

How Long Is Temporary?

New York's Movement to Raise the Age

By Matthew A. Goodman, former coordinator, New York Juvenile Justice Initiative

New York State is one of two states in the nation (the other is North Carolina) that prosecutes all teenagers starting at age 16, and some 13 to 15-year-olds, in adult criminal court.

Historical Background

In 1824, New York legislators established the age of criminal responsibility at fifteen.¹ They reaffirmed this decision in 1905 and 1909. By 1940, all but three states (New York, North Carolina and Connecticut) had “raised” the age of juvenile court jurisdiction. The majority of these states raised it to age eighteen. New York’s legislators and government leaders re-visited the issue at the 1961 State Constitutional Convention. At this convention they established the Family Court, but “maintained the age restriction as a ‘temporary’ measure pending a promised legislative initiative. The ‘temporary’ compromise has remained in effect for” 51 years.²

Under New York law, once children reach their 16th birthday, they are considered criminally responsible for their actions. Therefore, all 16- and 17-year-olds, regardless of the offense they are charged with, are arrested and prosecuted as adults. This also means that 16- and 17-year-olds are housed in New York’s adult jails and prisons.

New York also prosecutes children as young as 13, charged with certain serious offenses (called “juvenile offenses”), as adults. 13-, 14- and 15-year-olds charged with juvenile offenses can end up with adult criminal records. If detained and incarcerated, they are initially held in youth facilities and first become eligible for transfer to adult facilities at age 16 (although they may remain in youth facilities until age 21 depending on various factors).

Research Findings

Scientific research has proven that adolescents, even older adolescents, are biologically different than adults. Their brains are not fully mature, and their ability to make reasonable, practical and critical decisions has yet to be fully realized. They have difficulty with cause and effect relationships, risk and consequence, impulse control, and resisting peer pressure. Studies from the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice highlight that intellectual ability tends to increase dramatically between ages 12 and 18. In addition, the studies found that psycho-social

¹ For a history of New York’s Family Court, See Sobie, Merril. *The Family Court: A Historical Survey*, 1988. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1510336

² Sobie, Merril. “Pity the Child: The Age of Delinquency in New York.” *Pace Law Review*. Volume 30, Issue 3, Spring 2010.

maturity—the skills needed to navigate different situations and environments appropriately—does not develop until the 18 to 21 age range, and increases slowly through age 25. The researchers concluded that adolescents are responsible for their behavior, but not as responsible as adults.³

The United States Supreme Court has recognized the validity of the science of adolescent brain development and supports differentiating penalties for juveniles who commit serious crimes. For example, in *Roper v Simmons* (2005), the Supreme Court outlawed the death penalty for crimes committed by persons under 18; and in 2010, the *Graham vs. Florida* decision outlawed life without parole for juveniles in non-homicide cases.

In addition, extensive social scientific studies have found that the threat of adult criminal sanctions does not reduce serious juvenile crime. Published in 1988 in *Law & Society Review*, criminologists Simon Singer and David McDowell published “Criminalizing Delinquency: The Deterrent Effects of the New York Juvenile Offender Law.” Singer and McDowell evaluated the effect of New York's Juvenile Offender Law⁴ on the rate of serious juvenile crime. Singer and McDowell analyzed juvenile arrest rates in New York for four years prior to the enactment of the law and six years after. These rates were compared with those for control groups of thirteen and fourteen-year-olds in Philadelphia, and with slightly older offenders in New York. Singer and McDowell found no evidence that harsh laws had a constructive effect on juvenile offenders.

