

NY Daily News: True justice for young offenders - Gov. Cuomo on why it's time to raise the age of criminal responsibility (Governor Cuomo Letter to Editor)

5/27/2015

Since I took office in 2011, I have taken steps to reform our juvenile justice system to make our communities safer while also ensuring that young offenders get the help they need to get on the right track, leading positive, crime-free lives.

So far, our work has made a difference. We have significantly reduced the number of young people in the state's juvenile justice system for the third consecutive year. We have brought New York City youth placed in upstate juvenile justice facilities back to the city so they can receive educational, mental health, substance abuse and other service needs while remaining closer to their families and communities.

We accomplished this without compromising public safety one iota — youth arrests, in fact, are down 24%. But we need to go one very big step further this year and change the way we treat 16- and 17-year-olds charged with crimes.

New York shares the dubious distinction with North Carolina of being the only states in the nation that still prosecute 16- and 17-year-olds as adults, placing these teenagers into a criminal justice system that will do them more harm than good and actually make our communities less safe in the long run.

In April 2014, I appointed the Commission on Youth, Public Safety & Justice, tasked with formulating a plan to improve New York's outdated juvenile justice laws. The panel included district attorneys, police, court officials, civil rights advocates, county executives, juvenile justice experts and the New York City mayor's criminal justice coordinator.

Based on the commission's recommendations, we have proposed increasing the state's age of criminal responsibility as an adult to 18 and providing more appropriate handling of young defendants' criminal cases. A bill is now before the Legislature. It is time to enact these reforms, which are already fully funded in the budget.

We can't have 16- and 17-year-olds branded with a felony conviction for life. It stops them every time they apply for a job, an apartment, college, every time they try to become integrated and contributing members of society.

Each year, about 1,600 minors in New York are saddled with criminal records that will create barriers to success for the rest of their lives.

On any given day in this state, approximately 800 16- and 17-year-olds are in adult jails and prisons. Youths are five times more likely to be sexually assaulted in an adult jail than in a juvenile facility, and 50% more likely to be attacked with a weapon.

This issue impacts young men of color — who make up 82% of sentences to adult confinement — more than anyone else.

We know far more about brain development in adolescents today than we once did. We know that the part of the brain that controls impulsive behavior and weighs long-term consequences develops last.

As a result of these differences, young people are less culpable than adults, and they hold greater promise for change.

The Supreme Court has relied on this research as the basis for recent decisions outlawing juvenile death penalties, prohibiting juvenile sentences of life without parole for all crimes except homicide and outlawing mandatory life without parole for any juvenile.

Raising the age is not only about being more compassionate. States like Connecticut and Illinois that have recently raised the age of criminal responsibility have demonstrated that we can reduce the rate of crime and recidivism by providing meaningful intervention services.

Let me be clear on one other issue: Serious crimes should have serious consequences, and this law won't change that. The most serious offenses — including rape and murder — will continue to be processed in criminal court under most circumstances.

Yet children who commit lesser offenses and do not lapse back into lives of crime should be given an opportunity to have a clean record. Appropriately, under this proposal, some 16- and 17-year-olds will have their cases heard in Family Court and thus will not have a public criminal record.

It is imperative that we enact Raise the Age legislation, and put the term “justice” front and center in our criminal justice system.

Cuomo is governor of New York.