

The Impact of Initial Processing Decisions on Youth Five Years after First Arrest

Cauffman, E., et. al. (in press). Crossroads in Juvenile Justice: The Impact of Initial Processing Decision on Youth Five Years after First Arrest. *Development and Psychopathology*. Available [here](#).

Background Information

This research compared long-term outcomes for boys (13-17 years old) with a first-time arrest who were formally processed through the juvenile justice system compared to those who were diverted after their first arrest. Each group was followed for five years post-arrest.

Methods

Researchers used data from a larger study—The Crossroads Study—which has followed 1,216 boys between the ages of thirteen and seventeen since 2011. Participants in the study had their first arrest in Philadelphia, Pennsylvania; Jefferson Parish,

Louisiana; or Orange County, California. Individuals in the group had no prior arrests, and their first arrest was for an offense of moderate severity (including charges such as aggravated assault, burglary, and some weapons charges). Informally processed youth were youth diverted from the court through the probation or district attorney's offices. Formally processed youth were youth who were petitioned and formally processed through the formal court system. Researchers compared the two groups on over 19 different measures, ranging from future delinquency to perceptions of opportunity and educational achievements, and controlled for 33 background variables.

Results

Although there were some instances in which there were no differences in outcomes between youth who were formally and informally processed, **formal processing was never related to better outcomes in any of the domains tested**. Conversely, in no instance was informal processing related to worse outcomes.

Specifically, youth who were formally processed:

- were more likely to be rearrested,
- were more likely to be incarcerated,
- reported more exposure to violence (as a witness or victim),
- reported a greater proportion of peers engaging in delinquent acts,
- reported lower rates of school enrollment,
- reported less ability to suppress aggression,
- reported lower perceptions of opportunities,
- and reported slightly lower odds of graduating high school within 5 years.

These findings held regardless of age and race/ethnicity, although youth who entered the justice system at younger ages and youth of color generally had worse outcomes than older youth and white youth.

Discussion

The results of the study indicate that formal processing for an adolescent charged for the first time with a relatively moderate offense does more harm than good and leads to less safe communities. The authors state:

“ We found that diversion not only promotes public safety through reducing violence, it also promotes positive life outcomes for the adolescents who are processed through the system ... As such, by diverting youth from formal justice system processing after their first arrest, we find that both of the critical goals of the justice system – public safety and rehabilitation – can be achieved. All things considered, our findings suggest that diversion for former first-time adolescent offenders charged with moderately severe offenses may serve the best interest of the community, the taxpayers, and the youths themselves. ”

Misdemeanor Prosecution

Agan, A., Doleac, J., & Harbey, A. (2021). Misdemeanor Prosecution (NBER Working Paper 28600). *National Bureau of Economic Research*. Available [here](#).

Background Information

The researchers studied the impact of Assistant District Attorneys' (ADAs) prosecution decisions (whether to arraign or not) on an individual's subsequent criminal justice system contact. Researchers studied ADA decisions for adults with nonviolent misdemeanor criminal complaints in Suffolk County between 2004 and 2019. This is the first study that has been able to establish *causality* between prosecution of lower-level offenses and increased likelihood of subsequent re-offending.

Methods

Researchers used as-if random assignment of misdemeanor cases to arraigning ADAs who vary in the leniency of their prosecution. They established the local "average treatment" and then determined individuals at the margin of non-prosecution (i.e. individuals for whom different arraigning ADAs might have made different prosecution decisions). Using this population, researchers were able to compare the outcomes for individuals for whom ADAs did prosecute compared to those for whom ADAs did not prosecute.

Results

- Defendants whose misdemeanor charges were dropped before arraignment **were 58% less likely to return to the criminal justice system** for a subsequent offense within the next two years and were more likely to avoid charges for any serious violent crimes.
- **Only 24% returned to court** for another offense within two years, compared with 57% of defendants whose charges were fully prosecuted.
- Nonprosecuted defendants were significantly **less likely** (by 24 percentage points) **to receive a new misdemeanor complaint** than those individuals who were prosecuted.

Discussion

This research highlights the potential negative impact prosecuting certain offenses can have on public safety. Although this study focused on the adult system, its findings can be instructive for the juvenile system as well, particularly given the similar findings of the *Crossroads* study, above.

In this study, non-prosecution of a nonviolent misdemeanor offense led to large reductions in the likelihood of a new criminal complaint over the next two years. Effects were the largest for first-time defendants, suggesting that diverting individuals with first-time offenses has the greatest benefits. Additionally, local crime rates did not increase during the time of study, indicating there was no additional risk to public safety for non-prosecution decisions. Researchers state in their paper:

“ *The results of our analysis imply that if all arraigning ADAs acted more like the most lenient ADAs in our sample when deciding which cases to prosecute, Suffolk County would likely see a reduction in criminal justice involvement for these nonviolent misdemeanor defendants. Because nonviolent misdemeanor defendants in Suffolk County are disproportionately Black, reducing the prosecution of nonviolent misdemeanor offenses would disproportionately benefit Black residents of the county.*

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