In January 1994, social scientists Eric Jensen and Linda Metsger’s “Test of the Deterrent Effect of Legislative Waiver on Violent Juvenile Crime,” published in *Crime and Delinquency* reached a similar conclusion. Jensen and Metsger evaluated the deterrent effect of a statute passed in Idaho in 1981 that required that juveniles charged with serious crimes such as murder, attempted murder, robbery, and rape, be tried as adults. They examined arrest rates for five years before and five years after the passage of the law, and found no evidence that it had any deterrent effect on the level of juvenile crime in Idaho.⁵

Social scientific research has also consistently found that prosecuting youth as adults increases crime and violence in the future and is counter-productive as a crime-prevention strategy. For example, an independent, nonfederal Task Force on Community Preventive Services conducted a review of published scientific evidence concerning the effectiveness of laws and policies that facilitate the transfer of juveniles to the adult criminal justice system. The review and resulting report found that transfer to the adult criminal justice system typically *increases* rather than decreases rates of violence among transferred youth and recommends against laws or policies facilitating the transfer of juveniles to the

³ *Brushes with the Law: Young New Yorkers and the Criminal Justice System*. Child Welfare Watch. Volume 22. Winter 2012/2013.

⁴ Passed in 1978, New York’s Juvenile Offender Law lowered the age of criminal court jurisdiction to thirteen for murder, and to fourteen for rape, robbery, assault, and violent categories of burglary.

⁵ <http://www.pbs.org/wgbh/pages/frontline/shows/juvenile/stats/kidlikeadults.html>

adult criminal justice system for the purpose of reducing violence.⁶ The Task Force found that “the overall median effect size was a 34% relative increase in subsequent violent or general crime for transferred juveniles compared with retained juveniles” (those prosecuted in juvenile courts).⁷

A study of similar New York and New Jersey youth charged with felonies where the New York youth were prosecuted in adult court and the New Jersey youth were prosecuted in juvenile court, found that New York’s youth were 100% more likely to be rearrested for a violent offense and 47% more likely to be arrested for a property offense than New Jersey’s youth. The New York youth were also arrested more frequently and were significantly more likely to be reincarcerated.⁸

Lastly, in a bulletin issued by the federal Office of Juvenile Justice and Delinquency Prevention, Richard Redding reviews multiple research studies, concluding that transferring youth to adult court has the unintended consequence of increasing recidivism, particularly for violent offenders and thus promoting life-course criminality, while likely having little deterrent effect on young people who have not yet committed crimes.⁹

The Current Landscape

On September 21, 2011, Judge Jonathan Lippman, Chief Judge of the State of New York and Chief Judge of the Court of Appeals, gave a speech at the New York Citizens Crime Commission, in which he focused on New York’s low age of criminal responsibility and asked: “How is it that New York, which has always been the progressive leader in the country, finds itself so out of step with national norms?”¹⁰

Chief Judge Lippman asked the New York State Sentencing Commission¹¹, co-chaired by New York County District Attorney Cyrus R. Vance, Jr. and Judge Barry Kamins (Administrative Judge of the New York City Criminal Court and for Criminal Matters in the Second Judicial District), to recommend an approach to raising the age. In his *State of the Judiciary* in February 2012, the Chief Judge reported that the Commission concluded that “simply moving the tens of

⁶ McGowan, Angela et al. “Effects on Violence of Laws and Policies Facilitating the Transfer of Juveniles from the Juvenile Justice System to the Adult Justice System: A Systematic Review.” *Department of Health and Human Services, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report*, November 30, 2007, Vol. 56, No. RR-9.

⁷ *Ibid.*

⁸ Office of Juvenile Justice and Delinquency Prevention and Richard E. Redding. “Juvenile Transfer Laws: An Effective Deterrent to Delinquency?” June 2001. Citing Jeffrey Fagan, Aaron Kupchick and Avika Liberman, “Be careful what you wish for: The comparative impacts of juvenile versus criminal court sanctions on recidivism among adolescent felony offenders”

<https://www.ncjrs.gov/pdffiles1/ojdp/220595.pdf>

⁹ *Ibid.*

¹⁰ Comments of Chief Judge Lippman, Citizen’s Crime Commission, September 21, 2011,

<http://www.nycrimecommission.org/pdfs/Lippman110921.pdf>

¹¹ The NYS Sentencing Commission is a panel of representatives from the criminal justice community, including criminal defense attorneys, judges, policymakers, academics and victim advocates. It serves in an advisory capacity to the Chief Judge and is charged with comprehensively evaluating sentencing laws and practices and recommending reforms that will improve the quality and effectiveness of statewide sentencing policy.

