

The Legislative Gazette: Congressional delegation urge state lawmakers to raise the age

Democratic representatives backing governor's plan to remove minors from adult jails

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In hopes of reducing the number of minors in adult prisons, 15 members of New York's Congressional Delegation — all Democrats — announced support for Gov. Andrew Cuomo's initiative to increase the age of criminal responsibility from 16 to 18.

"The Raise the Age campaign is designed to reduce crime, recidivism, and costs to the state," said Rep. Jerrold Nadler, D-Brooklyn, noting most other states address juvenile crime more effectively and at a lower cost by treating 16- and 17-year olds differently than adults.

New York and North Carolina are the only two states in the nation that prosecute adolescents as adults when they turn 16 years of age.

Cuomo toured the Greene Correctional Facility in Coxsackie last week and called on the Legislature to raise the age of criminal responsibility in New York before the session ends. He also announced that the state would be hiring more than 100 new full-time correctional officers for the state's adult prisons.

"I am asking the Senate and Assembly to reach a compromised position," Cuomo said in a press conference following a tour of the medium security prison.

"It is too early to condemn a 16-year-old to a life without redemption," Cuomo said. "We must get 16- and 17- year olds out of the state facilities and transfer them to family court instead of criminal court."

Cuomo has enlisted the support of New York's federal lawmakers to help push his plan.

"New York has the unenviable distinction of being one of only two states to automatically process and incarcerate 16 and 17-year-olds as adults, even for non-violent offenses," said Rep. Eliot Engel, D-Bronx. "I believe it's time to end this excessive judicial practice."

According to the Raise the Age New York Campaign, research suggests that

adolescents are closer to children than adults when it comes to cognitive development because the human brain is not fully formed until the age of 25. Congresswoman Yvette Clarke, D-Brooklyn, believes a 16-year-old does not have the culpability of an adult.

"We now know from recent developments in neuroscience that teenagers are still developing mentally," said Clarke, adding that the current system of jailing young people has been "a tragedy."

Approximately 50,000 adolescents, 16- and 17-year-olds, are arrested and face the possibility of prosecution as adults in criminal court each year, according to the Raise the Age New York Campaign.

"Without this reform, hundreds of young people each year will continue to be placed in adult prisons, where they face abuse and limited opportunities to rebuild their lives," Cuomo said.

Last month, the Raise the Age New York campaign and its allies released a letter calling for legislation to raise the age of criminal responsibility to 18 before the end of the legislative session in June.

"I urge the state Assembly and the state Senate to fix this mistake," Clarke said. "We cannot allow the mass incarceration of another generation of young men and young women."

The governor's Raise the Age proposal follows the final recommendations made by the Commission on Youth, Public Safety & Justice and includes raising the age of juvenile jurisdiction for child and adult offenses; revising arrest and police custody procedures; revamping pre-trial diversion and court processing; removing youth from adult jails and facilities; expanding services to assist offenders' who are re-entering society; and addressing the collateral consequences of juvenile and youthful offenses.

Cuomo included the recommendations in his Executive Budget earlier this year. The final budget allocated \$135 million toward reforms, with details of specific changes to be determined later in the legislative session.

"Gov. Cuomo's proposal to raise the age of criminal responsibility is a sensible policy move that not only affords youth convicted of non-violent offenses every opportunity to become productive citizens, but also makes better use of our resources to keep our neighborhoods safe," said Congressman Joe Crowley, D-Queens.

According to Page Pierce, executive director of Families Together in New York State, young people are often arrested without parental notification and taken into custody. If detained while awaiting trial they are housed in adult jails and prisons where she says they are more likely to face physical and mental abuse and commit suicide.

"It's clear the status quo in New York isn't working, and we need smart reforms that reduce juvenile recidivism and keep our communities safe," said Congresswoman Nita Lowey of the Bronx.

Young people in adult facilities are 36 times more likely to commit suicide than those in juvenile facilities, according to the Raise the Age New York Campaign.

"Placing non-violent minors in prisons alongside repeat offenders is misguided, dangerous, and contributes to higher recidivism rates," said Congressman Gregory Meeks, D-Queens.

Studies show that young people transferred to the adult criminal justice system have approximately 34 percent more re-arrests for felony crimes than youth retained in the youth justice system. Around 80 percent of youth released from adult prisons reoffend often going on to commit more serious crimes, according to the Raise the Age New York Campaign.

"We must do more to help at-risk children and young adults and demonstrate to our communities that they haven't been forgotten," said Congressman Paul Tonko, D-Amsterdam. "As it stands, we are not doing enough to prevent recurring criminality for these youths. This is why I strongly support Governor Cuomo's Raise the Age campaign."