Over and over, advocates for raising the age of adult criminal responsibility gave examples of how the system fails youths.

They heard about how a 16- or 17-year-old can be in adult prison because they didn’t make bail on a misdemeanor for jumping a turnstile in a subway station, and how a parent didn’t know her 16-year-old son was arrested for fighting in school because he was considered an adult.

During a workshop Tuesday at the Center for Youth in Rochester, community advocacy groups learned more about the 38 recommendations made by the Governor’s Commission on Youth, Public Safety, and Justice that Gov. Andrew Cuomo accepted last month.

The event answered questions and cited statistics to prepare the small crowd of about 30 for spreading the word on and treating 16- and 17-year-olds as juveniles in the criminal justice system.

Under the recommendations, New York over the next three years would no longer treat 16- and 17-year-olds convicted of crimes as adults, and instead move them into juvenile detention facilities in most cases. By January 2017, the state would treat 17-year-olds as juveniles, and then 18-year-olds in the same manner by 2018.

The most serious charges, such as murder and other violent crimes, would still be treated in criminal court, and the youth could still be convicted of the crimes. But their cases would be handled differently, and they wouldn’t go to regular jail. A judge would have the option to move the cases to family court.

The recommendations are currently introduced as part of the state budget.

“No matter what the crime, the youth will stay in a juvenile facility,” said Beth Powers, senior juvenile justice policy associate with the Children’s Defense Fund New York.

This doesn’t mean the youth wouldn’t be held responsible for the crime, said Elaine Spaull, executive director of Center for Youth and a member of the commission, but they would be given the age-appropriate intervention services that they don’t currently get in an adult prison.

The state would look to set up juvenile detention centers, rather than send the youth to prison. Less serious crimes, such as misdemeanors, would be transferred to family court according to the recommendations.

“We want to make sure we honor and respect victims,” said Spaull. “There needs to be consequences, we’re talking about age-appropriate consequences.”

“The system at 16 identifies you as a man,” said former Rochester Police Chief James Sheppard, an advocate for the reform.

“When we put them into that system, they don’t come out right,” he said, adding that for some, going into prison is like going to “college” — with them coming out as better criminals.

Rosemary Rivera, statewide organizing director of Citizen Action of New York, said “going to prison at 16 and seeing the big, big gates was terrifying.”

“I learned a lot of bad things,” Rivera said.

Rivera told the crowd of about 30 the impact that having a criminal record has had on her. She lost one job because of federal rules regarding who can hold certain jobs.

“It’s embarrassing, a big stigma if you’ve ever been incarcerated,” she said.
Some of the other recommendations include expanding to 16- and 17-year-olds the current juvenile practice of parental notification of arrest and then being questioned in rooms approved by the Office of Court Administration. Another is using family engagement specialists to work with families getting their support in having the youth successfully participate in a diversion program.

“Diversion really is a better approach for 16- and 17-year olds,” Spaull said about misdemeanor and nonviolent felony crimes. These are usually “age and stage issues,” she said, children acting on “impulsive behavior.”

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