

Emerging Adult Justice Project

Designing an Emerging Adult Justice Track in Manhattan's Felony Alternative to Incarceration Court: Principles and Practices

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The Issue

Research shows that emerging adults, defined as young people between age 18 and their mid-20s, are in a distinct developmental stage that shares many of the same characteristics as younger adolescents. These common behavioral traits carry enormous consequences. Because of their malleability, most young people will grow out of lawbreaking behavior if given the opportunity to do so.ⁱ And yet emerging adults, particularly emerging adults of color, are significantly overrepresented in jails and prisons.ⁱⁱ They are also disproportionately impacted by the collateral consequences of an adult criminal record, creating life-long barriers to education, employment, health care and housing, and suffer the highest recidivism rates.ⁱⁱⁱ Until recently, emerging adults' distinct developmental needs were largely ignored by the criminal legal system. This challenge, however, offers an opportunity: By creating more developmentally appropriate responses for emerging adults, the criminal justice system can both foster better outcomes for youth and improve public safety.

The Opportunity

In Manhattan, an effort is underway to make the court process more developmentally appropriate and effective for young people. Specifically, the Manhattan Felony Alternative to Incarceration (ATI) Court, a dedicated court part of the New York County Supreme Court, Criminal Term, has established an alternative to traditional felony case processing. The ATI Court works to connect defendants who are ineligible for existing problem-solving courts with programming in the community instead of incarceration. In recognizing that young people ages 18-25 constitute a distinct developmental stage that presents unique needs and assets, the Manhattan Felony ATI Court and stakeholders^{iv} sought guidance and support from the Emerging Adult Justice Project (EAJP) at the Columbia Justice Lab to consider how best to design and launch a specialized programming track for emerging adults.^v

The Principles and Practices

During this collaborative process, EAJP and the stakeholders identified the following promising principles and practices:

- **Focus on Developmental Milestones.** During emerging adulthood, young people are expected to reach key milestones, such as educational attainment and meaningful employment. These milestones build on one another, fostering a young person's process of becoming an adult and "growing out of crime." The design process of an emerging adult ATI track focused on connecting young people with services and/or programs that support their progression towards these milestones and providing them with opportunities to try, learn, and pursue their interests, including high school equivalency classes and paid internships.
- **Partner with community organizations that focus on this age group.** The design of an emerging adult ATI track focused on partnering with community-based service providers that have extensive experience and expertise working with this age group and that offer engaging programming responsive to their individual needs, interests, and motivations, including healthy relationships with mentors and peers. These organizations also provide services in different neighborhoods across the city and can continue providing support even *after* the legal mandate is complete.
- **Empower young people to make choices.** During the transition from adolescence to adulthood, young people increasingly need to practice independence. To help foster this independence, the ATI process for emerging adults seeks to take a flexible, rather than rigid, approach to programming, and to empower young people to make choices as their interests and goals evolve. The process also seeks to provide emerging adults opportunities to self-advocate and share their accomplishments. The stakeholders group considered adopting a newly designed self-report for emerging adults to share their own progress with the Court, while community provider organizations submit parallel reports, so youth can reflect and advocate for their ongoing needs and receive feedback from the providers.
- **Provide developmentally appropriate and timely responses.** Research shows that emerging adults are motivated by timely feedback and positive incentives. The ATI track works to ensure prompt and communicative handoffs with community providers that prepare them to work with the young person and prepare the young person to engage in programming. Within the ATI process, the Court and partners have also begun to identify ways to systemically recognize young people's positive

achievements to further encourage growth and maturity, such as rewarding engagement with reductions in the length and/or intensity of court supervision.

- **Review supervision based on this distinct developmental stage.** Emerging adults are remarkably malleable and can change extraordinarily quickly. The ATI Court can address this by recognizing that shorter engagements can be more meaningful for emerging adults and by building in opportunities to review overall progress and tailor court obligations accordingly.
- **Use developmentally appropriate responses to missteps.** Because emerging adults are in a stage of experimentation and growth, they often make mistakes on their way to success. These steps backwards provide opportunities for emerging adults to learn to deal with adversity, gain insight on their behavior, learn to repair any harm they may have caused, and continue moving forward towards their goals and accomplishments. The Court therefore works with emerging adults who veer off course to get them back on track to be successful, instead of relying on traditional punishment and carceral sentences.
- **Promote fairness and equity.** Young people are particularly sensitive to fairness and respect. Because of this, giving emerging adults the opportunities to participate in a process that is fair—and that they perceive as fair—fosters acceptance of the legitimacy of the court and promotes law-abiding behavior both now and in the future.^{vi} Recognizing this, the ATI Court has, among other things, held trainings for the legal parties and court actors to highlight these principles and translate them into practice, such as providing time for emerging adults to ask questions during court appearances.

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ⁱ Sampson, Robert J. and John H. Laub. 1992. "Crime and Deviance in the Life Course." *Annual Review of Criminology* 18:63–84.

ⁱⁱ Authors' calculations based on most recent available prison admissions data (2016) from Bureau of Justice Statistics. August 30, 2018. "National Corrections Reporting Program, 1991-2016: Selected Variables." Inter-university Consortium for Political and Social Research [distributor]. http://www.justicepolicy.org/uploads/justicepolicy/documents/jpi_young_adults_final.pdf.

ⁱⁱⁱ Matthew R. Durose, Alexia D. Cooper, and Howard N. Snyder. 2014. "Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010." Bureau of Justice Statistics, 12. <https://bjs.ojp.gov/content/pub/pdf/rprts05p0510.pdf>.

^{iv} What became known the "ATI stakeholders group" included the Court (The Hon. Ellen Biben and staff), New York County (Manhattan) District Attorneys, representatives from the institutional defense providers (The Legal Aid

Society, New York County Defender Services, and Neighborhood Defender Service), Dominic Dupont, and The Center for Justice Innovation.

^v Most of the Justice Lab’s work with the stakeholders group spanned a two-year period between 2020 – 21 and included a series of training sessions for the key stakeholders provided by Emerging Adult Justice Project (EAJP) staff and experts invited by EAJP, as well as facilitated discussions.

^{vi} Jamie J. Fader and Dijonée Talley, 2021. “Respect: A Necessary Element of Justice Contact with Emerging Adults.” Emerging Adult Justice Learning Community at Columbia University Justice Lab. Report can be found at <https://justicelab.columbia.edu/sites/default/files/content/EAJLC%20Respect.pdf>