

Who & Where Are Youth in New York's Justice System *without* Raise the Age

16- and 17-Year-Olds in New York:

- New York State is one of only 2 states in the country (the other is North Carolina) that statutorily defines age 15 as the cut-off for juvenile jurisdiction. Any child who is alleged to have committed a crime when 16 or older is processed in the adult system, regardless of the alleged offense.
- There were nearly 28,000 arrests of 16-and 17-year-olds in 2015.
- 72% of these arrests were for misdemeanors.
- Youth processed in the adult system do not have access to the same continuum of community-based interventions that have been proven successful in reducing recidivism and rehabilitating youth in the youth justice system.
- 3,148 16/17 year old youth were sentenced to some period of incarceration in 2015.
- 16/17 year old youth are housed in adult jails and prisons. In some jails, youth are separated from adults most of the time, but still have contact in common areas. In adult prisons, there is no separation from adults at any time.
- 1,053 youth arrested in 2015 ended up with a misdemeanor or felony criminal conviction. This conviction remains part of the child's permanent criminal history for life and can cause barriers to employment, housing, education and immigration status.

7- to 15-Year Olds Charged As Juvenile Delinquents (JDs)

- These are children between 7 and 15 years of age who committed an act that would constitute a crime if committed by an adult.¹
- There were 12,965 arrests of 7-15 year olds in 2015.
- 11% of arrests were for children 12 and under
- The vast majority of children who are arrested are referred to community-based services. Those who have cases filed against them are often placed on probation or receive rehabilitative services while they remain in their homes and communities. These intervention strategies have been proven to enhance public safety by reducing recidivism and enhancing children's well-being.
- There were 6,021 court filings resulting in 714 placements into youth facilities. If detained or placed, youth are housed in youth facilities, with youth-focused services and programming, a focus on rehabilitation, and staff trained in youth development.
- Juvenile records are not part of a child's permanent criminal history.

13- to 15- Year Olds Charged As Juvenile Offenders (JOs)

- These are children who are automatically tried in adult criminal court (rather than family court) due to the type of the offense they allegedly committed when they were between the ages of 13 and 15.²
- There were 620 "Juvenile Offense" arrests disposed in New York State in 2015.²
- Statewide 30% of JO cases were transferred to Family Court in 2013.
- These children are processed in the adult court system under the same laws that apply to adults. They do not have access to the continuum of rehabilitative services found to be effective for youth charged with juvenile delinquency.
- Youth are held in youth facilities until at least their 16th birthday, at which point there are legal processes through which they can be transferred to adult prisons.

¹ By law, children 7-15 cannot be criminally responsible for their conduct by reason of their infancy, which is why they are called Juvenile Delinquents (JDs). The Family Court Act uses the Criminal Law definitions of crimes for these "acts" (such as drug possession, larceny, etc.)

² JO crimes include Murder, Arson, Kidnapping, Aggravated Sexual Abuse, Assault, Attempted Kidnapping, Attempted Murder, Burglary, Manslaughter, Rape, Robbery, Sodomy, Possession of Weapon on school grounds. In rare instances, a case may be transferred to Family Court.

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