to Home, the Effect of Incarceration and Reentry on Children and Communities* (January 2002).

<sup>11</sup> *Id.*

<sup>12</sup> Laurence Steinberg & Elizabeth Scott, “Less Guilty by Reason of Adolescence: Developmental Immaturity, Diminished Responsibility, and the Juvenile Death Penalty,” 58 *Amer. Psych.*, (2003), at 1015, n. 13.

<sup>13</sup> See e.g., American Bar Resolution 102A (2010) (in a recommendation restricting the use of juvenile records for college admissions officers, stating that: “This privacy requirement is essential because most adolescent anti-social behavior is not predictive of future criminal activity”).

rather, the research shows that community-based interventions, such as substance abuse treatment, are effective in reducing recidivism.<sup>14</sup>

Contrast these policy considerations with the realities of our adult criminal justice system. While New York State is paying greater attention to reentry and reintegration, the sentencing goals of retribution and incapacitation continue to play a prominent role in the adult system. Prison sentences remain both common and lengthy.<sup>15</sup> Moreover, the adult criminal conviction results in de-facto, if not de-jure, perpetual punishment as the social stigma of a criminal conviction and the legal barriers that are erected last a lifetime. In 2006, a Special Committee of the New York State Bar Association (NYSBA) summarized these life-long consequences as follows:

*The legal disabilities and social exclusions resulting from adverse encounters with the criminal justice system [that] often erect formidable barriers for criminal defendants, people with criminal records, those returning to their communities after incarceration, and their families. These consequences are far-reaching, often unforeseen, and sometimes counterproductive.*<sup>16</sup>

Thus, prosecution as an adult in criminal court necessarily entails a more punitive approach with life-long consequences.

Considered in combination, the research about adolescent development, the policy implications, and the realities of our adult criminal justice system confirm the lessons that CCA has drawn over years of working with at-risk and court-involved teenagers. The adult criminal justice system is ill-suited to deal with teenage crime because it fails to acknowledge their inherent diminished culpability and their immense capacity for positive change. Most teenagers who do bad things still want to be good people who positively contribute to their communities.

---

<sup>14</sup> Edward P. Mulvey. 2011. Highlights From Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders. Juvenile Justice Fact Sheet. Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice Delinquency Prevention, (available at [www.ncjrs.gov/pdffiles1/ojjdp/230971.pdf](http://www.ncjrs.gov/pdffiles1/ojjdp/230971.pdf).) The study follows 1,355 serious offenders from 14 to 17 years old for seven years after their conviction. OJJDP notes that the findings to date show a decrease in offending by the most serious juvenile offenders. Almost 92 percent of youth studied showed a decrease in criminal activity in the first three years following their court-involvement.

<sup>15</sup> Justice Anthony M. Kennedy, 2003 Speech at the American Bar Association Annual Meeting (in calling upon the ABA to address the “inadequacies and injustices” of our criminal justice system, Justice Kennedy stated as follows: “Our resources are misspent, our punishments too severe, our sentences too long.”).

<sup>16</sup> Special Committee of the New York State Bar Association, “Re-Entry and Reintegration: The Road to Public Safety,” (available at the “publications” section of the New York State Bar Association at [www.nysba.org](http://www.nysba.org)), at 7.

When given support and opportunities, teenagers who have been involved in crime are capable of putting their lives back on track.

## **II. Putting These Implications to Practice: Recommendations for a Response to Teenage Crime That Will Enhance Public Safety and Fully Realize the Potential of Our Young People.**

It is within the foregoing framework and our years of experience working with court-involved young people that CCA makes the following recommendations.

### **1. With Few Exceptions, the Age of the Person Rather Than the Nature of Charged Offense Should Control Whether the Person is Prosecuted as a Juvenile in Family Court or an Adult in Criminal Court.**

When a teenager commits a violent crime, the natural inclination is to think of the teen as “acting like an adult,” justifying prosecution in adult court, or to conclude that because the conduct is so serious that prosecution in adult court is “necessary.” Succumbing to such inclinations or drawing such conclusions, however, fails to recognize that the penological goals that favor the adult court’s more punitive approach (retribution, deterrence, and incapacitation) simply do not apply with the same level of force to teenagers. Worse, utilizing the more punitive approach of adult court will necessarily lead to long-term consequences that are not merely counter-productive for the teenager, but for society as a whole.

