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### The Pendulum of Juvenile Justice Policy: Examining the Creation and Implementation of New York State's Raise the Age Legislation

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# R I T

## The Pendulum of Juvenile Justice Policy: Examining the Creation and Implementation of New York State's Raise the Age Legislation

by

Mary Xitco

A Capstone Project Submitted in Partial Fulfillment of the  
Requirements for the Degree of Master of Science in Criminal Justice

Department of Criminal Justice

College of Liberal Arts

Rochester Institute of Technology

Rochester, NY

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# RIT

## **Master of Science in Criminal Justice**

### **Graduate Capstone Approval**

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Graduate Capstone Title: **The Pendulum of Juvenile Justice Policy: Examining the Creation and Implementation of New York State's Raise the Age Legislation**

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## Chapter 1

### Juvenile Justice Policy Changes: Leading to Today's Raise the Age

### **Abstract**

This paper discusses changes in juvenile justice policy, focusing largely on the last 40 years. Juvenile justice policy has historically transitioned quickly from conservative punitive strategies to liberal rehabilitative and lenient strategies. We see this most recently with the tough on crime strategies of the 1990s lowering the age of responsibility to now where states have decided to start raising the age of criminal responsibility up to 18 years old. This paper looks closely at what caused this most recent shift and gives historical context as to how juvenile justice policy trends may have predicted this.

## **Introduction**

Juvenile justice policy is a constantly changing aspect of the criminal justice system. Perceptions of youth offenders are often changing from fear to forgiveness. Looking at juvenile justice policy over the past few decades we can see harm done by punitive and harsh policies which are then rebutted with policy to reduce harm. This is a pattern in justice that can be seen in more recent years but also looking further back in juvenile justice history.

To fully understand the shift in juvenile justice over the last 40 years there is important historical context looking further back. Juvenile justice in the United States was established during the 1800's, with all but two states having established their courts by 1925 (Bernard and Kurlychek, 2010). At this time the juvenile justice system had substantial power over youth which was greater than what we saw in the criminal justice system for adults (Shiclor, 1983). The juvenile courts attempted to address individuals' circumstances which meant the judges had power to intervene however they believed was appropriate (Butts & Mitchell, 2000). Because of this, juveniles were missing out on aspects of due process that were awarded to adults in the criminal justice system (Shiclor, 1983). Judges were able to in some cases use discretion to intervene in positive ways however the freedom also allowed them to give long and severe intervention that may not be proportional to the negative effects of the youth's behavior (Butts & Mitchell, 2000). The juvenile court system continued this way and became to in some way reflect the adult criminal justice system. As a result, the courts and staff were overburdened and with rising caseloads (Butts & Mitchell, 2000). At this point in the 1950's and 1960's we begin to see youth advocates and civil rights lawyers challenge how the juvenile justice system operates (Butts & Mitchell, 2000).

In 1967 what became known as the Gault decision was made by the United States Supreme Court which aimed to correct this limitation (Shiclor, 1983). The Gault case was taken to the U.S. Supreme Court after an Arizona judge sent a 15-year-old boy to the state industrial school for boys until his 21<sup>st</sup> birthday (Bernard and Kurlychek, 2010). This was for a minor crime in which an adult's maximum penalty would have a \$50 fine and imprisonment for two months (Bernard and Kurlychek, 2010). This sentence was given after the witness did not come to court and the judge deemed it not necessary for them to do so, which is when a writ of habeas corpus was filed and was taken to the U.S. Supreme Court (Bernard and Kurlychek, 2010). The Supreme Court of the United States ruled that juveniles being sent to an institution must have the rights to adequate, written, and timely notice, counsel, confront and cross-examine witnesses and privilege against self-incrimination (Bernard and Kurlychek, 2010). This kind of decision is seen to come from a liberal due process perspective along with ideas of compassion in juvenile justice (Shiclor, 1983). On the other side the conservative crime control criticism was saying juvenile justice was not doing anything for rising delinquency rates because they were getting away with a "slap on the wrist" (Shiclor, 1983). These dueling perspectives are seen to be persistent in juvenile justice and continue to drive policy from both sides.

### **Juvenile Justice Delinquency Prevention Act**

The next major shift in Juvenile Justice came in 1974 with the Juvenile Justice and Delinquency Prevention Act (JJDPA) (Shiclor, 1983). The JJDPA established a unified national program for juvenile delinquency prevention for the first time (OJJDP). This act provides grants to states that have programs or laws consistent with the mandates given (Levesque, 2018). The JJDPA focused largely on status offenses and removing those offenders from the juvenile justice system (Levesque, 2018). A status offender category was created to separate those who had



broken rules that only apply to children such as underage drinking or truancy from juvenile delinquents (Levesque, 2018). The JJDPA mandated states to remove status offenders from secure detention and correctional facilities within two years (OJJDP) The JJDPA encouraged deinstitutionalizing of status offenders while also separating juveniles from adult inmates (Shiclor, 1983). In fact, the JJDPA mandated that juveniles may not be placed in institutions where regular contact with adults convicted of criminal charges would occur (OJJDP). The JJDPA is an important piece of juvenile justice legislation which has continued to be amended and specialized in order to continue work on delinquency prevention across the United States (OJJDP).

### **Rise of Tough on Crime Strategies**

In more recent history the late 80's into the 90's was a time where youth violence was at the forefront of public concern and caused a shift in how youths were viewed and treated (Jordan and Myers, 2011). The response to this was for juvenile justice to become harsher and more punitive (Merlo and Benekos, 2010). During this time youth offenders became known as "super-predators" and were portrayed as being more violent and dangerous at younger ages than the previous generation (Jordan and Myers, 2011). The birth of the term "superpredator" came in 1995 when researcher, John Dilulio, used it to label boys in Philadelphia which he believed were chronic offenders because of poverty, lack of responsible adults, and dehumanize their victims and see them as "white trash" (Bogert & Hancock, 2020). This researcher warned that the number of "superpredators" would grow to 30,000 by the year 2000, when in fact juvenile murder arrest fell by two-thirds (Bogert & Hancock, 2020). Despite the idea of youth becoming a group of concern when it comes to violence not being new the term "superpredator" got picked up by media and was weaponized and targeted young boys of color (Bogert & Hancock, 2020).

Since its creation the term “superpredator” has been used by media in hundreds of sources in which less than 40% of these criticize the term (Bogert & Hancock, 2020). Despite the decline in use of this term in the late 1990’s, those labeled as “superpredator” are still dealing with ramifications (Bogert & Hancock, 2020). Because of this perception of youthful offenders as “superpredators” the 1990’s birthed policies that would have effects still seen today.

The number of juveniles arrested peaked in the 1990’s with the introduction of “get tough” policies (Merlo and Benekos, 2010). The main consequence of the policies introduced at this time was the “adultification” of youth offenders (Benekos and Merlo, 2008). This included not only giving youth harsher sentences but also the use of judicial waivers becoming increasingly popular (Jordan and Myers, 2011).

#### *Sending Youth to Criminal Court*

A judicial waiver was a mechanism for courts to transfer youth to adult court, and the use of this peaked in 1994 (Benekos and Merlo, 2008). The youth transferred were typically seen as beyond redemption or that the juvenile justice system was not equipped to handle their problems (Merlo and Benekos, 2010). The expansion of these waivers led to a 47 percent increase of judicially waived cases nationally between 1987 and 1996 (Butts & Mitchell, 2000). Judicial waivers altogether increased but were introduced in various forms. Discretionary, presumptive, and mandatory waivers were all used to push youth to adult courts (Butts & Mitchell, 2000).

