



Bernard F. and Alva B. Gimbel Foundation, Inc. Stephen & May Cavin Leeman Foundation



Sills Family Foundation



March 5, 2015

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Senator Dean Skelos
New York State Senate Majority Leader
55 Front Street
Rockville Centre, NY 11570

Assemblymember Carl Heastie
New York State Assembly Speaker
1446 East Gun Hill Road
Bronx, NY 10469

Dear Governor Cuomo, Senate Majority Leader Skelos and Assembly Speaker Heastie:

We are writing as funders with over 100 of years of collective experience on juvenile justice issues.

We have seen many states grappling with the question of how to deal most effectively with juvenile crime. Almost all of them have come to the same conclusion – adolescents are children, and prosecuting and placing them in the adult criminal justice system doesn't work for them and doesn't work for public safety. In fact, only New York and North Carolina put 16- and 17-year-olds through the adult criminal justice system, no matter the charge.

What the data, and the experience of other states, tells us is that this doesn't make our communities safer. Instead, children who go through the adult system are more likely to reoffend and less likely to go on to a productive life – making us less safe and ruining lives in the process.

Last year, Governor Cuomo created a Commission on Youth, Public Safety & Justice, made up of law enforcement, social service and criminal justice experts. Earlier this year, they suggested reforms that would turn New York into a leader in keeping our communities safe. The proposals would:

- Raise the overall age of juvenile jurisdiction to 18, consistent with other states.
- Raise the lower age of juvenile delinquency from age 7 to age 12 (except for homicide offenses, which should be raised to 10);

- Ensure no youth 16 or 17 years old are placed in adult facilities. Youth placed as soon as December 2015 can begin to be placed in facilities run by the New York State Office of Children and Family Services;
- Move the majority of cases for 16 and 17 year olds to Family Court and create a new Youth Part in the adult system for youth who allegedly committed more violent crimes;
- Expand services, including alternatives to detention and incarceration, to keep youth in their communities and not locked up;
- Increase the age for youthful offender protections for youth up to 21 and broaden eligible crimes to better address the collateral consequences of court involvement and help youth become more successful adults.

You can read a more detailed outline of the proposed reforms in the Commission's [Summary of Recommendations for Juvenile Justice Reform in New York State](#).

Nearly 35,000 16 and 17-year olds were arrested and faced the possibility of prosecution as adults in criminal court in New York in 2013 – the vast majority are for minor crimes (74% are misdemeanors).

More than 650 children ages 13 to 15 years old were prosecuted in adult criminal courts in New York in 2013, seriously diminishing their life prospects before they've even entered high school.

Over 70% of the children and youth arrested are black or Latino. Of those sentenced to incarceration, 80% are black and Latino.

Studies have found that young people transferred to the adult criminal justice system have approximately 34% more re-arrests for felony crimes than youth retained in the youth justice system.¹ Around 80% of youth released from adult prisons reoffend, often going on to commit more serious crimes.²

Studies have also shown that youth in adult prison are twice as likely to report being beaten by staff, and 50% more likely to be attacked with a weapon than children placed in youth facilities.³ Youth in adult prisons face the highest risk of sexual assault.⁴

These statistics can and must be turned around. Embracing the recommendations of the Commission is an important step toward making New York a leader in justice reform.

¹ Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: Report on Recommendations of the Task Force on Community Preventive Services, Centers for Disease Control and Prevention, November 30, 2007. <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5609a1.htm>.

² National Campaign to Reform State Juvenile Justice Systems. The Fourth Wave: Juvenile Justice Reforms for the Twenty-First Century; p. 20. Retrieved from: <http://www.publicinterestprojects.org/wp-content/uploads/2012/11/II-Whitepaper-Design-Full-Final.pdf>.

³ Fagen, J., Forst, M. Vivona, T.S. "Youth in Prisons and Training Schools: Perceptions and Consequences of the Treatment-Custody Dichotomy," Juvenile and Family Court Journal, No. 2, 1989.

⁴ National Prison Rape Elimination Commission, Report 18, June 2009. <https://www.ncjrs.gov/pdffiles1/226680.pdf>.

We would welcome the opportunity to sit down with you to share what we have learned from our work in this area.

Sincerely,

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