

# Pilot Courts Strive to Put Non-Violent Teen Offenders Back on Track

Each year, between 40,000 and 50,000 teens – ages 16 through 17 – across New York State are arrested and processed as adults in the criminal justice system. In January 2012, nine pilot Adolescent Diversion Parts (ADPs), one in each of New York City's five boroughs, as well as in Erie, Nassau, Onondaga and Westchester counties, were set up to offer remedial solutions for these youngsters, who face criminal convictions that could affect their future ability to gain employment, complete their education and pursue other important life goals.

“There is a general recognition that these young offenders are still in their formative years, and that adjudicating their cases in adult criminal courts – rather than taking a more rehabilitative approach – can be counterproductive,” said Judge Judy Harris Kluger, chief of policy and planning for the court system, who helped plan and now oversees these new courts. “The Adolescent Diversion Parts provide judges access to social service interventions and other youth-specific options designed to build essential life skills, with the goal of preventing future criminal behavior.”

Planning for these pilot courts began in fall 2011. The initial thinking was to have one ADP in New York City and another outside the five boroughs. That idea blossomed into nine courts. Because of the varying resources and challenges in each of the districts and jurisdictions, reported Bruna DiBiase, Judge Kluger's chief of staff, the courts have been allowed flexibility in setting up their respective parts, identifying resources and services already available within their own districts.

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**– Chief Judge Jonathan Lippman,  
in his February 2013 State of the Judiciary address**

able to earn an outright dismissal of the charges or reduction in the charges to non-criminal violations.”

Upon the consent of the district attorney, the new courts have the ability to dismiss a case of shoplifting, for instance, if a teen successfully completes recommended counseling and other court-mandated services. The strategy is similar to that used in 300 other “problem-solving” courts across the state, where defendants participate in court-supervised remedial programs,



Hon. Sharon Gianelli presides over the Adolescent Diversion Part in Nassau County District Court

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instead of incarceration, that target issues such as mental illness and drug abuse.

Last year, Chief Judge Jonathan Lippman proposed legislation to increase the age of criminal responsibility to 18 and establish a “youth division” to adjudicate non-violent misdemeanor and felony cases of 16- and 17-year olds. The 2012 legislative session ended without passage of the bill, which has since been revised to address its financial impact on local municipalities.

In the interim, the nine experimental Adolescent Diversion Parts have adjudicated approximately 3,000 cases, with encouraging results. As noted by Chief Judge Lippman in his 2013 State of the Judiciary address, “The Adolescent Diversion Program is achieving its goals. The pilot program has resolved the overwhelming majority of cases without imposing jail time or criminal records.”

“Public safety is not enhanced when we prosecute and punish 16- and 17-year-olds as adults,” said Lippman in his address. “By doing so, we miss a vital opportunity to improve their chances of growing into productive, law-abiding adults.”