



Breaking Free

A new program in San Francisco attempts to shatter the school-to-prison pipeline. By Erik Neumann

ALICIA KANE steps up to a small podium in San Francisco's Hall of Justice and faces the judge. Twenty-two years old, Kane is just shy of 5 feet tall, with a cascade of black hair ending below her shoulders. In her arms she holds a three-month-old baby swaddled in a pink blanket. Judge Bruce Chan glances over Kane's file and the three charges against her: receiving stolen property and possession of burglary tools, both misdemeanors, and second-degree burglary, a felony. ¶ "How's the baby doing?" Chan asks. ¶ "She's fine. She's sleeping," Kane answers.

“As I’m sure all your family tells you, never wake a sleeping baby,” he says.

Kane (whose name has been changed to protect her privacy) ended up in front of Judge Chan because in July 2015, she and a friend broke into a Pontiac Vibe parked in San Francisco and grabbed a bag inside. Police arrested them within minutes. At the time, Kane says, she just wanted a few quick dollars; it wasn’t that she didn’t have food at home or that she was broke. She didn’t think she’d get caught, let alone be charged with a felony—a punishment that brings with it a lifetime of reduced job prospects. Her mom had gone to prison for selling drugs when Kane was just a kid, so she and her five brothers, including her twin, were scattered around Northern California foster homes. Kane had lived in Richmond, Oakland, Vallejo, Pacifica, and Turlock. Other

of our brains that manages impulsive decisions, peer pressure, and risk taking—is still rapidly developing until our mid-20s. As a result, the late teenage years and early 20s are the time in life when risky behaviors peak. Rates of unintended pregnancy, binge drinking, and crimes of opportunity are all highest at this age, precisely the time when our legal system says we should know better. While still a relatively recent development in the science world, this matches what most of us already know to be true on a gut level: that 18-to-25-year-olds, while legally adults, don’t always act like them. And while Kane’s impulsivity may have been more like a teen’s, the repercussions she faced were those of an adult.

The scientific discussion coincided with one that’s been circulating among criminal justice officials for the last several years: how to

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family members have been incarcerated for domestic abuse and murder. “I wasn’t even mad at myself,” Kane says of her crime. “I was more, like, disappointed that I’d decided to do something. Even thinking now, like, why did you do it? I guess because I thought I could get away with it. I’ve seen people get away with it so many times.”

Kane is at the Hall of Justice today as part of an innovative program called Young Adult Court (YAC). It’s an attempt to combine emerging neuroscience with social justice, changing the fate of young felons in the process. A growing body of neuroscience research suggests a need to prosecute 18-to-25-year-olds differently than older adults, but Young Adult Court is one of the only alternative courts in the country to provide such an option.

The idea for San Francisco’s Young Adult Court was first conceived in 2013, when District Attorney George Gascón and then-chief probation officer Wendy Still participated in a criminal justice program at the Harvard Kennedy School. They were inspired by recent research showing that the prefrontal cortex—the part

shift from the aggressive, tough-on-crime approach of the 1980s and ’90s toward a focus on rehabilitation and reducing recidivism. San Francisco courts enjoy a rare collaboration between the district attorney, the Adult Probation Department, and the Public Defender’s Office, making cross-department casework easier. With the help of a grant from the federal government’s Bureau of Justice Assistance, Gascón and Still started to design a new kind of court, one that would directly address the school-to-prison pipeline. The pilot phase began in 2015.

To get into YAC, which focuses on 18-to-25-year-olds with felony charges, Kane had to agree to go to court regularly to check in with Judge Chan and a case manager. There, she self-reports a number (zero to 10) evaluating her progress and is assigned a color (red, yellow, or green) assessing her risk of getting back into trouble. Chan checks up on Kane’s job (an apprenticeship with the San Francisco Iron Workers Union) and asks about her sleep schedule with the baby. She also has to attend therapy



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San Francisco’s Hall of Justice is old, Kane is ending below month-old baby glances over receiving stolen merchandise misdemeanor’s the baby Kane answers.



sessions to help manage her stress and emotional needs, a common requirement for offenders. If she finishes the program without reoffending, she has a good chance of seeing all three charges dismissed from her record. (Participants will typically spend 12 to 18 months in the program, depending on their progress and original criminal charges.)

Judge Chan was the supervising judge of San Francisco's Criminal Court and has presided over YAC since it began. Most of the cases he sees involve property crime, including grand theft and robbery, and the defendants often are homeless, struggle with addiction, or have grown up around violence. Nevertheless, Chan says, their habits are still malleable. "I look at it as the last, best chance to stop someone from being involved in the justice system," he says. "We want people not to come back. That's the goal here."

As a court focused specifically on young adults, YAC represents a softening in the national dialogue about how to help young people in the criminal justice system. Nationally, 78 percent of 18-to-24-year-olds who are incarcerated are rearrested after release, and half go back to prison. In response to these dismal figures, nascent alternative juvenile courts and diversion programs have sprouted up around the country. YAC, however, is the only program to wrap extensive services and therapy around some of a city's most challenging cases.

Vincent Schiraldi, now a senior research fellow at Harvard's Kennedy School, is the former commissioner of the New York City Department of Probation and directed juvenile corrections in Washington, D.C. He has paid close attention to YAC since it first emerged. "A lot of places are willing to start up specialty courts for the lightest and most tractable clients in their system," Schiraldi says. "San Francisco went straight for the more difficult and more challenging cases. A lot of places don't want to touch that." However, given the growing trend of offering young adults alternative court programs, Schiraldi says he

expects to see programs like YAC replicated elsewhere.

The initial results from San Francisco's pilot look promising. When they started YAC, case managers and court administrators made a loose estimate that about half the participants would make it through the program. But one year in, over 66 percent of participants have kept with it. The other third of offenders were removed from the program either because they got caught up in another crime or because they didn't show enough effort. Chan knows these losses are inevitable, but he says he does everything in his power to keep people from reaching that point. "There's going to be failure. There's going to be setbacks. That's the very nature of it," he says. "But we're not going to pass people on to another phase until they're healthy."

Back in the courtroom, other defendants filter in, filling up the back three rows of chairs. Of the two dozen here today, most are young men. Those who are still in custody are escorted in through a side door, clad in orange sweat suits, shackled at their hands and feet. As they come up to the podium with their case managers, Chan keeps the exchanges informal. He doesn't want to add to their stress. His goal, he says, is to "just let them know there's someone in their corner."

"What's going on with your GED?" Chan asks a defendant. "You're still working two jobs?" He asks one guy about his progress toward a driver's license and another if he was able to find a place to live. At times he's stern: "Are you charging your ankle monitor? If you don't do what I ask, I have to punish you for it." Other times, he pries the way a nosy dad might: "I've got to ask you, what were you drinking when I saw you on the steps? Was it a Slurpee?"

When it's Kane's turn, Chan carefully reviews her file and asks about her baby. He seems pleased with her progress. "Ms. Kane, you are a perfect 10. Which means it's the highest rating you can possibly get. Keep up the good work, and hopefully you'll get some more rest." ■