thousands of cases each year in which 16- and 17-year-olds are charged with criminal conduct to the already overburdened Family Court would be costly and impractical, yet leaving these cases in the adult criminal courts would be counter-productive and unacceptable.”¹²

In his State of the Judiciary, Chief Judge Lippman also described the model Adolescent Diversion Parts piloted by the New York State Court System in partnership with the Center for Court Innovation. The courts have operated since January 2012 in Buffalo, Syracuse, Nassau County, Westchester County and five boroughs of New York City and take into account the age and circumstance of the defendant, emphasizing accountability, treatment and supervision in crafting outcomes. Based on this model, a new type of “youth court” was proposed to be established in the superior courts — Supreme Court within New York City and County Court outside New York City. These new youth courts would offer the kinds of alternative options only available in Family Court: an adjustment process would be utilized and youth would be placed under probation supervision. If a case were not adjusted, a specially trained judge would handle the case and if a guilty verdict resulted, Family Court protocols would then apply.

As Chief Judge Lippman noted:

“This approach puts first and foremost an emphasis on rehabilitation for adolescents, rather than incarceration. The present punitive approach turns children into hardened criminals and must be changed if we are to ensure a meaningful future for kids who find themselves in the throes of the justice system. Our children deserve nothing less, and there is across the political spectrum a growing consensus that now is the time to rethink juvenile justice in our state to improve the lives of adolescents who deserve a chance to be useful members of our society.”¹³

The proposed “Youth Court Act” (initially introduced in the 2012 legislative session but which did not pass) would have given teens accused of non-violent offenses greater access to service-based alternatives currently only available to juveniles, but Chief Judge Lippman’s proposal did not raise the age of criminal responsibility for *all* youth under 18 years of age. For 16- and 17-year-olds charged with violent crimes, the current system would apply. According to Justine Olderman, a managing attorney at The Bronx Defenders, these youth represent the real tragedy of the political decision to punish young people as adults. The bill also would have done nothing for the 13-, 14-, and 15-year-olds charged with juvenile offenses in adult court.

Former Judge Michael Corriero and the New York Center for Juvenile Justice (NYCJJ) and others viewed the proposal as a promising preliminary step in a positive direction. However, several juvenile justice advocates such as Kyung-Ji Kate Rhee, Director Institute for Juvenile Justice Reform & Alternatives at the

¹² Chief Judge Jonathan Lippman. *The State of the Judiciary 2012*, page 3. <http://www.nycourts.gov/admin/stateofjudiciary/SOJ-2012.pdf>

¹³ *Ibid*, page 5.

Center for NuLeadership on Urban Solutions (IJJRA), were not satisfied with the proposed legislation. In a phone conversation, Rhee explained, “Lippman announced his raise the age bill citing the support of the raise the age community, but his proposal is far from what advocates in the community have called for. In fact, his bill outlined things that we highlighted as things to avoid, such as targeting low-level crime which only and simply shuffles youth from one system to another without looking at whether they should be in the system in the first place. The fact of the matter is that the 16-17 year olds whom Lippman “selects,” namely the youth who are charged with misdemeanors, are those who will benefit least from his bill as they currently *do not* end up with criminal records.”

Rhee stated that that IJJRA had first taken up the issue of raising the age of criminal responsibility in 2009. She explained that key steps of any effort should include a Task Force bill for comprehensive juvenile justice reform to ensure that as the age of criminal liability is raised, the juvenile justice system is appropriately aligned and prepared to divert and service the youth. Additionally, Rhee stressed the importance of community involvement and capacity building in implementing an outcome-based community system partnership. This system could offer an expanded continuum of options to ensure successful diversion to intervention. As for moving the needle on youth charged with violent offenses, in addition to citing research findings regarding worse outcomes for youth in the adult criminal justice system, Rhee stated the importance of locating strategic leadership development in the community for social and political levers in building a movement for youth justice: “We believed it should be clergy, creating a moral front. No one wants to take on the issue of violent youth, and as we look to coach up champions, credible messengers and ambassadors to bridge political divides and create appropriate messaging, it is the clergy that can really step up to the plate. Much more can be done.”