Responding to teenage crime in a system that focuses on rehabilitation and reintegration holds out the most promise for addressing teenage crime because it recognizes not only teenagers’ lessened culpability, but also their immense capacity for positive change. *This is no less true for a teenager who engages in violent behavior.* There is no reason to believe – and no research to support the notion – that a teenager who engages in violent conduct is somehow more culpable or less able to change than other teenagers. The same justifications that drive prosecuting non-violent teenagers as juveniles also drive prosecuting violent teenagers as juveniles. Indeed, it can be reasonably argued that because of the serious nature of their offenses, it is *even more* important that in cases involving violent teenage conduct, the justice system adopts an approach that is designed to promote change and life-long law-abiding and positive conduct.

Accordingly, CCA recommends that, with few exceptions, the guiding criteria for deciding whether to prosecute a teenager as a juvenile delinquent in Family Court or as an adult

in criminal court be the age of the person and not the nature of the charged crime. We understand that there will be some instances where juveniles will be prosecuted in the adult court system, but such “carve outs” should be extremely limited. Moreover, the 16 and 17 year old teenagers who would be subject to such adult prosecution should be prosecuted like their age-contemporaries, the 13, 14, and 15 year old juvenile offenders, and not like regular adults. Finally, as New York State reforms its juvenile justice system, it would also seem to be an opportune time to review the scope of offenses removed from Family Court to be prosecuted in adult criminal court as juvenile offenses.

**2. The Availability of Youthful Offender Adjudication for Those Teenagers Prosecuted as Adults Should Be Expanded.**

Currently, youth between the ages of 16 and 19 as well as juvenile offenders prosecuted in the adult criminal justice system may be afforded Youthful Offender treatment. Youthful Offender (YO) adjudication is a mechanism by which to relieve a young person prosecuted in criminal court of the life-long consequences and stigma of a criminal conviction. Even when adjudicated a YO, the young person can still receive a state prison sentence if such a sentence is deemed appropriate and necessary,<sup>17</sup> but the conviction is vacated and the records sealed. With YO adjudication, the young person is punished, but the punishment is not perpetual.

As New York State moves to raise the age of criminal responsibility, there is also an opportunity to re-examine our application of the State’s YO adjudication provisions. The same justifications for changing the age of majority are also applicable to making YO provisions available to ameliorate the lifelong consequences of a conviction that attach when a young person is prosecuted in adult court.

Having the 16 and 17 year old population prosecuted in Family Court creates the opportunity to expand mandatory YO adjudication to young people who will continue to be processed in the adult system, both for misdemeanors and first time felony offenses. Indeed, many other states currently offer expungement or sealing opportunities for first-time felony offenses out of recognition of the fact that most people who engage in criminal conduct are one-time offenders.<sup>18</sup> This is particularly true for young people who show great promise for

---

<sup>17</sup> A Youthful Offender is sentenced as though convicted of a class E, non-violent offense. See CPL § 720.20; Penal Law § 60.02.

<sup>18</sup> At least 16 states have some form of amelioration for first time felony offenders. See generally, Margaret Colgate Love, *Relief from the Collateral Consequences of a Criminal Conviction: A State-by-State Resource Guide*,

rehabilitation. In public safety terms, it makes sense to ensure that these individuals are able to put their lives back on track and do not needlessly face barriers to employment, housing, higher education, and volunteer opportunities. Mandatory YO adjudication for young first time felony offenders is a mechanism that recognizes the diminished culpability of young people while simultaneously enhancing public safety by making sure such individuals can mature and move forward with their lives as law-abiding, contributing members of the community.

Second, the availability of YO adjudication should be expanded to include some young adults, with the upper age limit established based upon research and the experience in other states. Expanding the availability of YO adjudication in this manner is consistent with the research about human development, which tells us that a person's brain is not fully developed until a person is in his or her early twenties.<sup>19</sup> This practice would also be consistent with practices in other jurisdictions, which allow for YO adjudication, sealing, or expungement for young adults who engage in criminal conduct.<sup>20</sup>

Expanding YO adjudication as outlined above is not merely a natural compliment to this Committee's mandate with regard to changing the age of majority – it also makes public safety sense by ensuring that more people do not face life-long barriers to employment, housing, education, and other aspects of full community membership because of a youthful mistake.

### **3. Services for Court-Involved Youth Must Be Developmentally-Appropriate, Strength-Based and Matched to Risk and Needs.**

For more than twenty years, CCA's Youth Advocacy Project has demonstrated the ability to work with youth charged as juvenile offenders, i.e., young people charged with offenses defined as serious and violent as well as juvenile delinquents. We carefully target only those youth who would otherwise be incarcerated in order to avoid using scarce resources for young people who do not require intensive services. In short, our programs are designed to avoid

---

(2006).

