



NEW YORK STATE SENATOR

Jeffrey D. Klein

## THE PRICE OF JUVENILE JUSTICE: WHY RAISING THE AGE MAKES CENTS FOR NEW YORK

JEFFREY D. KLEIN December 29, 2016

| ISSUE: **RAISE THE AGE, CRIMINAL JUSTICE REFORM**

*Independent Democratic Conference Releases Report on Economic Impact of Raising the Age of Criminal Responsibility in New York*

New York — Senators Jeff Klein (D-Bronx/Westchester), Diane Savino (D-Staten Island/Brooklyn), Jesse Hamilton (D-Brooklyn), Tony Avella (D-Queens), David Carlucci (D-Rockland/Westchester) and Senator-elect Marisol Alcantara (D-Manhattan), advocates, and teen offenders, released a new report on the economic impact of New York's age of criminal responsibility.

"The impact that the current age of criminal responsibility has on 16- and 17-year-olds affects them for the rest of their lives. Whether it's increasing the chance to advance academically or secure employment, it is clear that raising the age of responsibility will have a great societal benefit. The report issued by the Independent Democratic Conference shows that in addition to this societal benefit the state will see a fiscal benefit as well. This legislative session we will work with advocates and stakeholders to find a legislative solution to this issue," **said Senator Klein.**

"Rectifying the way we deal with crimes committed by 16- and 17-year olds in New York is an important step forward in improving our criminal justice system. We have seen the unfortunate consequences of housing these teens with adult inmates and the effects it has

on their future. By raising the age of criminal responsibility we can give these youths a chance to become productive and contributing members of society rather than just giving up on them,” **said Senator Diane Savino.**

“For far too long New York has been one of only two states where the age of criminal responsibility is 16-years-old. I have seen first hand in my community the effects that this has had on teens now and for their futures. I am confident that we will be able to implement these reforms and I look forward to working with the IDC to accomplish this goal,” **said Senator Hamilton.**

“New York is one of only two states in the country that treats 16- and 17-year-olds the same as fully developed adults in the criminal justice system. Unfortunately, this can have debilitating consequences for our state’s youth as they make non-violent mistakes that the juvenile system can easily address but isn’t because of the state’s archaic law. It is surprising that a state as progressive as ours, that is usually at the forefront of key social issues, has yet to understand this harsh reality. It is time for the Governor and State Legislature to address this and do right by our youth in raising the age,” **said Senator Avella.**

“In October of 2014, I hosted a hearing on New York State's Mental Health Supports and Services, titled, "Raising the Age." After hearing testimony from mental health professionals and families affected by mental illness, it was clear we need a new system that supports our youth, especially those with disabilities. New York needs to focus on rehabilitation for our youth, not incarceration. I proudly support raising the age and urge my colleagues in the State Legislature to work together on passing legislation that changes this unjust system of incarceration,” **said Senator Carlucci.**

“We cannot afford to give up on our teenagers who have made mistakes during their formative years. Holding 16- and 17-year-olds accountable for non-violent offenses the way

we do adults makes little sense, and leaves no room for rehabilitation. This ruins their lives, their families lives and impacts our society. We must treat teens like teens and set them on a positive path, leading to them earning higher incomes in the future and becoming productive, contributing members of this state,” **said Senator-elect Marisol Alcantara.**

The Independent Democratic Conference’s report focused on the short and long term economic effects that raising the age of juvenile jurisdiction from 16 to 18 would have on New York.

A key finding was the savings to the state’s criminal justice system, due to the reduction in detention costs and the expenditure of resources such as transportation between correctional facilities and court hearings as well as probation and parole supervision post-release. The report found that that when fully annualized the state could see savings of up to \$117.11 million annually in criminal justice system costs.

The opportunity at a second chance for these 16- and 17-year-olds was also found to have a significant economic impact for New York through additional tax revenue and a reduction in welfare payments, social support programs, and health care costs. As these youths will see a rise in expected lifetime earnings that could keep them off social support programs the state will see an economic benefit. The report found that avoided costs for public welfare, social welfare and health care would save the state \$3.46 million annually while additional tax revenue from increased income would total \$0.6 million annually.

After a successful 2016 legislative session which saw an increase in minimum wage and the adoption of paid family leave championed by the IDC, accomplishing Raise the Age has become a priority for the 2017 legislative session. The IDC plans to work in a bipartisan fashion to hold public hearings and engage with stakeholders to develop a comprehensive proposal to be released in the coming weeks.

"We can do better than prosecuting and incarcerating 16- and 17-year olds charged with non-violent crimes in the same manner as adults," said **Manhattan District Attorney Cyrus R. Vance, Jr.** "Young New Yorkers incarcerated in adult prisons are more likely to suffer abuse and assault, and more likely to reoffend when they get out. In the area of juvenile justice, it is long past time for New York to lead. I thank Senator Klein for his collaboration and commitment to establishing developmentally appropriate options to hold teen offenders accountable."

**Acting Brooklyn District Attorney Eric Gonzalez** said, "In Brooklyn, we are mindful that young offenders have age-specific needs and that these adolescents face long-range negative consequences if those needs go unmet. We have been proactively addressing this reality within the current legal framework, including through the use of established diversion programs and the recently-created Brooklyn Young Adult Court Bureau that offers a wide array of tailored programs, services and interventions. Any responsible 'raise the age' legislation that builds on this approach while protecting the public from violent crime would have my support, and I am looking forward to working with legislators and other partners on this important issue."