David Bookstaver, a spokesperson for the Office of Court Administration, which had drafted Chief Judge Lippman’s proposal as legislation, described the decision to exclude violent felony cases as a strategic choice. “The reality is that we were looking for broad consensus and support as we were drafting this legislation. And the most effective way to garner support is to develop a bill that is likely to succeed. Right now we think the best way to do that is to address the issue of nonviolent offenses.”¹⁴

According to the article “Left Out by Reform,” by Alec Hamilton, in Child Welfare Watch Vol. 22, part of the political difficulty of putting forth legislation that includes 16- and 17-year-olds accused of violent crimes stems from misconceptions about the actions that can bring about a violent felony charge. Opponents to raise the age efforts often assume that a violent felony charge automatically means a crime such as murder or rape, when in fact violent felony

¹⁴ Hamilton, Alec. “Left Out by Reform.” In *Brushes with the Law: Young New Yorkers and the Criminal Justice System*. Child Welfare Watch. Volume 22. Winter 2012/2013. Page 22.
<http://blogs.newschool.edu/child-welfare-nyc/files/2012/12/CCW-vol22-digital-2a.pdf>

charges can also stem from incidents such as a simple afterschool fight. Under New York's sentencing scheme, youth can be charged with violent felonies for relatively minor acts such as two kids ganging up to take another kid's coat. "People think of these kids as being a danger to society," says Olderman, "but the reality is that the legislative definition of violent crime is so broad that it scoops up a lot of kids who aren't a threat to anyone."¹⁵

Other Recent Bills

In May 2012, Assembly member Joseph Lentol (D-Williamsburgh/Greenpoint) also introduced raise the age legislation. His bill (A9424) would have raised the age of criminal responsibility to 18 for all but those accused of the most serious offenses, sending them directly through Family Court and the juvenile justice system. The same bill was sponsored in the Senate (S7020) by Velmanette Montgomery (D-Bedford-Stuyvesant/Fort Greene).

Chief Judge Lippman's bill was reintroduced with modifications in the 2013 session. The 2013 proposal (S4489/same as A7553) was sponsored by Michael Nozzolio (Republican, 54th District, Chairman of the Senate Crime Victims, Crime and Correction Committee) in the Senate and Joseph Lentol (D-Williamsburgh/Greenpoint) in the Assembly. It was, in some ways, even less ambitious than the 2012 bill and again failed to pass in 2013.

Lentol's second bill "represents what I believe is real reform of our criminal justice system in dealing with juvenile offenders," said Lentol in May 2012, "It doesn't appear that the Senate is willing to go as far as my legislation goes. The Chief Judge's bill attempts to address concerns expressed by opponents [of the raise-the-age bill]."¹⁶

Despite all of the evidence in support of raising the age of criminal responsibility, efforts to raise the age face significant challenges. According to vocal advocate Judge Corriero of NYCJJ, the movement still has "...many stakeholders to persuade if any legislative change is to be made, including district attorneys, legislators, unions, civil servants, prosecutors and New York's vast media network."¹⁷

Rhee noted that an additional obstacle is that "raise the age legislation is focused on technocratic aspects without addressing some of the underlying issues." One such issue is Family Court's overwhelming racial and ethnic disparities. The NYC juvenile justice system is populated almost exclusively by youth of color, many of whom come from under-resourced and marginalized communities. For example, roughly 88 percent of the youth arrested in NYC are either Black or Latino; and these youth constitute an even larger share of the juvenile justice population at

¹⁵ Hamilton, Alec. "Left Out by Reform." <http://blogs.newschool.edu/child-welfare-nyc/files/2012/12/CCW-vol22-digital-2a.pdf>

¹⁶ Hamilton, Alec. "Action in the Legislature on Raise the Age." *Child Welfare Watch*. May 23, 2012. <http://blogs.newschool.edu/child-welfare-nyc/2012/05/youth-court-legislation/>

¹⁷ Phone interview with author Matthew Goodman, April 2013.

later stages of case processing: 91 percent of youth entering detention; 90 percent of youth placed with private agencies; and 97 percent of youth entering OCFS - operated facilities."¹⁸