Discretionary waivers were decided by judges after it was established that the case meets the criteria (Butts & Mitchell, 2000). The criteria typically considered offenders age, criminal history, perceived ability to rehabilitate and public threat (Butts & Mitchell, 2000). These criteria may vary from state to state but in some states the age required was as low as 14 years old (Butts & Mitchell, 2000). Presumptive waivers reduced the role of judges and shifted discretion to

prosecutors (Butts & Mitchell, 2000). A presumptive waiver would generally require the defense attorney to prove the youth is amenable to rehabilitate in juvenile court (Butts & Mitchell, 2000). Lastly a mandatory waiver leaves no room for discretion from either the judge or prosecution (Butts & Mitchell, 2000). In this waiver the proceeding only confirm that the juvenile offender meets the criteria for the waiver (Butts & Mitchell, 2000). These criteria may look at age, offense, or criminal history which in some cases it was mandatory to waive any youth that had been previously charged with a felony regardless of age (Butts & Mitchell, 2000).

Statutory exclusion laws were also a widely used mechanism to have youth bypass juvenile court (Butts & Mitchell, 2000). These laws also known as “automatic transfers” required certain youth be transferred to criminal court automatically once the prosecutor has charged them with certain crimes (Butts & Mitchell, 2000). This similarly to a mandatory waiver took away any judicial decision making.

Prosecutor were also able to use a direct file to criminal court. This allowed prosecutors to use discretion in deciding whether to prosecute youth in juvenile or adult court (Butts & Mitchell, 2000). This gave prosecutors independence in deciding where youth should face prosecution and required no involvement from juvenile court judges (Butts & Mitchell, 2000). States that had direct files and judicial waivers saw direct files being used significantly more (Butts & Mitchell, 2000).

The last major strategy which contributed to an increased number of youths in criminal courts was reduce the upper age limit that juvenile courts have jurisdiction over (Butts & Mitchell, 2000). This method is likely responsible for transferring the largest number of youths to adult courts (Butts & Mitchell, 2000). By 1997 10 states had lowered the age to exclude all

17-year-olds from juvenile courts and three states additionally excluded all 16-year-olds (Butts & Mitchell, 2000).

Another policy that contributed to youth going to criminal court was Juvenile Accountability Incentive Block Grants (JAIBG) which was introduced in 1997 (Myers, 2008). This aimed to increase accountability in the juvenile justice system by pushing serious youth offenders into adult courts in which many jurisdictions were already prosecuting violent offenders over the age of 15 as adults (Myers, 2008). Juvenile Accountability Incentive Block Grants also encouraged greater public access to juvenile courts and records (Myers, 2008). This kind of policy granted funding to jurisdictions that abide by these policies and gives incentives to waiving youth to adult courts (Myers, 2008).

All these methods were responsible for increasing the number of youths in criminal court and in many ways blurring the line between juvenile court and criminal court (Butts & Mitchell, 2000). These methods became widespread in the last two decades of the 20<sup>th</sup> century and had effects which were carried into the 2000's. In the early 2000's it was estimated that over 200,000 youth were prosecuted as adults each year in the United States (Benekos and Merlo, 2008). The expansive use of waivers and other methods of pushing juveniles into adult court largely contributed to what can be called the adultification.

### *Adultification of Youth Offenders*

With youth being waived to adult court we also saw more adolescents being incarcerated in adult institutions (Benekos and Merlo, 2008). We see an increase of this in the 1990's compared to the previous decade with 33 youth incarcerated in an adult prison for every 1000 arrests in 1997 and in 1985 that number was only 18 for every 1000 arrests (Benekos and Merlo, 2008). In some states more alarming statistics were given. For example, one in 13 inmates in

Florida were incarcerated for a crime committed as a juvenile (Benekos and Merlo, 2008). Not only were youth being placed in adult facilities rather than being treated as juvenile, but it was found that in the late 1990s juveniles had a greater likelihood of incarceration compared to their adult counterparts (Benekos and Merlo, 2008). In addition, they were also seen as having harsher sentences for the same kinds of crimes as adults. This may be because of the perception of youth offenders being seen as more dangerous by judges (Benekos and Merlo, 2008). The 1990's brought harsh punishments on juvenile offenders which left juvenile justice policy only one direction to go. Juvenile justice policy will often swing from punitive policy to more lenient practices, which is what happened coming out of the "tough on crime" ideas of the 1990's (Bernard and Kurlychek, 2010). Although this shift was not surprising due to historical changes in juvenile justice policy including ones discussed earlier in this paper it is important to understand what may have led to this most recent shift.

After punitive strategies in the 1990's created harsh realities for youth there were a few key factors looked at when reshaping how we see juveniles. One aspect found was that the public was not as in favor of punitive strategies as lawmakers implied and the public largely did not support the adultification of juvenile justice (Merlo and Benekos, 2010). Additionally further research popularized the idea that youth do not have fully developed brains until their mid-20s which makes holding them with the same level of responsibility as an adult is unreasonable (Merlo and Benekos, 2010). These new developments on how the public perceives juveniles as well as a better understanding of their brain development provided one piece of the turning to more lenient strategies. The next piece came with realization of harm caused by the adultification of juveniles and incarcerating youth in adult facilities.

### *Realization of Harm*

The number of youths incarcerated in adult institutions began to reveal some alarming consequences. The risk of suicide increases for youth in adult institutions with the rate for prisoners under 18 being four times higher than those over 18 (Benekos and Merlo, 2008). Youth in adult facilities are also far more likely to become a victim of physical and sexual assault (Benekos and Merlo, 2008). During a four-year period in the late 1990's half of all juvenile offenders incarcerated with adults were the stated as the victim in an assault complaint (Benekos and Merlo, 2008). On top of the more alarming mental and physical health compromises youth are also disadvantaged because of the nature of the prison. Adult prisons are not built to address the medical or educational needs of youth (Benekos and Merlo, 2008). Adult prisons fail to address psychological traumas of youth which are only made worse once incarcerated (Lippman, 2017) These consequences have large effects on youth, their families, and communities, but it is important to note that the adultification of juveniles disproportionately affects Black youth (Benekos and Merlo, 2008). Black and Hispanic youth are far more likely to be incarcerated in adult facilities (Lippman, 2017). In New York Black and Hispanic youth make up 82% of youth sentenced to adult facilities (Lippman, 2017).

These negative effects are substantial and despite the ramifications of this the most important take away may be the fact that these policies did not work. Reducing crime is typically a key goal of criminal justice strategies but these “get tough” practices increased the likelihood of criminal activity in the future (Lippman, 2017). Juveniles who go in the adult criminal system are 34% more likely to be rearrested after their release compared to youth that remain in the juvenile justice system (Lippman, 2017). Additionally, those youth that participate in the adult system that do reoffend are 80% more likely to commit a more serious offense (Lippman, 2017).

The incarceration of youth takes away their opportunity for success by not only removing them from their community but putting them into a facility in which no services are offered to help them to develop into responsible adults (Lippman, 2017). The incarceration of youth has not proved to be a productive use of time or money for any party, in fact financially there are large benefits to not incarcerating youth including the State reducing criminal justice spending up to \$100 million (Lippman, 2017). Between the negative impacts of these policies as well as the ineffectiveness in reducing crime the shift to a different approach seemed inevitable.

### **Juvenile Justice Today**

After punitive tough on crime strategies took precedence in the 1990's, historical trends would suggest that we may turn in favor of more liberal policies to address juvenile offenders. We see this with the introduction of "raise the age" which directly attempts to undo the lowering of the age of a juvenile which happened in the 1990's (Butts & Mitchell, 2000).