"Right now there are children in jails and prisons in New York State, most of whom have not been convicted of anything and have been arrested for allegedly committing non-violent offenses. Some of these children will spend over a month in solitary confinement, 23 hour lockdown in a cell, where they receive food through a hole in the door. Others will be sexually assaulted, violently attacked, and some will even take their own lives.

Unfortunately, this only begins to capture the horror of the 33,000 16 and 17 year-olds automatically prosecuted as adults every year in New York State, we must Raise the Age now. We want to thank the IDC for their leadership and support of Raise the Age and it is our sincere hope that we will now Raise the Age," said **Angelo Pinto, Campaign Manager of the Raise the Age Campaign at the Correctional Association of New York.**

“The Brownsville Community Justice Center often sees the real-world impact of the age of criminal responsibility. In many cases, nonviolent minors can be caught up in the criminal justice system and harmed by the stigma of criminal conviction or the costs of incarceration. We would like to thank the IDC for raising this important issue and we are eager to work with elected officials to improve outcomes for the youth of New York State,” **said James Brodick, Director of Brooklyn Justice Centers at the Center for Court Innovation.**

"Citizens' Committee for Children and Children's Defense Fund-New York look forward to working with the Governor, the IDC and the entire state legislature to ensure legislation to Raise the Age of criminal responsibility is passed this session. Doing so will not only bring New York in line with 48 other states, but will also improve outcomes for youth and public safety in communities across the state," **said Jennifer March, Executive Director, Citizens' Committee for Children and Naomi Post, Executive Director, Children's Defense Fund-New York.**

“As Jews, we believe in the importance of repentance, forgiveness and treating all members of society with dignity and respect,” **said Rabbi Ariel Naveh of Bend the Arc New York.** “We strongly support raising the age of criminal responsibility in a comprehensive manner that meets the rehabilitative needs of all children in New York State. It's time for more just and humane treatment of our young people so that they can become contributing members of our communities and not second-class citizens.”

“Brooklyn Defender Services is proud to support Raise the Age legislation to meet the unique needs of adolescents in the criminal justice system. We look forward to working with the IDC and other stakeholders to develop meaningful solutions that improve outcomes for those whose bright futures can be destroyed by a single arrest,” **said Lisa Schreibersdorf, Executive Director of Brooklyn Defender Services.**

“We at Street Corner Resources applaud the IDC for making Raise the Age a priority for this upcoming legislative session. It is unconscionable that our 15 to 18 year olds, who are not yet fully developed adults, are unfairly tried as adults. It is an injustice to label our youth as criminals for actions they are not yet fully capable of understanding and rationalizing,” **said Iesha Sekou, Executive Director, Street Corner Resources.**

Prosecuting teenagers in our adult criminal justice system is simply wrong and we must raise the age of criminal responsibility. No teenager should be jailed at Rikers or sent upstate to prison or fear the lifelong consequences of a criminal conviction that bar them from housing, future employment and other opportunities. With the implementation of significant juvenile justice reform in the past 5 years, there are better options available in that system that allow for evidence based and more effective interventions for youth and their families. We look forward to continuing to work with the Governor, Senator Klein, the legislature and community advocates on this important issue,” **said Seymour James, Attorney-in-Chief, The Legal Aid Society.**

**JoAnne Page, President and CEO of the Fortune Society, said,** “For almost 50 years, Fortune has provided diversion and alternative to incarceration services to young people with criminal justice involvement and served youth and adults released from incarceration. Our experience echoes what research into brain development states so clearly: young people simply do not have the same capacity to understand and respond to consequences that adults have. Society and young people benefit when criminal justice policy is evidence-based. The age of criminal responsibility needs to be raised, and diversion should be the norm unless harsher treatment is necessary.”

“The raise the age legislation tries sixteen and seventeen year olds in Family Court with the opportunity for certain serious crimes to be tried in adult court as “juvenile offenders.” Placing the majority of sixteen and seventeen year olds in Family Court is beneficial to New

York State in that Family Court Judges are well-versed and experienced in the special circumstances that surround individuals under the age of eighteen involved with deviant behavior. Placing a teenage offender in Juvenile Court increase the chances of rehabilitation, and reduces the taxpayer's burden of; repeated incarceration costs, and public assistance benefits for the formerly incarcerated. Such placement also reduces future community exposure to hardened would be criminals," **said Leroy Gadsden, Chairman, New York State NAACP Criminal Justice Committee.**

**Jennifer Jones Austin, CEO and Executive Director of the Federation of Protestant Welfare Agencies,** said, "Raising the age of criminal responsibility has the potential to keep more youth out of incarceration and in programs focused less on punishment and more on rehabilitation, which is key to reducing recidivism while still ensuring public safety. Research has long demonstrated the negative impact of adult incarceration on youth, families and society as a whole. We have an opportunity to change the life trajectory of young people for generations to come, ensuring that misguided choices aren't leading to a life in and out of incarceration. While the chance to achieve this change in the law was lost last session, our commitment has been made stronger. We thank the IDC for avidly pursuing this legislation and look forward to working with the State Legislature to ensure fairness and humanity for our youth."