To ensure meaningful and lasting success, raise the age efforts require careful thought and planning. In an email correspondence in the spring of 2013, Katayoon Majd, Program Officer for Juvenile Justice at the Public Welfare Fund, advised:

“As New York moves toward raising the age of juvenile court jurisdiction, it will be important that sufficient time and planning is put towards the effort so it is done thoughtfully and effectively. It will also be important to attend to the interplay between juvenile justice reforms, like Close to Home, and Raise the Age. As the juvenile justice system is being reformed, it will be important to simultaneously plan for Raise the Age to ensure that the juvenile justice system has the capacity to effectively work with older youth.”

For leaders in the youth justice community such as Rhee and Gabrielle Horowitz-Prisco, Director of the Juvenile Justice Project at The Correctional Association of NY (CA), and Angelo Pinto, Campaign Manager for the Raise the Age Campaign at CA, Raise the Age efforts have the most chance of durable success if they are coupled with more comprehensive reform of the youth justice system including reducing the numbers of youth who enter the system, raising the *bottom* age of criminal responsibility (for example youth as young as 7 are currently eligible for arrest and Family Court prosecution), and expanding community-based rehabilitative services and programs. In addition to their individual organizational work, Rhee, Pinto and Horowitz-Prisco are all members of the Take Back Our Children Alliance (T-BOCA), a statewide alliance of community-based organizations, advocates, lawyers, parents and people impacted by the justice system supporting long-overdue comprehensive youth justice reform in New York State. Alliance Steering Committee members currently include: Center for Community Alternatives; Center for NuLeadership on Urban Solutions; Children’s Defense Fund-NY; Community Connections for Youth; Correctional Association of New York; and Youth Represent. In addition to meeting with policymakers, the Alliance has drafted key components of model legislation that would empanel a proposed Task Force to design a plan to not only raise New York’s age of criminal responsibility but reform critical components of the youth justice system.

In a phone conversation with the author, Gabrielle Horowitz-Prisco and Angelo Pinto highlighted that in order to achieve substantive, lasting reforms capable of outliving a particular administration, the movement to raise the age must bridge the divide between those with political power and those with community capital; it is critical to increase public awareness about issues such as what 16- and 17-year-olds actually experience in adult jails and prisons.

¹⁸http://www.ocfs.state.ny.us/main/detention_reform/NYC/nyc%20acs%20ANNUAL%20PLAN%20Supver%20Treatmt%20Svcs%20for%20Juveniles%20Pgm.pdf

In a follow-up communication, Horowitz-Prisco shared that children in adult jails and prisons nationwide face very high rates of sexual assault and rape, physical assault, and attacks with weapons.¹⁹ She also reported that children in New York's adult jails and prisons are often placed in solitary confinement where they are generally fed through a slot in their cell door; do not leave their cells to attend school, programs, or activities; and are allowed only one hour of "recreation." Solitary confinement has been demonstrated to cause long-term psychological trauma and damage, and children in solitary confinement are at increased suicide risk.

In a follow up email Pinto cited *Growing Up Locked Down*, a report by Human Rights Watch and the ACLU which reports that 14.4 percent of adolescents between the ages of 16 and 18 in NYC corrections spend part of their pre-trial detention in solitary confinement and the average period of punitive solitary confinement is 43.1 days.²⁰ Horowitz-Prisco additionally shared that 16- and 17-year-olds in New York State's adult prison system (post-trial) are often placed in solitary confinement, and that average lengths of stay in solitary confinement in New York's adult prisons may exceed the statistics for the City's adult jails. According to the New York Civil Liberty Union's report *Boxed In: The True Cost of Extreme Isolation in New York's Prisons*, the average length of stay for an individual (including children) in solitary confinement in a New York State prison is roughly five months.²¹ Many individuals serve even longer solitary sentences, including for years.

Pinto added that he believes many New Yorkers are unaware of the realities of prosecuting children as adults, including that the practice has repeatedly been proven to harm public safety by increasing violence and crime in the future. He also believes that a critical momentum to raise the age and bring New York in line with the rest of the country is building by the week. He stated "as the Correctional Association holds 'raise the age' community education events around New York State, we are repeatedly struck by the receptivity and passion for change we encounter in participants ranging from high school students to college professors to parents whose children are in the adult criminal justice system."