"Raise the age" is a popular response to the harmful incarceration practices which forced older teens to be held criminally responsible. Because of the reasons previously mentioned "raise the age" was recently introduced in New York State following other states to protect those under 18 from being treated as adults, specifically 16- and 17-year olds (Lippman, 2017). Before 2007 there were 14 states which allowed for youth to be prosecuted in adult court (Justice Policy Institute, 2017). Seven of those states past legislation between 2007 and 2016 to raise the age of criminal responsibility (Justice Policy Institute, 2017). Most recently in New York Governor Cuomo signed legislation to raise the age on April 10<sup>th</sup>, 2017, this would then take effect over the next two years (New York State of Opportunity, 2020).

With these changes moving away from more punitive strategies we have seen youth incarcerated in adult facilities drop to a similar rate as the 1980s (Merlo and Benekos, 2010).

These changes come with another shift in juvenile justice which has historically taken us from conservative to liberal ideas (Bernard and Kurlychek, 2010). Because of these policies we have seen fluctuations of arrests and incarceration, despite this we did not see huge differences in crime rates over the time span of changing policy (Merlo and Benekos, 2010).

## **Conclusion**

The juvenile justice system has experienced several large policy changes in its relatively recent history. Looking at Juvenile Justice historically is it easy to point out shifts from original ideas of treating youth more harshly than adults to leniency given with the Juvenile Justice and Delinquency Prevention Act in the 70's. Then followed by "tough on crime" ideas in the 80's and 90's that brings us to today where the popular movements such as "raise the age" push for rehabilitative strategies and separation on youth from adults. The implementation of "raise the age" in many states is happening less than 20 years after the age was lowered (Butts & Mitchell, 2000; Juvenile Policy Institute, 2017). This brings an interesting discussion regarding the swiftness of this policy change and how "raise the age" came to be. In my next paper I will outline how "raise the age" came about as well as who was pushing for or against it. And more specifically look at New York States recent implementation of "raise the age" and what the legislation requires.



## Chapter 2

### Raise the Age: New York State Legislation

### **Abstract**

This paper will discuss the national movement towards raising the age of criminal responsibly. This comes after a period of time in the 1990's when youth were often charged and incarcerated with adults. After numerous states created laws to raise the age, New York followed, but had some differences that were not seen in other Raise the Age legislation. This paper looks at New York's debating sides on raising the age and then outlines New York's Raise the Age Legislation.

## **How Raise the Age Came About**

Punitive strategies in the 1990's led to a peak in the number of juveniles arrested (Merlo and Benekos, 2010). Procedures like waivers encourage sending youth to the adult system

because they may have been seen has beyond redemption (Merlo and Benekos, 2010).

By 1997 13 states had lowered the age to exclude all 17-year-olds from juvenile courts and three of the 13 states additionally excluded all 16-year-olds (Butts & Mitchell, 2000). This method of transferring youth via age limit legislation was responsible for sending the largest number of juveniles to adult courts during this time (Butts & Mitchell, 2000). These methods of transferring youth had a large impact in blurring the line between juvenile and criminal courts and causing the adultification of youth offenders (Butts & Mitchell, 2000; Benekos and Merlo, 2008). By the early 2000's it was estimated that over 200,000 youth were prosecuted as adults each year in the United States (Benekos and Merlo, 2008).

The number of youths incarcerated in adult institutions during this time began to reveal some alarming consequences. The emergence of research began supporting a popularized idea that youth are not fully developed, and that excessive punishment only increases the likelihood of reoffending (Spivack, 2015). Additionally, youth in adult facilities were at extreme risk for abuse while incarcerated (Lippman, 2017). The risk of suicide increases for youth in adult institutions, as the rate for prisoners under 18 is four times higher than those over 18 (Benekos and Merlo, 2008). Youth in adult facilities are also far more likely to become a victim of physical and sexual assault (Benekos and Merlo, 2008). All of these negative impacts led people to reconsider how we were treating youth offenders. Raise the age is a popular response to the combat the adultification of offenders that occurred in the 1990s. By raising the age states would

undo the age limit legislation that prosecutes and incarcerates 17 and in some states 16-year-old youth with adults.

### **Raise the Age: Nationally**

After the 1990s there were 14 states which allowed juveniles under the age of 18 to be held criminally responsible (Justice Policy Institute, 2017). Those states were Connecticut, Georgia, Illinois, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New York, North Carolina, South Carolina, Texas, and Wisconsin (Justice Policy Institute, 2017). Connecticut was the first of these states to raise the age when they passed legislation in 2007 (Justice Policy Institute, 2017). Connecticut's raise the age was implemented in two stages, the first took place in 2010 when the juvenile justice system incorporated 16-year-olds and then in 2012 17-year-olds were as well (Justice Policy Institute, 2017). The same year as Connecticut decided to raise the age Rhode Island lowered its age in an attempt to save money by including 17-year-olds in the criminal justice system (Justice Policy Institute, 2017). This change was undone after four months when it was realized that it was not more cost effective (Justice Policy Institute, 2017). Following Connecticut, Mississippi and Illinois enacted raise the age legislation in 2010 (Justice Policy Institute, 2017). In Mississippi this happened in April of 2010 and added 17-year-olds charged with felonies to the juvenile justice system (Justice Policy Institute, 2017). Illinois passed the law in 2009 which went into effect in 2010 and at the time only lowered 17-year-olds convicted of misdemeanors into the juvenile justice system (Justice Policy Institute, 2017). In 2013 additional legislation was passed to include 17-year-olds charged with felonies, this took effect in 2014 (Justice Policy Institute, 2017). Massachusetts then followed suit in 2013 when they raised the age to move all 17-year-olds with the exception of those charged with murder to juvenile courts (Justice Policy Institute, 2017). In 2014 New Hampshire signed a raise

the age law that would take effect in 2015 putting 17-year-olds in the jurisdiction on juvenile court (Justice Policy Institute, 2017). The last two states that passed legislation to raise the age were Louisiana and South Carolina, both were passed in 2016 (Justice Policy Institute, 2017). Louisiana's was implemented in two phases with 17-year-olds charged with non-violent felonies to be moved to juvenile court in July 2018, and those with violent offenses to follow in July 2020 (Justice Policy Institute, 2017).

In general, the states that previously had both 16 and 17-year-olds under the jurisdiction of the adult criminal justice system implemented raise the age in two phases. Whereas in the states where 16-year-olds were already under the jurisdiction of adult court raise the age was implanted either immediately or on a specific date laid out by the legislation. The remaining seven states, Georgia, Michigan, Missouri, New York, North Carolina, Texas, and Wisconsin were said to be considering raise the age legislation as of 2017 (Justice Policy Institute, 2017).

### *Fiscal Impacts*

One of the major concerns when making a large change like raising the age is how much it will cost. There are excess costs when incarcerating someone as a juvenile because they are entitled to educational and treatment programs that are not required for adults (Chammah, 2015). States that have implemented policy to raise the age expressed this concern and many allocated extra funding to go towards this supposed increase (Justice Policy Institute, 2017). However, the states did not see an increase in costs when 17-year-olds entered the juvenile justice system (Justice Policy Institute, 2017). In fact, some states had excess funding that was able to be reallocated (Justice Policy Institute, 2017). In Connecticut it was projected that raising the age would increase costs by \$100 million (Justice Policy Institute, 2017). When this didn't occur, they were able to reallocate \$39 million to community-based practices (Justice Policy Institute,

2017). In Massachusetts however an increase in costs was seen (Justice Policy Institute, 2017). This increase of \$15.6 million was 37 percent less than anticipated and is less than nine percent of the total juvenile justice budget (Justice Policy Institute, 2017). Illinois and New Hampshire both showed that no new funding was required when raise the age when into effect (Justice Policy Institute, 2017).

