Treating kids as kids to help curb crime

By Newt Gingrich

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Taxpayers are entitled to a justice system that keeps us safe, compels criminals to take responsibility and uses public resources efficiently. Often, we get none of the above.

Many “tough on crime” measures fail to protect us, instead increasing crime.
Among the most destructive are policies that treat young people as adults in our criminal justice system. Only New York and North Carolina continue to prosecute 16-year-olds as adults, even for minor offenses.

This year, New York’s executive budget includes juvenile-justice reforms that would benefit all taxpayers.

The reforms would raise the age of criminal responsibility to 18, remove youth from adult facilities, change arrest and police-custody procedures and improve the way New York addresses the collateral consequences of juvenile and youthful offenses.

I have advocated for similar “smart on crime” reforms nationwide – and I strongly hope New York’s Legislature will pass these reforms, and give all youth a chance at redemption.

Research shows that prosecuting youths as adults increases the chances that they will commit more serious crimes.

A Columbia University study compared minors arrested in New Jersey (where the age of adulthood is 18) with those in New York. New York teens were more likely to be rearrested than those processed in New Jersey’s juvenile court for identical crimes.

For violent crimes, rearrests were 39 percent greater. Studies in other states have yielded similar results, leading experts at the Centers for Disease Control to recommend keeping kids out of adult court to combat community violence.

Recidivism is expensive. There are direct losses to victims, the public costs of law enforcement and incarceration and the lost economic contribution of someone not engaged in law-abiding work.

When Connecticut raised the age for adult prosecution to 18, crime rates quickly dropped and officials were able to close an adult prison.

Researchers calculated the lifetime gain of helping a youth graduate high school and avoid becoming a career criminal or drug user at $2.5 million to $3.4 million for just one person.

An adult record permanently limits youth prospects; it becomes harder to gain acceptance to a good school, get a job or serve in the military.

Juvenile records are sealed and provide more opportunity. It’s only fair to give a young person who has paid his debt to society a fresh start.

It is in our best interest that youth go on to contribute to the economy, rather than
becoming a drain through serial incarceration or dependence on public assistance.

The juvenile system clearly serves society better. For example, the adult system is not rehabilitative and compels prisoners to waste their days in cells instead of learning and working.

I believe strongly in personal responsibility and would far prefer to send youths to a system that requires them to continue school and participate in programs to help them take responsibility and address behavioral issues.

Yet, because most minors are charged with low-level offenses, the adult system often imposes no punishment whatsoever, teaching a dangerous lesson: You won’t be held accountable for breaking the law.

While the vast majority of 16- and 17-year-olds arrested in New York are charged with misdemeanors, some do commit serious crimes.

Under the proposed legislation 16- and 17-year-olds will be prosecuted for Class A felonies in Youth Parts of adult courts.

It is commonsense to design the system around what is appropriate for the majority, while providing exceptions for the most serious cases.

Finally, laws that undermine the family harm society. When a 16- or 17-year-old is arrested, police do not call a parent.

Teens can be interviewed alone and can even agree to plea bargains without parental consent.

What parent would not want the chance to intervene, to set better boundaries or simply be a parent? The current law denies them that right.

New York’s Raise the Age proposal is smart policy that will keep communities safer and make responsible use of taxpayer dollars. It’s time to embrace this overdue reform.

Newt Gingrich is a former speaker at the US House of Representatives and a CNN contributor.
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