In an email correspondence with Yuval Sheer deputy director of NYCJJ, Sheer explained that the raise the age movement is built around "judging children as children." Sheer went on to explain, "I think Judge Corriero put it best in a recent interview. He said that youth in our state 'need to be seen and treated, not

¹⁹ For more information, see Horowitz-Prisco, Gabrielle. "Treating Youth like Youth: Why It's Time to 'Raise the Age' in New York." 2013. http://www.correctionalassociation.org/wp-content/uploads/2013/07/CANY_Raise-the-Age-in-brief_July-2013_FINAL.pdf

²⁰ Kysel, Ian, Human Rights Watch and The American Civil Liberties Union. *Growing Up Locked Down: Youth in Solitary Confinement in Jails and Prisons Across the United States*. October 2012. <http://www.hrw.org/sites/default/files/reports/us1012ForUpload.pdf>; <http://www.hrw.org/features/growing-up-locked-down>

²¹ http://www.nyclu.org/files/publications/nyclu_boxedin_FINAL.pdf

according to an ill-conceived adult criminal standard, but rather, precisely for who they are: New York’s children.”

Rhee states that raise the age legislation must go farther: “We have some solid pillars we can point to, pull on, and push achievements with. We have landmark achievements. Let’s go further and deeper (with raise the age legislation). Being smart on crime and safety is reclaiming safety for all children and their well-being.”

Back in early spring of 2013, Roderick Jenkins, Program Director at New York Community Trust, was asked if 2013 might be the year New York finally raises the age of criminal responsibility. At the time he said, “Everyone wants it to happen-- the Chief Judge, legislators, and people on the ground in the communities.” But he added that there is not yet full consensus as to the best approach.

Since May 2013, momentum in New York has grown considerably. July 2013 saw the launch of *Raise the Age NY*, a “campaign that includes national and local advocates, youth, parents, law enforcement and legal representative groups, faith leaders, and unions that have come together to increase public awareness of the need for to implement a comprehensive approach to raise the age of criminal responsibility in NYS so that the legal process responds to all children as children and services and placement options better meet the rehabilitative needs of all children and youth.”²²

According to the group’s website, lead members currently include: Center for Community Alternatives; Citizens’ Committee for Children of New York; Correctional Association of New York; Families Together in NYS; Federation of Protestant Welfare Agencies; NAACP; Schuyler Center for Analysis and Advocacy; Children’s Defense Fund – New York; Westchester Children’s Association; and Youth Represent.²³ The campaign is endorsed by a range of diverse organizations including 1199 SEIU United Healthcare Workers East; the Legal Aid Society; Bronx Clergy Roundtable; Dignity in Schools Campaign-New York and many others.²⁴ *Raise the Age NY* defines itself as a “public awareness campaign,”²⁵ and has not currently taken any public positions on any particular piece of legislation or approach to raising the age. Instead, the educational effort is focused on drawing widespread attention to the issue of raising the age for all youth. The group’s first press event, held on July 11, 2013 in downtown Manhattan, resulted in significant positive media attention, including coverage by *New York Times*, the Associated Press and a host of other print outlets. It also received radio, local television news, and blog coverage.²⁶

²² Raise the Age New York website: <http://raisetheageny.com/about-us>

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ <http://raisetheageny.com/newitem>

Momentum is also the result of consistent on-the-ground community organizing and public speaking efforts led by organizations such as the NYCJJ, the CA and IJRA, all of which have been underway for several years, but gaining significant traction in the past two years.