There are a few reasons for the lack in fiscal impact. First fiscal estimates are frequently inaccurate or incomplete in criminal justice policy because increased spending for the first few years may be shown without showing future savings (Justice Policy Institute, 2017). If intervention with the juvenile justice system is successful, every youth that doesn't recidivate could save around two million dollars in future criminal justice costs (Chammah, 2015). An additional reason we have not seen large fiscal impacts is a juvenile crime drop experienced nationally (Justice Policy Institute, 2017). Lowering numbers of juvenile crime may have aided states as they raised the age (Justice Policy Institute, 2017). The national drop in juvenile crime helped states not become overwhelmed with an influx of cases in their juvenile justice systems (Justice Policy Institute, 2017).

With states passing raise the age legislation starting in 2010 many of the remaining states were pushing to implement raise the age policies of their own. For New York and North Carolina this pressure may have been intensified because they were the only states that were still criminally prosecuting both 16 and 17-year-olds as adults (King, 2015; Justice Policy Institute, 2017).

### **Opposing Sides of Raise the Age in New York**

New York is often seen as a progressive leader, when it comes to issues such as marriage equality or gun control (King, 2015). However, New York was one of the last two states to still

automatically prosecute 16-year-olds as adults. This is not necessarily due to a lack of effort. In April of 2014 Governor Andrew Cuomo stated, “our juvenile justice laws are outdated” and “it’s not right, it’s not fair- we must raise the age” (Asgarian, 2014). At this time, he also named members of the Commission on Youth, Public Safety and Justice which was tasked with creating concrete recommendations for raising the age (Asgarian, 2014). Around this time Governor Cuomo and other government officials, as well as organizations like Campaign for Youth Justice and Youth Represent spoke in support of raising the age (Asgarian, 2014). And on a national level in 2015 President Obama spoke his belief in raising the age and pointed out the harm done in states that haven’t made this change (King, 2015)

Debates over raising the age left people divided with some believing it would be too lenient on juvenile that commit more extreme crimes. An example of a case that was used to create fear surrounding raise the age was Kahton Anderson. Kahton Anderson was 14 years old in 2014 when he ended up on a bus with rival gang members (Asgarian, 2014). Anderson pulled his gun and fired but missed his targets instead hitting and killing a 39-year-old father of two (Asgarian, 2014). Kahton Anderson was taken to criminal court and was eventually convicted and given 12 years in prison (Asgarian, 2014; Bain & Saul, 2016). The high-profile case of Kahton Anderson continued to spilt support on raise the age.

### *Why Now?*

In 2015 support for reform grew with public gaining knowledge of Kalief Browder (Raymond, 2017). Kalief Browder was 16 years old when in 2010 he was arrested for allegedly stealing a backpack (Raymond, 2017). Despite Browder continuously denying his guilt, he was detained on Rikers Island for three years without being charged (Raymond, 2017). During his time at Rikers he spent two years in solitary confinement and was repeatedly assaulted by both

guards and inmates (Raymond, 2017). After three years in Rikers waiting for a trial that never came he was released because the charges against him were dropped (Maule, 2016). Two years after his release Kalief Browder committed suicide (Maule, 2016). His family says he was never able to recover from the abuse he endured at Rikers Island (Maule, 2016). Kalief Browder's story was shared to show how damaging the criminal justice system is for youth (Raymond, 2017).

Kalief Browder's story and additional support from his brother, Akeem Browder, were instrumental in helping to pass the Raise the Age legislation in New York (Raymond, 2017). After extensive back and forth between Democratic supporters and Republican leaders an agreement was met to back the Raise the Age bill (McKinley, 2017). The compromise met between democrats and republicans left some disappointed with various stipulations (McKinley, 2017)

### **New York: Raise the Age Policy**

In New York the age of criminal responsibility was raised from 16 to 18 when on April 10<sup>th</sup>, 2017, Governor Andrew Cuomo signed the legislation (New York State of Opportunity, 2020). The New York State law followed what other states had done when going from 16-years-old to 18 and split this change into two phases (New York State of Opportunity, 2020; Justice Policy Institute, 2017). For New York this stated that as of October 1<sup>st</sup>, 2018, the age of criminal responsibility would become 17 and then the age would be raised again to 18 on October 1<sup>st</sup>, 2019 (New York State of Opportunity, 2020).

The phasing of Raise the Age in New York allotted time for new systems or programs created by Raise the Age to become established. Raise the Age legislation created Youth Part, a branch of the Supreme and County Criminal Court (New York State of Opportunity, 2020). In



order to distinguish youth who may be processed through the juvenile justice system from those who will go through Youth Part new terminology was created. Youth charged of a crime would fall into one of these three categories adolescent offender, juvenile offender, or juvenile delinquent (New York State of Opportunity, 2020).

### *Offender Classifications*

Adolescent offender is defined as a 16 or 17-year-old charged with a felony (New York State of Opportunity, 2020). The adolescent offender category was created by Raise the Age legislation (NY Courts). A juvenile offender is a 13,14-, or 15-year-old that is charged with a serious violent felony (New York State of Opportunity, 2020). For 13-year-olds penal law states the felony must be murder in the second degree or a sexually motivated felony (New York State Senate, 2021). For 14- and 15-year-olds the penal law opens it up to several violent felonies (New York State Senate, 2021). And lastly, a juvenile delinquent is a 7 through 15-year-old charged with a misdemeanor or a felony that does not meet juvenile offender requirements (New York State of Opportunity, 2020). Juvenile delinquent also includes 16 and 17-year-olds charged with misdemeanors or those charged with a felony that are removed from Youth Part (New York State of Opportunity, 2020).

These classification separate cases that will go to Youth Part and those that will be in Family Court. Youth Part was created to handle arraignments and proceedings for adolescent offenders and juvenile offenders (New York State of Opportunity, 2020). Juvenile delinquents are processed through family court (New York State of Opportunity, 2020). Vehicle and traffic law offenses are handled by Youth Part (New York State of Opportunity, 2020).

### *Detention Facilities*

The Raise the Age law also changed where youth are incarcerated. The law prohibits 16- and 17-year old's from being held in adult prisons or jails and if they are detained it will be in a new specialized secure detention facility (New York State of Opportunity, 2020). These facilities must be certified by the State Office of Children and Family Services (NY Courts). These specialized secure detention facilities were created for the new category of adolescent offenders which Raise the Age created (OCFS Bureau of Detention Services). Juveniles' detention in New York also has secure or non-secure facilities (Westlaw, 2021). Secure detention facilities have "physically restricting construction, hardware and procedures" whereas nonsecure detention facilities have an absence of those restrictions (Westlaw, 2021). Nonsecure facilities may be boarding homes, group care, or nonresidential programs (Westlaw, 2021). The new specialized secure facilities required certification that they met the new regulation outlined by Raise the Age legislation, some existing facilities already met these qualifications others required changes (OCFS Bureau of Detention Services).

The new regulations had significant emphasis on the separation of youth from adults. It is stated in the regulations that these juvenile detention facilities cannot be in the same building as an adult detention facility (Westlaw, 2021). Additionally, if a juvenile facility was adjacent to an adult facility the regulations require "total sight and sound separation" (Westlaw, 2021).

For both secure and non-secure detention facilities an educational program is required with a minimum of three hours of instruction each weekday (Westlaw, 2021). The instruction must be provided by a teacher that is qualified by the New York State Education Department (Westlaw, 2021). In addition, facilities must meet requirement for medical programs and basic childcare and treatment (Westlaw, 2021).

