

**Position Paper:
JUVENILE JUSTICE IN NEW YORK STATE**

New York is one of only two states in the country that automatically charge all 16 and 17 year olds as adults in the criminal justice system. NYS PTA believes that a juvenile justice system is the appropriate setting for youth to be accused and adjudicated.

RECOMMENDATIONS FOR PTA:

Advocate and support legislation that reforms the Juvenile Justice System.

- Change New York State law to raise the age of criminal responsibility from 16 to 18 and to provide rehabilitation including behavioral health care and educational/vocational opportunities.
- Ensure juveniles under age 18 are not placed in adult prisons or jails. Further, they should be protected by “Sight and Sound” separation from jailed adults. Housing juveniles with adults is dangerous. Research shows that children who are housed in adult facilities are more likely to commit suicide, be sexually assaulted, be assaulted by staff, and be attacked with a weapon.
- Move the majority of cases to Family Court, and create a new Youth Part for juveniles alleged to have committed more violent crimes. Expand services including alternatives to detention and incarceration and services proven to reduce the likelihood of re-offending, broaden eligible crimes, and provide for conditional sealing of records for certain crimes.
- Use validated risk assessment tools when dealing with juveniles in the justice system, to tailor services for individual needs and combat racial and ethnic disparities. Comply with IDEA mandates including the right to a free public education complete with academics, therapies, and other supports.
- Assist youth leaving the juvenile justice system and prevent their return.
- Create a non-punitive system and therapeutic response that better serves the needs of youth, keeping families together and enhancing community safety.
- Support funding for the expansion of juvenile justice and prevention services.
- **Educate members** and the community regarding issues, concerns and solutions for youth in the juvenile justice system.
- Promote initiatives to address racial, ethnic and socioeconomic inequities in the juvenile justice system.

BACKGROUND

Even though the Governor’s Commission on Youth, Public Safety and Justice has stated, “it is critically important for New York State to implement reforms,” New York State has yet to amend its laws. The current system, overwhelmingly impacting youth of color, has seen high rates of reoffending and re-arrest. These youth are hindered when seeking housing, education and employment. Neuroscience research has proven that the adolescent brain does not fully develop until age 25, particularly in those areas that govern judgment and impulse control. Nearly 40,000 New York State 16 and 17 year olds in 2012 had their cases handled in adult criminal court where they are less likely to receive the rehabilitative services they need to succeedⁱ

- Over 70% of the 16 and 17 year olds arrested in New York State are black or Hispanic.
- Of those sentenced to incarceration, 80% are black or Hispanic.ⁱⁱ
- The majority of criminal acts committed by children and adolescents are misdemeanors.
- Youth in adult prisons are twice as likely to report being beaten by staff, and nearly 50% more likely to be attacked with a weapon than children placed in youth facilities.
- Youth in adult prisons face the highest risk of sexual assault.
- Youth in adult prisons are often placed in solitary confinement. The isolation young people face in adult facilities is destructive to their mental health and can cause irreparable harm.

- Youth are 36 times more likely to commit suicide in an adult facility than in a juvenile facility.ⁱⁱⁱ

According to the NYS PTA cooperating partner Families Together in New York State, a study comparing New York and New Jersey (which has the current age in juvenile justice system through age 18) revealed:

- Youth prosecuted in NY adult courts were 85% more likely to be re-arrested for violent crimes than those prosecuted in the New Jersey juvenile courts.
- NYS youth were 44% more likely to be re-arrested for felony property crimes.
- The odds of re-arrest were greatest for those youths with no prior arrest record who were prosecuted and sentenced as adults.
- The chances of being re-incarcerated were 26% greater for New York youths prosecuted as adults.
- In New Jersey, youth whose cases were either dismissed or who received lighter sanctions and were offered an array of support services were more likely to be rehabilitated.^{iv}

National PTA has partnered with the Campaign for Youth Justice to advocate nationally for juvenile justice system reform. National PTA’s position clearly states that the justice system should “prohibit youth who are charged with a serious crime from being tried in the adult court system unless there has been an opportunity for a judicial hearing and appeal. Prohibit the incarceration of youth in adult facilities. Assist youth leaving the juvenile justice system, and prevent their return.”^v

While PTA “has prioritized keeping children out of adult facilities ...,” [it] “advocates for an entirely separate juvenile justice system for all youth under 18, including courts, and advocates for improvements for policies that would keep children from being tried in the adult system entirely.”^{vi} Youth should be held accountable for their mistakes but must be dealt with in developmentally appropriate ways that will provide a positive outcome for them and their communities.^{vii}

Adopted July 2015

ⁱ <http://www.nycourts.gov/courts/ad1/Committees&Programs/CounselChildren&Parents%28LG%29/April2014.pdf>

ⁱⁱ <http://www.cccnewyork.org/wp-content/uploads/2013/07/CCCRaisetheAgeFactSheets1.pdf>

ⁱⁱⁱ <http://raisetheagency.com/get-the-facts>

^{iv} <http://www.ftnys.org/raise-the-age/>

^v <http://www.pta.org/about/content.cfm?ItemNumber=986>

^{vi} <http://www.pta.org/files/Juvenile%20Justice%20and%20Delinquency%20Prevention%20Workshop%20Final.pdf>

^{vii} <http://www.ftnys.org/raise-the-age/>