<sup>19</sup> Ruben C. Gur, "Brain Maturation and the Execution of Juveniles," *The Penn Gazette* (Jan/Feb 2005) ("The evidence is now strong that the brain does not cease to mature until the early 20s in those relevant parts that govern impulsivity, judgment, planning for the future, foresight of the consequences, and other characteristics that make people morally culpable."); Joline Kruger, "Brain Science Offers Insight to Teen Crime," *Albuquerque Tribune*, Dec. 8, 2006 ("Cerebral construction is not complete until around ages 20 to 25, most scientists agree. The frontal lobe is one of the last areas of the brain to develop.")

<sup>20</sup> In Alabama, for example, Youthful Offender adjudication, which allows a person to legally deny a conviction, is available to young people aged 20 years or less. See Ala. Code 1975 § 15-19-17. Michigan similarly makes "Youthful Trainee" status available to those aged 20 years or younger; "Youthful trainee" status is not considered a conviction. See M.C.L.A. § 762.11.

widening the net of social control. The program often intervenes as an alternative-to-detention and it includes case planning, community supervision, and youth development activities. Depending on youth and family needs, services can include substance abuse intervention, trauma-focused mental health services and family-based counseling. However, we find that the most successful service element is leadership development that allows our young participants opportunities to develop their pro-social skills, rethink their responsibilities and connections to their families and communities and practice these skills through a myriad of forms of community service. Our youth work in community gardens, visit nursing homes, write letters to U.S. servicemen stationed abroad, are members of policy making committees including committees in New York City and Syracuse that are working to reduce disproportionate minority detention in the juvenile justice system.

The Youth Advocacy Program (YAP) works with young people in their homes and their communities. The program works with youth charged as juvenile offenders as well as youth prosecuted as juvenile delinquents. For the more than twenty years history of the program, the re-arrest rate for young people in the program has never exceeded 20 percent and more typically hovers between 12 and 15 percent. Moreover, the majority of rearrests have been for very minor crimes, such as turnstile jumping, disorderly conduct, graffiti and criminal mischief. Seventy-five percent of youth mandated to YAP successfully complete the program. While these data document outcomes for youth while they are enrolled in YAP, it is important to remember that the program is not residential and youth are at liberty in the community during their participation in the program.

In 2009, with funding from the Robin Hood Foundation, CCA was able to continue an evaluation of post-program outcomes on key metrics of re-conviction and graduation from high school/school retention. Of 74 youth who successfully completed the program, less than five percent had been reconvicted of any crime one-year post program. All youth who had successfully completed YAP were either still in school or graduated high school a year following their exit from the program and 85 percent showed improvements in one or more subject areas.<sup>21</sup> Forty-three percent of program youth who graduated high school had enrolled in college.

---

<sup>21</sup> CCA pre-tested youth using the Test of Adult Basic Education (TABE ) at entry into the program and post-tested youth at program exit.

CCA's twenty-plus years of experience working with young people who have engaged in very serious criminal conduct gives us significant insight into the services needed to help such individuals get back on track. Our recommendations for services for court-involved youth are built on three fundamental principles: (1) the primary goal of sentencing is to improve public safety; (2) services for young people based on research that identifies effective and promising programs that promote participants' successful and reintegration into the community; and (3) incarceration, the most expensive and least effective sanction, must be used parsimoniously and with consideration of the impact on youth development. Court-mandated programs and services should be targeted for youth who would have otherwise been incarcerated, and avoid expanding the net of social control.<sup>22</sup> Reflecting the current efforts by the New York State Office of Children and Family Services, the State Division of Criminal Justice Services and the recent New York City Young Male Initiative, services must be culturally competent and focused on reducing disproportionate minority contact with the juvenile justice system.<sup>23</sup>

With these principles in mind, key ingredients for services for court involved youth include:

Dispositional planning that begins as early in the process as possible and is based on a risk and needs assessment instrument that ensures that young people are afforded an alternative-to-detention.

Matching services to needs with a focus on ensuring that youth are engaged in education and/or employment.

---

<sup>22</sup> Michael Tonry and Norval Morris, *Between Prison and Probation: Intermediate Punishments in a Rational Sentencing System*, 224 (1990).