In New York State there are currently eight secure detention facilities, seven of which are also specialized secure detention facilities (OCFS Bureau of Detention Services). There is one of each of these facilities in the following counties: Erie, Monroe, Onondaga, Albany, Westchester, and Nassau as well as two in New York City (OCFS Bureau of Detention Services). Nonsecure facilities are more common with seven in New York City and ten in the rest of the state (OCFS Bureau of Detention Services).

#### *Additional Legislative Changes*

An additional aspect of Raise the Age legislation was the creation of a Raise the Age implementation task force (New York State of Opportunity, 2020). These group members are appointed by the governor and are responsible for tracking progress and ensuring the state complies with the new rulings (New York State of Opportunity, 2020). The task force reports to the Governor, Assembly Speaker, and Senate President at the end of each of the first two years of implementation (New York State of Opportunity, 2020).

The last aspect of this legislation was giving courts the ability to seal criminal records (NY Courts). The new law allows individuals that have not committed a crime 10 years after serving their sentence to apply for records of previous criminal convictions to be sealed (NY Courts). There are specific eligibility requirements that an individual must meet and those with multiple felony convictions or a “serious” felony conviction are not eligible (NY Courts). This only gives them the ability to seal up to two convictions, one of which may be a felony (NY Courts).

#### **Satisfaction of Raise the Age in New York**

New York’s Raise the Age legislation left some people feeling disappointed in the compromises made (McKinley, 2017). A New York State Senator described this by saying “This

is real simple, and we made it complicated” (McKinley, 2017). He continues to describe how this could have been done simply by just treating 16 and 17-year-olds as you would 15-year-olds however it was over-complicated (McKinley, 2017). The creation of youth part and the separating of violent felonies is the aspect that some are not pleased with. However, these cases make up only about 1 percent of juveniles charged per year in New York State and the vast majority of youth will end up in family court (McKinley, 2017). Alphonso David, the governor’s counsel stated that New York’s Raise the Age was “the most comprehensive piece of legislation on raising the age” we have seen and that it “balances public safety and individual rights” (McKinley, 2017). Others are acknowledging the huge step forward that Raise the Age is for youth while saying they will continue to challenge for amendments to protect more youth in the future (McKinley, 2017).

## **Conclusion**

After falling behind most states in juvenile justice policy, New York raised the age, and this legislation has been completely in effect since 2019. New York policy was more complex than other states because it created an additional section of courts. This left people debating over how Raise the Age policy will impact youth and if there will still be youth that suffer consequences from the adult system. In New York, Raise the Age has now been implemented for three years and this gives us the opportunity to see how it has been operating and what kind of effects it has had on juveniles in youth part or family court settings.

## Chapter 3

New York State's Raise the Age Legislation:

Data Analysis of Youth Part Removals and Probation Intake

## **Raise the Age New York**

In New York the age of criminal responsibility was raised from 16 to 18 when on April 10<sup>th</sup>, 2017, Governor Andrew Cuomo signed the legislation (New York State of Opportunity, 2020). The New York State law split this change into two phases (New York State of Opportunity, 2020; Justice Policy Institute, 2017). For New York this stated that as of October 1<sup>st</sup>, 2018, the age of criminal responsibly would become 17 and then the age would be raised again to 18 on October 1<sup>st</sup>, 2019 (New York State of Opportunity, 2020).

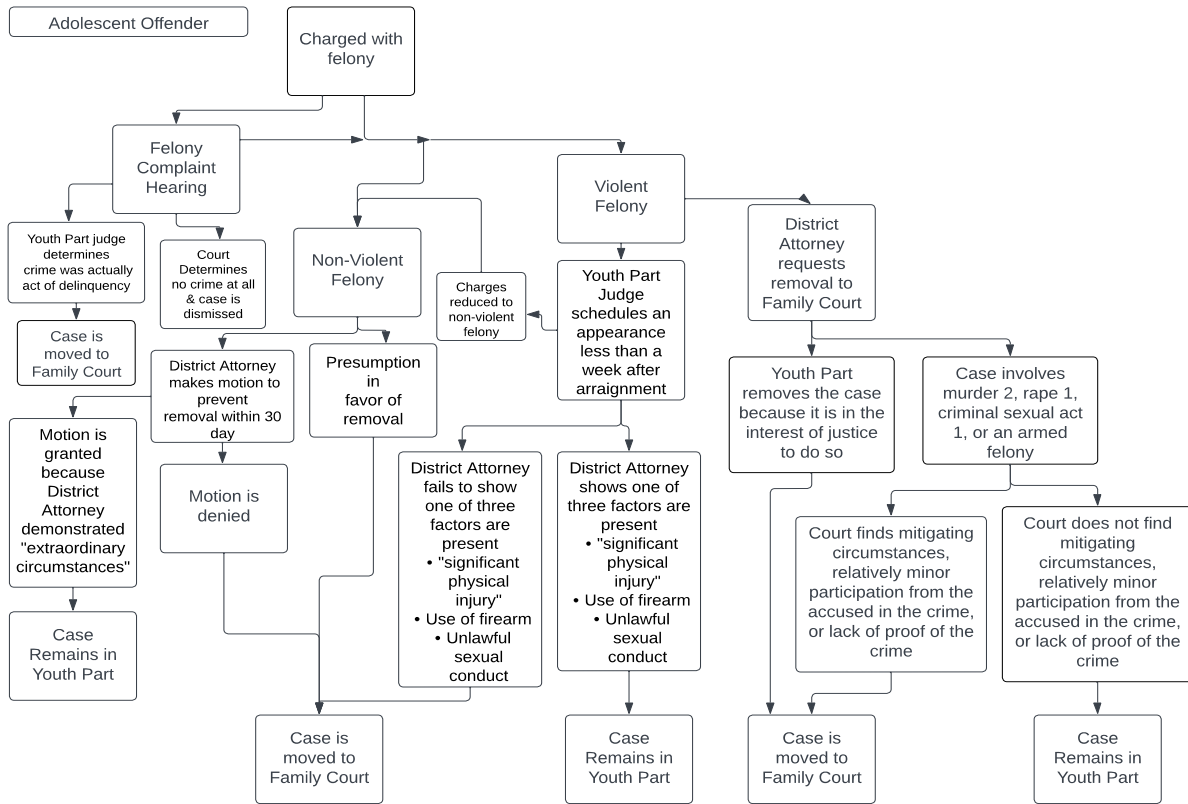
Raise the Age legislation created Youth Part, a branch of the Supreme and County Criminal Court as well as created the classification of *adolescent offender* which is a 16 or 17-year-old charged with a felony (New York State of Opportunity, 2020). A *juvenile offender* is a 13,14-, or 15-year-old that is charged with a serious violent felony (New York State of Opportunity, 2020). And lastly, a *juvenile delinquent* is a 7 through 15-year-old charged with a misdemeanor or a felony that does not meet juvenile offender requirements (New York State of Opportunity, 2020). The category of *juvenile delinquent* also includes 16 and 17-year-olds charged with misdemeanors or those charged with a felony that are removed from Youth Part (New York State of Opportunity, 2020). These classifications separate cases that will go to Youth Part and those that will be in Family Court. Youth Part was created to handle arraignments and proceedings for *adolescent offenders* and *juvenile offenders* (New York State of Opportunity, 2020). *Juvenile delinquents* are processed through family court (New York State of Opportunity, 2020).

## Removals to Family Court

The addition of Youth Part legislation also outlined a new procedure for removing cases from Youth Part to Family Court. This process encouraged removal from Youth Part through a presumptive removal process. This process is outlined in Figure 1 and Figure 2, the process is slightly different between *adolescent offenders* and *juvenile offenders* (Fink, 2017).

