Raise the Age in New York: Editorial

North Carolina has faced a torrent of criticism for its law forcing transgender people to use bathrooms corresponding with their gender at birth. Many New Yorkers have joined celebrities like Bruce Springsteen and Ringo Starr in condemning the state's stand against progressive values. Gov. Andrew Cuomo banned non-essential travel to North Carolina by state employees.

The Tar Heel State is also one of only two states that prosecutes 16- and 17-year-olds as adults — another regressive policy, one that helps destroy young lives and produce career criminals.

The other state with such a backward approach to juvenile justice? We're living in it.

It is bewildering that New York, a state that is known to be among the most progressive in the country, continues to force 16- and 17-year-olds into the adult court system and some into adult jails. Most are arrested for non-violent crimes, but can be pulled into court without their parents being notified and then held without bail. They can wind up with an adult criminal record before they're adults.

There has been legislation in New York since 2012 to raise the age of criminal responsibility to 18 for those charged with non-violent crimes. "Raise the Age" has become a mantra for many groups that have gotten behind the cause. Last year, Cuomo strongly endorsed the move, following recommendations from a state commission, and included $135 million in his 2015-16 budget proposal to aid local governments with implementation. But the Republican-led Senate would not go for it.

Cuomo has a track record of getting his most desired items into the budget. He also offers a wide agenda in January, which highlights his budget priorities; but some fall away (or are traded away) by the April budget deadline. There are priorities and then there are priorities.

In December, Cuomo did take two important steps by executive order:

- The governor created a path to conditional pardons for people who committed a non-violent crime when they were 16 or 17 and did not commit another crime for 10 years.
- He also called for the transfer of minors from adult state prisons to juvenile facilities, an important move. But thousands of 16- and 17-year-olds are still housed in adult county and city jails, including Rikers Island. They can spend long periods with adult pre-trial detainees and may face abuse and violence. Comprehensive reform would change this.

While the 2016-17 budget includes $110 million for costs associated with raising the age, the actual age of criminal responsibility has not been raised.

Advocates are not optimistic about action before the current legislative session ends next month, in part because Senate Majority Leader John Flanagan recently described raising the age of criminal responsibility as an effort to absolve people of violent crimes.

But this argument is nonsense. Raising the age is about taking a smarter approach to reducing crime by trying to prevent young people from becoming repeat offenders. No one is talking about letting anyone off the hook.

For one thing, 16- and 17-year-olds charged with serious crimes would still go into the adult court system. The Legislature could create a section for youth within the adult system, with specially trained judges, to consider possibilities for rehabilitation, not just punishment.

But most 16- and 17-year-olds would be dealt with in Family Court, which is far better suited to get young teens, not even eligible to vote, back on track in their communities through various forms of treatment. In Family Court, it's generally understood that the brains of teenagers are still developing and that some can still learn about making better judgments and about impulse control.

In the adult system, they are more likely to learn about surviving at all costs.
Some are concerned about the local costs of dealing with teens in Family Court. The state budget would provide some funds to cover the transition and would need to reimburse costs to probation departments. But everyone saves money in the end by steering young people away from crime and long, expensive periods in prison.

About 50,000 16- and 17-year-olds are arrested in New York each year — three-quarters for misdemeanors, according to the Center for Court Innovation. Raise the Age New York (http://raisetheagency.com/), a coalition pushing for change in New York, cites studies that have found that these teens, when entering the adult criminal justice system, have about 34 percent more arrests for felonies than their contemporaries who go to Family Court. Isn't the goal to reduce crime?

A coalition of 36 Westchester clergy recently signed a statement that summed it up: "From a public safety perspective, raising the age is being both smart on crime and tough on crime."

Over the past few years, more than a half-dozen states have raised their age of criminal responsibility to 18. Even Texas does not put 16-year-olds into adult court.

New York and North Carolina stand alone.

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