



**Testimony before the Joint Fiscal Committees
on the SFY 2014–15 Executive Budget
Public Protection Budget Hearing
February 5, 2013**

**Submitted by
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The Schuyler Center would like to thank the chairs and members of the respective committees for the opportunity to submit our testimony on the 2014-15 New York State Executive Budget. Schuyler Center is a 142-year-old statewide, nonprofit organization dedicated to providing policy analysis and advocacy in support of public systems that meet the needs of people in poverty. Schuyler Center often works on areas that fall between multiple systems of care including health, welfare, human services and more recently early care and learning.

Thank you for this opportunity to submit testimony.

Support a Commission to raise the jurisdictional age for juvenile justice to age 18 and raise the lower age to 12 for all children.

New York and North Carolina are the only two states that treat children as young as 16 years of age as adults in the criminal justice system. Most states follow the federal Juvenile Justice Delinquency Prevention Act, which suggests that the juvenile court jurisdiction's upper age limit be any time before their 18th birthday.¹ In New York State, anyone age 16 or older who commits a crime is sent to the adult criminal justice system, no matter the charge. Despite the fact that 74.4% of crimes committed by 16- and 17-year-olds are misdemeanors, all of these youth go through the adult system. New York's Family Court Act set the juvenile justice jurisdictional age of 7 to 15 in 1962 as a temporary measure for further study. That temporary agreement has now been in effect for over 50 years.² The difference between the juvenile system and adult system is philosophy – mainly, rehabilitation versus punishment. The juvenile justice system focuses on the child or youth and offers an opportunity for rehabilitation. The adult criminal system focuses on what the offense warrants in terms of punishment

Schuyler Center for Analysis and Advocacy supports the Governor's initiative to create a Commission on Youth, Public Safety and Justice whose purpose will be to make recommendations on how best to raise the age of juvenile jurisdiction, improve outcomes for youth, and promote community safety. This work is long overdue.

¹ Sobie, M (2010) Pity the Child: The Age of Delinquency in New York. *Pace Law Review*

² Sobie, M. (2007). New York's Juvenile Delinquency Jurisdictional Age Limitation. Memo to the New York State Bar Association Committee on Children and the Law

The research is clear that the outcomes for youth sent to adult prisons is poor and youth are at greater risk for harm in adult prisons. Youth sent to adult prisons have higher recidivism rates, re-offend sooner, and reoffend in more significant ways than youth treated within the juvenile justice system for the same offense.

We urge the commission to make recommendations that make New York a leader in juvenile justice including recommendations to:

1. **Ensure that all youth are treated appropriately for their age in the court system, regardless of the crime charged.**
2. **Adjudicate all youth under the Family Court Act.**
3. **Guarantee that no youth are housed in adult jails and prisons.**
4. **Reduce detention and placement in juvenile facilities.**
5. **Increase the ability to divert cases from court and at arrest.**
6. **Tailor services to individual needs and combat racial disparities.**

The commission should be time-limited, with a requirement to report to the State by December 31, 2014 so that the Governor and Legislature can incorporate the recommendations into the SFY 2015-16 Budget.

For more information please see Schuyler Center's brief: *New York It Is Time to Raise the Age* October 2013.

The Schuyler Center urges the Legislature to support and fund this commission. We urge New York to raise the age for juvenile justice, both the lower age and upper age, to ensure that all youth are treated appropriately in the courts and justice systems.

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