<sup>23</sup>The OCFS website page devoted to DMC states the following: "*The NYS Office of Children and Family Services (OCFS) recognizes the negative impact that racial and ethnic disproportionality and disparity have on children and families of color who come into contact with our child welfare, juvenile justice and other systems. It is a problem for those who are most overrepresented and who receive differential treatment and access to services, and for those children and families who are unable to access services and assistance and are therefore under represented. In essence, the entire system is effected by disproportionate minority representation and racial and ethnic disparities. OCFS commits to identifying, addressing and reducing disproportionality and to eliminating racial and ethnic disparities in our systems of care and custody. We will do so, in part, by becoming more culturally responsive in providing services to a diverse customer base and by providing services that include our respect for and consideration of cultural differences.*" Available at <http://www.ocfs.state.ny.us/main/recc/default.asp>. See also the statement of the DCJS' Juvenile Justice Advisory Group available at <http://www.nysjjag.org/our-work/disproportionate-minority-contact.html>. The New York City Black Male Initiative announced by Mayor Michael Bloomberg on August 4, 2011, called for reforming the juvenile and criminal justice system to reduce the barriers to full economic and social engagement by Black and Latino young men. See Press Release available at [http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor\\_press\\_release&catID=1194&doc\\_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2011b%2Fpr282-11.html&cc=unused1978&rc=1194&ndi=1](http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor_press_release&catID=1194&doc_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2011b%2Fpr282-11.html&cc=unused1978&rc=1194&ndi=1).

Developmentally-appropriate clinical services for those young people who need such interventions, including substance abuse interventions and mental health services.

Substance abuse services that have been proven to be effective for young people are those that are community-based, flexible and focus on marijuana use, the common drug of choice for young people.<sup>24</sup> With respect to mental health services, trauma-focused cognitive-behavioral interventions are particularly useful for youth who have experienced community- and family-related violence, including the incarceration of their parents.<sup>25</sup> However, care should be taken to avoid “pathologizing” young people without clear evidence that mental health needs are present.

Leadership development and opportunities for community engagement.

School support: advocacy to ensure appropriate educational placement, case management to ensure school attendance; tutoring to ensure academic achievement.

Arts-based programming that taps into youth culture and creativity.

Employment or work experience opportunities that include stipends for apprenticeship or internship experiences.

Community monitoring to ensure adherence to court-imposed conditions of release such as curfew.

Restorative justice elements including, as appropriate, victim offender mediation and community service.

---

<sup>24</sup> Adolescent Community Reinforcement Approach (ACRA) and Assertive Continuing Care (ACC), a SAMHSA-endorsed adolescent-specific drug treatment intervention designed by ACRA consists of 10-12 individual sessions with the adolescent, 2 individual sessions with one or more parents/guardians and 2 sessions with the adolescent and caregivers together. Therapists teach adolescents and parents to identify and use approaches and reinforcement to remain drug-free, with a focus on community resources and developing a positive family support system. The ACRA model has been found to be especially useful for adolescents as it recognizes the environmental contexts that surround drug use including poverty and marginalization and peer pressure. *See* Godley, Susan, H., Meyers, Robert J., Smith, Jane, Ellen, Karvinen, Tracy, Titus, Janet, C., Godley, Michael. D., Dent, George, Passetti, Lora, and Pamela.M. Kelberg. 2001. *The Adolescent Community Reinforcement Approach for Adolescent Cannabis Users*, Cannabis Youth Treatment Series, Volume 4. DHHS Pub. No. 10-3489. Rockville, MD: Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration.

<sup>25</sup> Karen Mahoney, Julian D. Ford, Susan J. Ko, and Christine B. Siegfried. 2004. *Trauma-Focused Interventions for Youth in the Juvenile Justice System*. Los Angeles CA: National Child Traumatic Stress Network Juvenile Justice Working Group. National Child Traumatic Stress Network [www.NCTSNet.org](http://www.NCTSNet.org)

Court/justice system accountability including court advocacy to ensure that courts and prosecutors are provided with information about alternative-to-detention/incarceration plans and regular court reporting on progress and compliance.

Programs and services should collect data that document the efficacy of its model on the following metrics:

Characteristics of incarcerated youth (including race, ethnicity, and gender) compared to the characteristics of youth enrolled in the program (measurement of net widening).

Recidivism rates defined by reconviction and type of reconviction.

Program completion rates.

School engagement measures: school retention, graduation rates.

Pre- and post- test measures of changes in attitudes towards violence and pro-social behaviors.

Employment status.

Enrollment in higher education.

The public has a right to expect that alternative-to-incarceration (ATI) programs will produce meaningful results – that is, that young people reduce their rate of criminal behavior, and particularly desist from crimes of violence. Investment in ATI programs must allow these programs to have: low staff-to-participant ratios; quality, well-prepared staff; access to training and program curricula; and a range of holistic services. This requires an equally meaningful investment in programs so that they are able to reach youth who would otherwise be incarcerated. At this point in time, New York State has been willing to spend about \$200,000 a year per youth placed in an OCFS facility. A well-resourced ATI program – even at \$15,000 to \$20,000 a year - pales in comparison.

Proceeding down a path to juvenile justice reform without meaningful investment is a recipe for failure. We risk undermining public safety and fostering public cynicism. We will also be letting down the countless young people in our state, many of whom are young people of color, by not giving them real opportunities to become productive and law abiding members of society.