The *adolescent offender* process has a few main paths which first depend on whether it is a violent or non-violent felony (Fink, 2017). For a non-violent felony there is a presumption in favor of removal from Youth Part to Family Court unless the District Attorney files a motion to prevent it (Fink, 2017). In this case the District Attorney would need to show “extraordinary circumstances” under which a Judge could retain the case in Youth Part (Fink, 2017). For violent felonies if the District Attorney request removal to Family Court the case is removed unless it involves murder 2, rape 1, criminal sexual act 1, or is an armed felony (Fink, 2017). If one of those four are involved the case is only moved to Family Court if the court finds mitigating circumstances, relatively minor participation from the accused in the crime or lack of proof of the crime (Fink, 2017). If the court does not find any of these factors are present the case is retained in Youth Part (Fink, 2017). If the District Attorney does not request removal, it is their responsibility to establish the presences of one of three factors (Fink, 2017). Those three factors are “significant physical injury”, use of a firearm, or unlawful sexual conduct (Fink, 2017). If the District attorney can show the court one of these three factors is present the case remains in Youth Part; if not it is removed to Family Court (Fink, 2017).

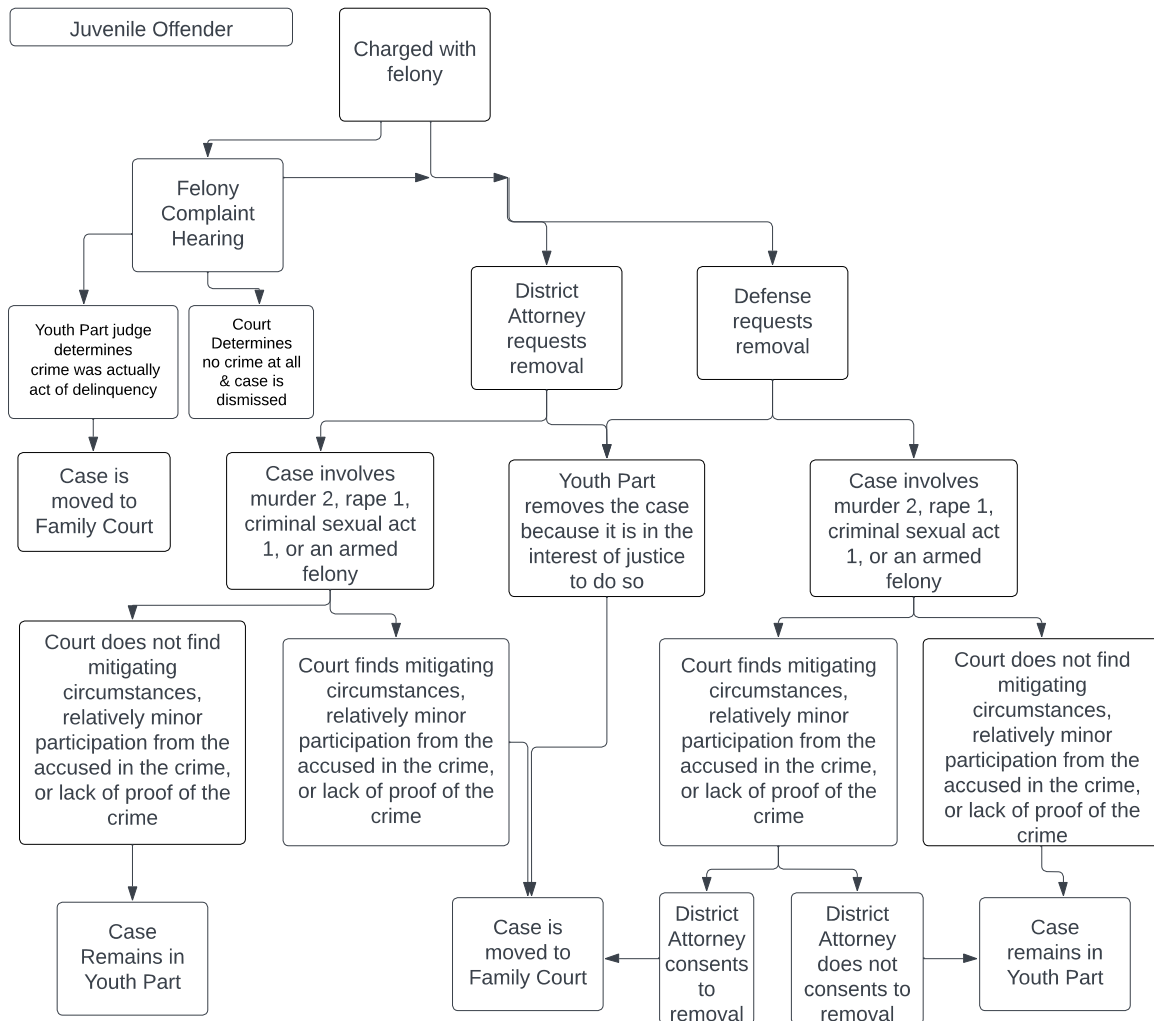
Figure 1: Adolescent Offender Processing



For *juvenile offenders* the removal process has a few less paths. Unlike the process for *adolescent offenders* during this process the Defense can file a motion for removal (Fink, 2017). If the Defense or District Attorney request removal it is granted unless the case involves one of four more serious crimes, murder 2, rape 1, criminal sexual act 1 or an armed felony (Fink, 2017). If these circumstances are present the case is only moved to family court if the court finds mitigating circumstances, relatively minor participation from the accused in the crime, or lack of proof of the crime (Fink, 2017).



