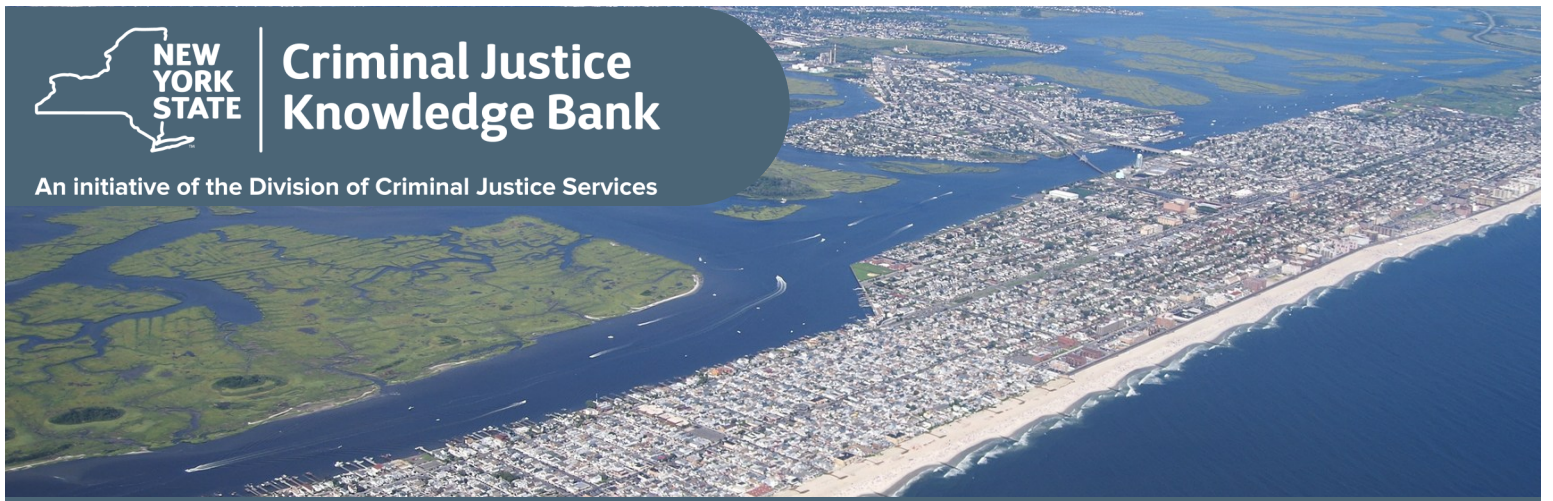




Criminal Justice Knowledge Bank

An initiative of the Division of Criminal Justice Services



Nassau County: Adolescent Diversion Program

Program Started: January 2012

Program Ended: October 2019

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Summary: Nassau County's Adolescent Diversion Program sought to minimize exposure to the criminal justice system and reduce recidivism in adolescents through early intervention.

Discontinued due to the implementation of Raise the Age. However, the evidence-based principles from the Adolescent Diversion Program and what works in youth justice programming should continue to be applied within the juvenile population.

Problem

In 2012, Nassau County was one of nine sites that partnered with the state Office of Court Administration (OCA) to pilot an Adolescent Diversion Program targeting 16- and 17- year-olds who were arrested. OCA initiated the program, which treated these individuals differently from adults who had been arrested, as discussions about raising the age of criminal responsibility in New York State to 18 were underway. The Nassau program sought to minimize the contact these youths had with the justice system by using a risk and needs assessment to identify those who required services and those whose cases could be quickly dismissed to avoid disrupting pro-social activities, such as attending school.

Program Description

The Nassau County Adolescent Diversion Program was a specialized court part established for 16- and 17-year-old defendants that sought to minimize exposure to the adult criminal justice system and reduce recidivism in adolescents through early intervention. The program emphasized reducing youth contact with the system and rehabilitation by focusing on the risk and needs of the defendant, not the offense.

The Adolescent Diversion Program arraigned all eligible adolescents in a special proceeding. The Nassau County Probation Department assessed the youth using a juvenile risk and needs assessment tool that categorized the adolescent as low, medium or high risk. A key element of the program was that youth who scored low risk generally had their cases immediately dismissed by

the district attorney's office. In 2015, the courts dismissed or adjourned in contemplation of dismissal approximately 76 percent of all low-risk cases on the first court appearance, a dramatic change from past practice.

