Hearing on treating older teens as juveniles vexes lawmakers

ALBANY – State senators with questions about Gov. Andrew Cuomo’s plan to raise the age of criminal responsibility grew frustrated during a budget hearing Tuesday, prompting Cuomo’s office to send his aides to provide some answers.

In his $142 billion state budget proposal (http://www.wgrz.com/story/money/economy/2015/01/21/ny-budget-will-look-to-boost-economy/22109835/), Cuomo included a plan that would gradually change the way the state’s justice system treats 16- and 17-year-olds (http://www.ithacajournal.com/story/news/public-safety/2015/01/19/ny-juvenile-detention-facilities/22012743/). As it stands, those age 16 or older who are accused of committing crimes are treated as adults, and Cuomo wants to raise the age to 18 in 2018.

But when state Office of Children and and Family Services’ acting Commissioner Roberto Velez and an attorney testified during a legislative hearing Tuesday on Cuomo’s budget plan, lawmakers voiced their frustration when the officials had few answers and instead repeatedly promised to follow up.

"I probably can't support it if it's that complex that the departments can't explain it, so thank you," Sen. John DeFrancisco, R-Syracuse, said about the raise-the-age plan.

Velez replied: "Senator, this is where I'd like to take your questions and get back to you as quickly as possible with answers to help this."

Republicans weren't the only ones frustrated; lawmakers from both parties made their concerns known, including Assemblyman Jeffrion Aubry, D-Queens, and Sen. Diane Savino, D-Staten Island.

Later, Cuomo's office sent aides who helped develop the proposal to answer lawmakers' concerns, including Alphonso David, Cuomo's incoming counsel, and Jacquelyn Greene, the executive director of the state Commission on Youth, Public Safety & Justice.

If fully implemented, 16- and 17-year-olds who are accused of misdemeanors or non-violent felonies would have their cases sent to family court and would be treated as juveniles, keeping them out of prisons. Those who commit violent felonies would have their cases begin in criminal court, though in some instances they could be moved to family court.

Greene said the state’s plan was informed in part by Connecticut and Illinois, both states that recently increased the age of criminal responsibility. The change would require the state to boost its family court system and juvenile detention facilities to account for a bump in population.

"We spent a lot of time with them understanding their process," Greene said. "They both advised us that a phase-in was really useful. The 16-year-old population is smaller than the 17-year-old population, so by bringing them in first, it gives your systems time to really develop capacity before they have the whole population."

Sen. Richard Funke, R-Perinton, Monroe County, said he thought it was a "shame" lawmakers have to spend time "talking about how to best incarcerate teenagers."

"Perhaps if we did a better job on the child-care subsidy side, perhaps if we did a better job with the various programs that encourage youth employment, to encourage youth to be engaged, we wouldn't have to worry as much about this on the other end," Funke said during the hearing.

As DeFrancisco closed his questioning, he thanked David and Greene for clearing up many of the lawmakers’ questions.

"We appreciate you coming, because it's an important bill and you obviously have a command of it," DeFrancisco said.

Lawmakers and Cuomo face a March 31 deadline to have a budget agreement in place.

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