

# RAISE THE AGE CAMPAIGN FACT SHEET 2017

## #RaisetheAgeNY

New York is one of only two states in the country that have failed to recognize what research and science have confirmed – adolescents are children, and prosecuting and placing them in the adult criminal justice system doesn't work for them and doesn't work for public safety.

**But New York continues to be the only state other than North Carolina that prosecutes ALL youth as adults when they turn 16 years of age.**

### *Brain Development Science Is Clear – Adolescents Are Different Than Adults*

Research into brain development underscores that adolescents are in fact children and that the human brain is not fully formed until the age of 25.

- As the cognitive skills of adolescents are developing, adolescents' behavior is often impulsive and adolescents lack the ability to focus on the consequences of their behavior.<sup>i</sup>
- Because the adolescent brain is still developing, the character, personality traits and behavior of adolescents are highly receptive to change; adolescents respond well to interventions, learn to make responsible choices, and are likely to grow out of negative or delinquent behavior.<sup>ii</sup>

Further, New York allows children as young as 7 years old to be arrested and charged with acts of juvenile delinquency

### *Who's Affected?*

- Nearly 28,000 16 and 17-year olds are arrested and face the possibility of prosecution as adults in criminal court each year – the vast majority for minor crimes (72% are misdemeanors).<sup>iii</sup>
- Furthermore, more than 600 children ages 13 to 15 are also processed in adult criminal courts – seriously diminishing their life prospects before they've even entered high school.<sup>iv</sup>
- Over 70% 16 and 17 year olds arrested are Black or Latino. Of those sentenced to incarceration, 80% are black and Latino.<sup>v</sup>

### *What's At Stake?*

Treating children as adults in the criminal justice system is short-sighted and ineffective; youth incarcerated in adult facilities are **more likely to suffer physical and emotional abuse** and to **recidivate** – realities that are at odds with the goal of rehabilitating youth and protecting public safety:

- Studies have found that young people transferred to the adult criminal justice system are **34% more likely to be re-arrested for violent and other crimes than youth retained in the youth justice system.**<sup>vi</sup> Around 80% of youth released from adult prisons reoffend often going on to commit more serious crimes.<sup>vii</sup>
- Studies show that youth in adult prisons are twice as likely to report being beaten by staff, and 50% more likely to be attacked with a weapon, than children placed in youth facilities.<sup>viii</sup>

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- Youth in adult prisons face the highest risk of sexual assault of all inmate populations.<sup>ix</sup>
- Youth in adult jails and prisons do not have access to the same age-appropriate rehabilitative services that are available in juvenile facilities.
- Solitary confinement severely damages the mental health, physical health, and development of youth, sometimes irreparably<sup>x</sup> While some progress has been made in limiting the use of solitary confinement for children, young people continue to be exposed to solitary confinement and prolonged isolation.
- Youth are 36 times more likely to commit suicide in an adult facility than in a juvenile facility.<sup>xi</sup>

Rather than continuing to lock young people up in adult prisons, it is critical for New York to ensure that that youth involved in the criminal justice system are provided with court processes, services and placement options that are developmentally appropriate.

### **New York State needs to raise the age of criminal responsibility in a comprehensive manner.**

- The legal process must respond to all children as children and services and placement options must meet the rehabilitative needs of all young people.
- A comprehensive approach to raising the age of criminal responsibility in New York State is in the best interest of New York's children and youth, communities and community safety.

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- <sup>I</sup> MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice. Issue Brief #3: Less Guilty by Reason of Adolescence, [http://www.adjj.org/downloads/6093issue\\_brief\\_3.pdf](http://www.adjj.org/downloads/6093issue_brief_3.pdf).
- <sup>II</sup> Brief for the American Psychological Association, American Psychiatric Association, National Association of Social Workers, and Mental Health America as Amici Curiae, *Graham v. Florida*, 130 S. Ct. 2011 (2010), <http://www.apa.org/about/offices/ogc/amicus/graham-v-florida-sullivan.pdf>
- <sup>III</sup> Dispositions of Youth Arrests (16 and 17 year olds), New York State Division of Criminal Justice Services, <http://www.criminaljustice.ny.gov/crimnet/ojsa/youth-arrests/nys.pdf>
- <sup>IV</sup> New York State Division of Criminal Justice Services, County Juvenile Justice Profiles, <http://www.criminaljustice.ny.gov/crimnet/ojsa/jj-reports/newyorkstate.pdf>
- <sup>V</sup> Final Report of the Governor's Commission on Youth, Public Safety and Justice: Recommendations for Juvenile Justice Reform in New York State, [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/ReportofCommissiononYouthPublicSafetyandJustice\\_0.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/ReportofCommissiononYouthPublicSafetyandJustice_0.pdf)
- <sup>VI</sup> Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: Report on Recommendations of the Task Force on Community Preventive Services, Centers for Disease Control and Prevention, November 30, 2007, <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5609a1.htm>
- <sup>VII</sup> National Campaign to Reform State Juvenile Justice Systems. The Fourth Wave: Juvenile Justice Reforms for the Twenty-first Century; p. 20, <http://raisetheageny.com/wp-content/uploads/2011/08/The-Fourth-Wave.pdf>
- <sup>VIII</sup> Fagen, J., Forst, M. Vivona, T.S. "Youth in Prisons and Training Schools: Perceptions and Consequences of the Treatment-Custody Dichotomy", *Juvenile and Family Court Journal*, No.2, 1989.
- <sup>IX</sup> National Prison Rape Elimination Commission, Report 18, June 2009, <https://www.ncjrs.gov/pdffiles1/226680.pdf>
- <sup>X</sup> Kysel, Ian. *Growing up Locked Down: Youth in Solitary Confinement in Jails and Prisons across the United States*. New York, NY: American Civil Liberties Union, 2012, <https://www.hrw.org/sites/default/files/reports/us1012ForUpload.pdf>
- <sup>XI</sup> "Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America", Campaign for Youth Justice, November 2007.

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