For the cases that were not dismissed outright, the program provided individuals with age-appropriate, individualized rehabilitative services. Youth engaged in constructive, meaningful activities, rather than paying a fine, being placed on probation, or being incarcerated. Adolescents could participate in community service, counseling, drug treatment, family mediation, and educational and vocational training. An Adolescent Diversion Program Resource Coordinator monitored cases and met with probation officers, school officials, and other stakeholders to ensure program participants completed the court-ordered requirements.

Along with providing customized services, the program sought to reduce the amount of time a youth spends in the criminal justice system. Those whose cases were dismissed were dismissed quickly, and those assigned more structured treatment plans moved rapidly through the system. The length of time it took for youth to complete the program was generally about one month for a violation, two months for a misdemeanor, and four months for a felony. Keeping the number of court appearances to a minimum was also critical. The program limited court appearances to an average of one per violation, two per misdemeanor, and four per felony.

Note: In October 2018, the program served only 17-year-olds due to the implementation

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of Raise the Age for 16-year-olds. It officially ended in October 2019.

Funding

The Nassau County District Attorney funded a Resource Coordinator position with asset forfeiture funds. The Office of Court Administration also supported an additional position.

Program Reviews or Evaluations

In 2015, the state Division of Criminal Justice Services analyzed the Adolescent Diversion Program by comparing participants to a reference group. The analysis showed dramatic reductions in court processing time, which benefited youth and their parents by keeping them in school and work, instead of court. Case processing times for the reference group was 211 days, compared to 63 days for the program cohort, a reduction of 70 percent. The median processing time for dismissed cases was 14 days, compared to 132 days in the reference group. The analysis also showed:

- The number of case dismissals increased from 61 percent for the reference group to 93 percent for the Adolescent Diversion Program cohort.
- The proportion of cases resulting in criminal convictions or Youthful Offender adjudications decreased dramatically: 14 percent of comparison cases vs. 2 percent of program cases. The program also led to fewer sentences of incarceration: less than 1 percent of cases in the program, compared to 7 percent of cases in the reference group.
- There was no difference in two-year re-arrest rates between the program cohort (29 percent) and the reference group (30 percent).

Supportive Research

A risk and needs assessment can help determine which youth are low-risk and should move quickly through the system. The [Risk-Need-Responsivity model](#) of offender rehabilitation is composed of three core principles: 1) the risk principle asserts that the likelihood of criminal behavior can be reliably predicted and that treatment should focus on higher risk individuals; 2) the need principle highlights what areas in an individual's life should be targeted for intervention to decrease their likelihood of future criminal behavior; and 3) the responsibility principle describes how the treatment should be provided.

Research shows that a low-risk adolescent who avoids prolonged exposure to the system benefits more than those with more exposure. Further, intensive services may have a negative effect on a low-risk adolescent. Accordingly, the Adolescent Diversion Program focused on fewer court appearances and reduced the length of time from arraignment to disposition.

Critical Success Factors

- Early risk and needs assessment is essential. In Nassau, it allowed more than half of low-risk cases to be quickly dismissed, allowing scarce resources to be focused on those who needed the services most.
- It is important to continually engage and communicate with the adolescents' parents and guardians throughout the process. The program required parents and guardians to attend arraignment, and they consented to the risk assessment screenings.
- Developing relationships with schools and community providers is essential. The Nassau County District Attorney contacted each of the 57 school districts in the county, and established new partnerships with local service providers.

Lessons Learned

- It is important that youths are given the opportunity to appear in court and participate in programming in the evening, so the requirements of the program do not conflict with school.
- While the use of a validated risk assessment tool is essential, there are cases where additional information should be considered when making a final determination.
- The Adolescent Diversion Program team must be a collaborative effort between the District Attorney, the defense counsel, the court, and resource coordinators. The role of the presiding judge is particularly crucial, and he or she should be knowledgeable about the program and be willing to take a proactive role in its' success.
- The lack of available services, such as adolescent mental health services, can impede the process. Every effort must be made to identify service gaps and seek appropriate providers or treatments that will not require substantial travel for program participants. Resource coordinators should be knowledgeable about developmentally-appropriate, community-based services, and only refer evidence-based programs that cooperate with the court.

Additional Comments

- Many of the strongest program elements of the Adolescent Diversion Program - limiting system involvement, using assessments, and parent engagement – aligned with the system changes that paved the way for effectively implementing Raise the Age.

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