



2015 OPPORTUNITY AGENDA: ENSURING JUSTICE IN PERCEPTION AND IN REALITY

Re: Recommendations on Reforming the Justice System's Treatment of Minors,
Announced on Martin Luther King, Jr. Day

Date: January 19, 2015

On Martin Luther King, Jr. Day, which honors the fight for justice and civil rights, Governor Andrew M. Cuomo received recommendations and proposed reforms to improve how the justice system treats young people.

Today, he announced the eleventh part of his "2015 Opportunity Agenda" – the report and unanimous recommendations of the Commission on Youth, Public Safety & Justice, including the age at which youths are tried and processed for crimes as adults.

Created by the Governor in April 2014, the Commission was tasked with formulating an actionable plan to improve New York's outdated juvenile justice laws, including the "Raise the Age" issue, and developing a comprehensive set of recommendations to make New York a national leader in effective youth justice policy.

Black and Hispanic youth make up 33 percent of 16- and 17-year-olds statewide however they also make up 72 percent of all arrests and 77 percent of all felony arrests across the State. Young men of color make up 82 percent of youth sentenced to adult confinement, according to the State Division of Criminal Justice Services.

Today, 800 inmates in local jails and state prisons are under 18 years old. They are twice as likely to be physically harmed by other inmates and staff per the Building Blocks for Youth, five times more likely to be sexually assaulted per the U.S. Department of Justice, and eight times more likely to commit suicide per the Campaign for Youth Justice.

The numbers are daunting and make clear that the State must change how it treats incriminated youth. New York is one of only two states in the nation that has no capacity to treat 16- and 17-year-olds as juveniles. "Raise the Age" is a movement advocating for juvenile responses to crimes committed by minors.

In its report, the Commission recommends changing how the justice system treats 16-

and 17- year old youths accused of a crime and calls for juvenile processing for all but serious crimes of violence; access to programs and services tailored to support rehabilitation for all minors under age 18; sentencing for all but the gravest crimes of violence be customized to youth rather than adult sentencing structures; opportunities to move beyond commission of one nonviolent crime as a youth; and removal of all minors from adult jails and prisons.

Additional recommendations would eliminate the use of out-of-home detention and placement settings for youth who do not pose a risk to public safety, thus ensuring the juvenile justice system is more effective and wastes fewer public resources.

The recommendations are carefully designed to preserve public safety by maintaining District Attorney control over serious crimes of violence; allowing for violent felony offenses given Youthful Offender status to be considered in sentencing if the youth continues to commit such offenses; and providing for the capacity to impose longer sentences for the most egregious crimes of violence. The Commission estimates that, if implemented, these reforms would prevent between 1,500 and 2,400 crimes against people every five years across the State.

The Commission conducted interviews, focus groups and public hearings, with extensive technical assistance from the Vera Institute, across the State to compile its findings. Its members are comprised of representatives from law enforcement, the Unified Court System, civil rights advocacy organizations, juvenile justice policy experts and government officials.

The Commission's Final Report can be read [here](#) and Summary of Recommendations may be read [here](#).

The Governor's Executive Order 131 appointing the Commission on Youth, Public Safety, and Justice may be found [here](#).

The members of the Commission are:

Jeremy M. Creelan, Jenner & Block, Partner (Co-Chair)

Soffiyah Elijah, Correctional Association of New York, Executive Director (Co-Chair)

Juan Cartagena, Latino-Justice PRLDEF, President & General Counsel

Joel Copperman, CASES, CEO & President

Janet DiFiore, District Attorney, Westchester County

Elizabeth Glazer, New York City Mayor's Office of Criminal Justice, Director

Michael Hardy, National Action Network, Executive Vice President & General Counsel

Melanie Hartzog, Children's Defense Fund-New York, Executive Director

Steven Krokoff, Chief of Police, City of Albany

Joseph Mancini, Director of Probation, Schenectady County

Hon. Lawrence K. Marks, New York State Unified Court System, First Deputy Chief Administrative Judge

Anthony J. Picente, Jr., County Executive, Oneida County

Allen Riley, Sheriff, Madison County

Elaine Spaul, Center for Youth, Executive Director, and Rochester City Council Member

Emily Tow Jackson, The Tow Foundation, Executive Director

Cyrus R. Vance, Jr. District Attorney, New York County

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