New York considers treating charged 16- and 17-year-olds as juveniles

Jim Saint Germain
Jim Saint Germain of Preparing Leaders of Tomorrow speaks during a news conference to raise the age of criminal responsibility on Tuesday, March 3, 2015, in Albany. Supporters of the change want to raise the age of criminal responsibility to 18, so all but the most violent 16- and 17-year-old offenders would be handled by the juvenile justice system. (AP Photo/Mike Groll)

Associated Press By Associated Press
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ALBANY -- Jim Saint Germain was mixed up with drugs and just shy of 16 when he was arrested and sent to a juvenile facility. Things might have been different had he been a year older and tried as an adult.

Saint Germain, 25, brought his story to the state Capitol Tuesday in an effort to convince state lawmakers to change New York's policy of automatically prosecuting 16- and 17-year-old offenders as adults.

"I could've been in Attica. In Sing Sing. I would have been sent to Rikers Island. Instead I was given a chance," said Saint Germain, who is now pursuing a master's degree at New York University. "It saved my life."

New York and North Carolina are the last two states that treat 16- and 17-year-olds as adults when it comes to prosecution and incarceration. Studies show adolescent offenders are much more likely to be sexually assaulted or to commit suicide if they are sent to an adult prison rather than a juvenile facility.

Gov. Andrew Cuomo has proposed changing the law so all but the most violent 16- and 17-year-olds are dealt with in the juvenile justice system. The Democratic governor points to research that shows adolescents lack the decision-making skills of adults, and to other research that shows they are less likely to commit more crimes if treated as juveniles. Those accused of particularly violent crimes could still be tried as adults at a judge's discretion.

"Incarcerating our young people in adult prisons is an abject practice that must end," Cuomo said in a statement Tuesday. "There is no excuse for subjecting hundreds of youth to an environment where they're being hurt, not helped."

Prosecutors question whether the proposal is needed, noting that the existing criminal justice system already has built-in protections for young offenders. In 2013, 33,064 16- and 17-year-olds were arrested in New York. More than half saw their charges dismissed. Only 2.7 percent were sentenced to prison.

"It's like they want to portray New York as some sort of 'Bleak House' out of Dickens," said Erie County Frank...
Sedita, president of the District Attorneys Association of the State of New York. "The only time you're going to see juveniles do any kind of time is for a very violent felony.

Other law enforcement groups support the change, including Attorney General Eric Schneiderman and a group of eight sheriffs who recently wrote to legislative leaders recommending the change.

"I'm not trying to say we should be soft on crime," said one of them, Albany County Sheriff Craig Apple. "What I'm saying is that our 16- and 17-years olds would be better served in a family court system ... where they can get the appropriate care."

The proposal is one of several changes to the juvenile justice system sought by Cuomo that include changes in sentencing and a prohibition on the housing of minors in adult prisons. The proposals are all a part of Cuomo's state budget recommendation, which is currently the subject of legislative review and negotiation.

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