

Association of
New York State
Youth Bureaus



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2014 POLICY PRIORITY – RAISE THE AGE

Support the creation of the Commission on Youth, Public Safety and Justice as proposed by Governor Cuomo. Amend the charge to the Commission so that it not only recommends how to “raise the age” of criminal responsibility from 16 to 18, but also recommends the array of services and supports necessary to address the anticipated demands on the Juvenile Justice system.

What:

We join other youth-focused organizations in supporting the Executive Budget proposal to allocate \$250,000 to support the work of the Commission on Youth, Public Safety and Justice. The Commission will identify a comprehensive approach to adjusting the age of criminality in New York State by modernizing statutes, sentencing provisions and court procedures. It is time to Raise the Age in New York State and treat children and youth through developmentally appropriate means.

Why:

New York is one of only two states¹ in this nation that allows all children 16 and older to be prosecuted as adults, regardless of the alleged crime. In addition, in New York, children as young as 13 years old can be prosecuted as adults if they allegedly committed serious felonies and children as young as 7 years old can be found to be juvenile delinquents.

New York’s laws are out of touch with the rest of the country, Supreme Court findings and the adolescent brain science research. Here are key facts that support the principles identified by the Raise the Age movement:

- Science has proven that brains are not fully developed until young adults are older than 20 years of age and frontal lobe development, the portion of the brain that controls impulsivity, develops last;
- Developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds with frontal lobe brain activity closely associated with change capability and the ability of young people to accept and adapt when rehabilitative services are offered;
- The Supreme Court has twice² recognized that children are

different from adults with regard to the justice system. In 2005, the Court ruled that the juvenile death penalty was unconstitutional based upon the retribution not being proportional if youth and immaturity compromises culpability. In 2010, the Court ruled that in non-fatal crimes, juveniles cannot be sentenced to life in prison without the possibility of parole, based on the fact that by denying the defendant the right to reenter society makes an irrevocable judgment about that person’s value in society.

- The Task Force on Community Preventive Services reviewed the effectiveness of laws relating to juveniles in the adult criminal justice system³ and determined that adult punishment diminishes long-term public safety goals by making offenders more susceptible to re-offending and increases rates of violence among youth.

We urge the Commission to support:

- Ensuring that all youth are treated in an age and developmentally appropriate manner included raising the age of criminal responsibility so that the youth justice system includes:
 - 1) providing rehabilitation services and treatment to all 16- and 17-year-olds as children, even those charged with violent felonies;
 - 2) treating all 13- to 15-year-olds as children by repealing the Juvenile Offender Law; and
 - 3) raising the minimum age at which a child can get be arrested to 12.

- Using the Family Court Act as the legal framework for all youth to allow for access to age-appropriate services and programs that help youth and increase public safety

- Funding court-ordered community programs and services to ensure access to the kinds of evidence-informed community-based services and alternatives to incarceration that have been proven to both help youth succeed and reduce recidivism; establishing new services, such as an Upstate Juvenile Justice Residential Treatment Facility (RTF) to treat offenders with severe emotional disturbances and to mirror the services now available downstate

- Adjusting probation procedures to increase the ability to divert cases from court and subsequent arrests.

1 North Carolina is the other state

2 Roper v Simmons; Graham v Florida

3 Washington, Pennsylvania, New York, Minnesota, Florida

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194 WASHINGTON AVE., SUITE 415, ALBANY, NY 12210

JACKIE NEGRI, EXECUTIVE DIRECTOR • P: 518.436.8712 • E: JACKIE@NYCAP.RR.COM • WWW.ANSYB.NET