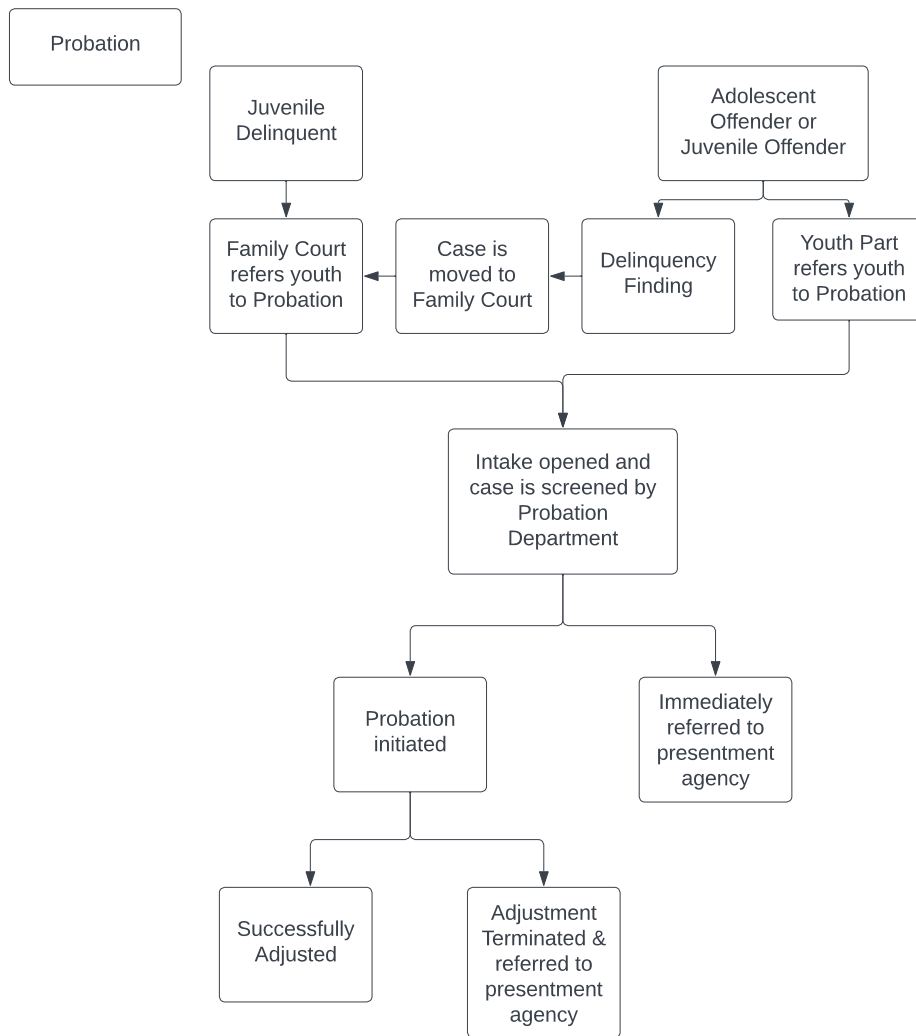
Figure 2: Juvenile Offenders Processing



Another process of removal is removing to probation intake. This process is described in Figure 3. Cases involving *adolescent offenders, juvenile offenders, or juvenile delinquents* can be adjusted by county Probation Departments when they are referred from Youth Part or Family Court (Probation Intake Data Notes). When a referral occurs the probation department screens the case (Probation Intake Data Notes). If the case is deemed suitable, probation adjustment is initiated (Probation Intake Data Notes). Probation adjustment represents a diversionary step and typically involves individual and family support services and obligations that are often similar to

traditional probation but do not technically represent a sanction of probation. If Probation determines that the case is not suitable for adjustment it is immediately referred back to the presentment agency (Probation Intake Data Notes). Once a case is initiated it can be closed either by a successful completion or termination (Probation Intake Data Notes). A successfully adjusted case is one that is resolved after a period of adjustment services (Probation Intake Data Notes). Those that were not successfully adjusted are terminated and referred to presentment agency (Probation Intake Data Notes).

Figure 3: Removal to Probation Process



## Research Questions

With the changes to court processes made by Raise the Age and the creation of Youth Part the goal of this project was to look at how counties differed in implementation. With that in mind we will look at a two key questions.

The first question is, are there differences in the way counties utilize removals to Family Court or Probation Intake? One of the main reasons for looking at county differences is to determine if population size effects counties preference or need for removals. Bigger counties may have had an influx of cases that they were not equipped to handle, or they may have more resources available than smaller counties. Additionally looking at county differences may highlight differences in viewpoints of District Attorneys or Judges. For example, it's possible that some District Attorneys were concerned about the adequacy of family court to adequately deal with *adolescent offender* or *juvenile offender* cases. Some District Attorneys may believe that probation departments are better equipped to understand and impose adequate adjustment services. These could be different causes why counties have different rates of retention, removals to Family Court or removals to Probation Intake.

The second question is, between 2019 and 2021 did counties change the way they utilized removals to Family Court or Probation Intake? This question aims to identify changes within Youth Court processes or removals since Raise the Age was implemented. Changes may identify counties struggling to adapt with new processes at first and then adapt in different ways throughout the first few years of implementation.

## Data & Methods

### *Overview*

Population data was obtained from the United States Census Bureau via the 2020 decennial Census. Each county had a listed population, the following counties were combined to create the population for New York City: Bronx, Kings, New York, Queens, and Richmond.

Youth Part data was available on the New York State Division of Criminal Justice Services (DCJS) website. Youth part activity data was reported by the state Office of Court Administration to DCJS. This data contained Juvenile Offender and Adolescent Offender arrests, arraignments, and removals for 2019, 2020, and 2021 by county. The arrests numbers in the data only accounted for *adolescent offenders* and *juvenile offenders*. Removals are divided into those removed to family court and probation intake.

Probation data was gathered from DCJS. Juvenile delinquent probation intake data showed intakes opened and closed in 2019, 2020, and 2021 by county. Intakes are opened when a case is screened by the probation department, meaning intake does not necessarily mean probation was used as a court-imposed sanction. There was data for total probation intakes open, as well as broken down between felonies, misdemeanors, and not reported. This data listed three reasons an intake would be closed; a) successfully adjusted, b) referred to presentment agency immediately, and c) returned to presentment agency after termination of probation. The data for intakes closed also had totals and breakdowns for felonies, misdemeanors, and other/ not reported.

### *Calculations*

Using the Youth Part data, percentages were calculated for percent of total arraignments removed to Family Court, percent of total arraignments removed to probation intake and percent

of total arraignment retained in Youth Part. The number for cases retained in Youth Part was calculated by adding number of cases removed to Family Court and the number of cases removed to probation intake and subtracting that by the total number of arraignments.

For the probation intake data percentages were calculated for percent of closed probation successfully adjusted, percent of closed probation immediately denied probation, and percent of closed probation that were initiated but later terminated. Additionally, a variable was created to look at the difference between percent immediately denied probation and percent initiated and then terminated. This variable was created to see if counties largely favor immediately denying probation adjustment or initially attempting probation adjustment.

We first wanted to see if there were any correlations present in the Youth Part removal data. Specifically, we were curious if county size affected the preferences of removal to Family Court or removal to probation intake. To do this each county was totaled to give three-year totals for each variable. At this point percentages were again calculated for percent of total arraignments removed to Family Court, percent of total arraignments removed to probation intake and percent of total arraignment retained in Youth Part. Then the 20 counties with their total number of arraignments being greater than 30 were selected. Those counties were Albany, Broome, Chautauqua, Dutchess, Erie, Jefferson, Monroe, Nassau, New York City, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Tompkins, and Westchester. This was to remove some of the counties which had extremely low numbers that may have skewed the data.

With these 20 counties a correlation matrix was run. This correlation matrix is Table 1. In this table the correlations between the first four variables are representative of raw numbers which explains why the correlations are so high. These relationships are simply saying that larger

population have higher numbers going through Youth Part. The three correlation we were looking more closely at are highlighted. This first is the correlation between population and percent of arraignments removed to family court. This was looked at to determine if country size was correlated with their preference of how to move cases through family court. The correlation variable is -0.1588 which is weak and was not statistically significant. The next highlighted correlation is for percent of arraignments removed to Family Court and percent of arraignments removed to probation intake. These variables had a correlation value of -0.8601 which is a strong correlation that is statistically significant. This correlation simply means that counties tend to rely on one removal mechanism: either removal to Family Court or removal to probation intake for adjustment. The last correlation highlighted on this table is percent of arraignments removed to probation intake and percent of arraignments retained to Youth Part. This had a moderate correlation of -0.3630 but was not statistically significant.

Table 1: Correlation Matrix: Counties three-year totals Youth Part removals

	1	2	3	4	5	6	7
1. Population (2020 census)	1						
2. Total Arraignments	0.98667*	1					
3. Total Removed to Family Court	0.95963*	0.95557*	1				
4. AO Removed from Youth Part to Probation Intake	0.98109*	0.99664*	0.93014*	1			
5. % Of arraignments removed to Family Court	-0.1588	-0.18421	0.03009	-0.22837	1		
6. % Of arraignments removed to Probation intake	0.16182	0.16988	-0.02790	0.22190	-0.86025*	1	
7. % Of Arraignments retained to Youth Part	-0.02285	0.00790	-0.00101	-0.01204	-0.16287	-0.36295	1

\*p< .001

Next the probation intake data was examined in a similar way. We again wanted to see if county size had an impact on probation adjustment outcomes. Again, each county was totaled to give three-year totals for each variable. The following percentages were calculated for each county: percent of closed intakes successfully adjusted, percent of closed intakes immediately denied probation, and percent of closed intakes that were attempted and then eventually terminated. Additionally, a difference variable was calculated by subtracting the percent of closed intakes that were attempted and then terminated from the percent of closed intakes immediately denied probation. This variable was created to show the strong preference many counties had for immediately denying probation. Then a correlation matrix was run for the same 20 counties which were previously listed. The correlation matrix produced is Table 2. In this

table we again see very high correlations when looking at the raw numbers. This simply reflects the fact that those counties with higher populations generate larger juvenile probation caseloads. The three correlations highlighted are the ones we focused on. The first highlighted correlation examines the relationship between county population and the percent of intakes closed that were immediately denied probation. This aimed to see if the size of the county effected its rate of immediate denials of probation adjustments of cases. This correlation variable was found to be 0.1798 which represents a weak correlation that is not statistically significant. The remaining two correlations highlighted are both related to the percent of closed probation intakes which were successfully completed. The first correlation examined the relationship between successful probation completion and the rate at which county probation departments were immediately denying probation adjustments. The second correlation examined the relationship between successful probation completion and the difference between the rate of immediate denials of adjustment and the rate of attempted probation adjustment. Both correlations show the strong negative relationship between rates of successful probation adjustments and the rates at which probation adjustments are immediately denied. This means that in counties where they have higher percentages of successful completion of probation adjustment, they are immediately denying less cases. Both of these correlations were statistically significant.



Table 2: Correlation Matrix: Counties three-year totals probation intake

	1	2	3	4	5	6	7	8	9	10	11
1. Population (2020 census)	1										
2. Probation Intakes Open	0.98380*	1									
3. Probation Intakes closed	0.98103*	0.99861*	1								
4. Successfully adjusted	0.97698*	0.98920*	0.98811*	1							
5. Returned	0.97607*	0.9957*	0.9980*	0.97668*	1						
6. Immediately	0.97318*	0.99394*	0.99613*	0.97123*	0.99948*	1					
7. Adjustment Terminated	0.92397*	0.92776*	0.93225*	0.95641*	0.91625*	0.90286*	1				
8. % Successful Probation Completion	-0.20337	-0.21460	-0.22574	-0.09972	-0.27502	-0.28712	-0.0998	1			
9. % Immediately denied probation	0.17978	0.20394	0.21101	0.07487	0.26447	0.28411	-0.00346	-0.95550*	1		
10. % Attempted but terminated	-0.02340	-0.07005	-0.06247	0.03083	-0.09965	-0.12951	0.28042	0.34284	-0.60470*	1	
11. Difference between % Immediately and % Attempted	0.15390	0.18582	0.18968	0.05362	0.24325	0.2671	-0.07526	-0.87438*	0.97861*	-0.75560*	1

\*p< .001

Next the data were used to look at changes in time across the counties. The Youth Part data for 2019 and 2021 were compiled and percent changes were calculated for the following variables: arraignment, removals to Family Court, removals to probation intake, and retained in Youth Part. Then the same 20 counties as used previously were selected. In addition, a category was added that contained all the remaining counties in the data set. The 21 categories of Youth Part data are represented in Table 3. This table contains percent change in removals to Family

Court, and the data is sorted by the percent change in removals to probation intake column. From this it is shown that six of the 21 county categories experienced a decrease in removals to probation intake between 2019 and 2021.

Table 3: New York State Youth Part Removals 2019- 2021

County	Population (2020 census)	% Change removals to Family Court	% Change removals to Probation Intake
Rockland	338,329	-60.00	900.00
Oneida	232,125	136.36	216.67
Saratoga	235,509	500.00	180.00
Schenectady	158,061	-40.00	125.00
Monroe	759,443	0.00	102.27
Tompkins	105,740	-16.67	100.00
Dutchess	295,911	-33.33	100.00
Westchester	1,004,457	-61.11	80.95
Suffolk	1,525,920	-47.62	59.26
Broome	198,683	-100.00	55.56
All other counties	2,382,023	8.33	17.02
Albany	314,848	11.54	15.38
Nassau	1,395,774	43.14	10.00
Niagara	212,666	85.71	0.00
Chautauqua	127,657	25.00	0.00
New York City	8,804,190	76.21	-5.37
Onondaga	476,516	-50.00	-6.74
Orange	401,310	90.00	-28.57
Erie	954,236	61.19	-42.86
Rensselaer	161,130	280.00	-66.67
Jefferson	116,721	0.00	-75.00

Lastly, probation intake data from 2019 and 2021 was compared to see changes over the three-year period. With the data combined percent change calculations were computed for the following variables; probation intakes open, probation intakes closed, successfully adjusted, referred to presentment agency, immediately referred back, and terminated. For this data the same 20 counties were used, with the addition of a category represented all other counties. These

21 counties of probation intake data are shown in Table 4. The table displays and is sorted by the percent change in cases immediately denied probation. This shows that six of the 21 counties increased the number of probation cases denied, but the majority decreased.

Table 4: New York State Probation Intake Immediately Denied 2019-2021

County	Population (2020 census)	% Change Immediately Denied Probation
Rockland	338,329	91.30
Schenectady	158,061	58.33
Monroe	759,443	50.55
Rensselaer	161,130	11.59
Saratoga	235,509	7.46
Westchester	1,004,457	5.35
Oneida	232,125	-1.57
Tompkins	105,740	-13.64
Suffolk	1,525,920	-13.76
Erie	954,236	-16.87
All other counties	2,382,023	-17.13
Niagara	212,666	-21.57
Broome	198,683	-27.10
New York City	8,804,190	-41.85
Jefferson	116,721	-47.95
Dutchess	295,911	-48.72
Onondaga	476,516	-50.07
Orange	401,310	-66.42
Albany	314,848	-70.83
Chautauqua	127,657	-73.75
Nassau	1,395,774	-76.43

## Conclusion

Overall, the data correlation data in this project did not find any relationship with population size. Most combinations that result in high correlation could be explained intuitively. The data looking at change over time did reveal some interesting patterns. Within the Youth Part data, we saw many counties increase removals to probation intake. And the in the probation

intake data we see that the number of cases being immediately denied was largely decreased. These statements seem to contradict each other however it is possible that initially probation departments did not have the resources for the changes in operations caused by Raise the Age. But as time goes by probation department may have been able to increase resources and therefore were able to begin denying less cases. In order to determine if this was a possibility more extensive research would be necessary looking within probation departments.

### *Challenges and Limitations*

One of the key challenges in the research project was finding and understanding data. Data to fully illustrate the process created by Raise the Age was not available. For example, it would have been helpful to have data looking at arrest data for *juvenile delinquents*. There was additional arrest data available however it did not have the data broken down by classification and New York City does not report that arrest data. Additionally, data on Family Court processes would have been helpful in creating a clearer picture of how cases are being processed through the system. Because pieces of the process were missing from the data it was also difficult to fill those gaps when describing certain processes. The data notes for the probation data were difficult to decipher and it took significant time to understand the numbers.

A major limitation of this project was the ability to explain the variability present across different counties. This would require more in-depth qualitative research which was not within the scope of this project.

### *Future Research*

Qualitative research would be the next step for looking deeper into why counties may be utilizing Youth Part processes or probation differently. To look at Youth Part more closely it would be valuable to interview District Attorneys or Judges. These parties have significant

control over Youth Court processes and would likely be able to decipher why their county may favor removal to Family Court or probation.

Additionally looking closer at probation department could give incite as to why many counties have high rates of immediately denying probation. We saw this in the overall state data as well. Those who screen cases for the probation department would likely be able to describe this process in denials and point to possible reasons for immediate denials of probation.

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Probation Intake Data Notes, New York State Division of Criminal Justice Services

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