NYCJJ has held multiple Raise the Age Forums across New York state. The events have featured former Judge Michael Corriero, along with community partners and young people impacted by the current law. Educational events have been conducted with family service groups such as Forestdale and Children's Village and churches such as the New Jerusalem Baptist Church of Jamaica, Queens.²⁷

NYCJJ created the Juvenile Justice Academy, where college students research and write about youth tried as adults. NYCJJ also supported successful efforts to pass reforms to the Safe Harbor Act which "protects 16- and 17- year-old youth accused of prostitution from criminalization and provide(s) them with specialized services."²⁸ Judge Corriero has spoken at multiple events focused on raise the age issues, including college,²⁹ law,³⁰ and medical students,³¹ to detained youth,³² and delivering an address at an all-day Raise the Age symposium hosted by Cardozo Law School.³³ The Cardozo conference also featured a keynote by Chief Judge Jonathan Lippman. Judge Lippman has publicly commended Judge Corriero for his work on these issues, soliciting his input when Office of Court Administration was drafting their proposal.³⁴

The Correctional Association's "Raise the Age Campaign" has been engaged in grassroots community organizing with families, community members and faith-based leaders. Along with Harry and Gina Belafonte, the National Black Theater in Harlem and the Center for NuLeadership on Urban Solutions, the CA supported Bryonn Bain's one-man show "Lyrics from Lockdown" highlighting youth and criminal justice issues.³⁵ NYJJI also supported this event, helping to bring justice-involved youth to the performances. The CA has held multiple Raise the Age "talk-backs" and a community "town hall" meeting featuring youth and family members along with celebrities and notable community figures such

²⁷ <http://www.nycjj.org/queens-community-members-discuss-raising-the-age-of-criminal-responsibility/>

²⁸ <http://www.nycjj.org/legislature-passes-safe-harbor-provision-for-16-and-17-year-olds/>

²⁹ <http://www.nycjj.org/students-at-suny-new-paltz-organize-raise-the-age-forum/>

³⁰ <http://www.nycjj.org/fordham-law-students-organize-raise-the-age-keep-children-out-of-the-adult-criminal-system-panel/>

³¹ <http://www.nycjj.org/new-yorks-age-of-criminal-responsibility-discussed-with-medical-residents/>

³² <http://www.nycjj.org/nycjj-meets-with-residents-at-horizon-juvenile-detention-facility/>

³³ <http://www.nycjj.org/cardozo-law-school-to-host-raise-the-age-symposium/>

³⁴ Comments of Judge Lippman, Citizen's Crime Commission, September 21, 2011, <http://www.nycrimecommission.org/pdfs/Lippman110921.pdf>

³⁵ Gates, Anita. "Correctional Association Now A Producer of a Lament Against the Police." *The New York Times*. February 15, 2013. <http://www.correctionalassociation.org/press/correctional-association-now-a-producer-of-a-lament-against-the-police/>; <http://www.correctionalassociation.org/news/join-us-for-lyrics-from-lockdown-the-raise-the-age-community-conversation-series>; <http://www.lyricsfromlockdown.com/>

as Harry Belafonte, Danny Glover, Benjamin Jealous and others.³⁶ The CA completed a “Raise the Age College Tour” of nine colleges both downstate and upstate; presented to middle and high school students; presented with a member of the Central Park 5 at the NYS Association’s Black and Puerto Rican Legislators’ Caucus weekend; met with key policymakers and legislators; issued a policy brief;³⁷ participated in a Raise the Age mini-documentary³⁸ and gathered almost 1,500 postcards to the Governor requesting executive action. In doing this work, the CA draws upon its historical position as an independent monitor of what happens inside adult facilities, including the conditions faced by adolescents in adult prisons.

Moving Forward

The movement to raise the age is also aided by the aforementioned Take Back Our Children Alliance (T-BOCA), a statewide alliance of community-based organizations, advocates, lawyers, parents and people seeking *comprehensive* youth justice reform in New York State. According to the Alliance Steering Committee members, long-lasting change will not happen by merely changing the age of criminal responsibility. T-BOCA has designed a multi-pronged strategy to address multiple aspects of much needed systems reforms. T-BOCA advocates for the formation of a prestigious and empowered Task Force to articulate recommendations and design a plan that would reform critical components of the youth justice system including raising New York’s age of criminal responsibility.

It is clear that the issue of raising New York’s age of criminal responsibility has entered the consciousness of both the public and policymakers. Serious and credible efforts by diverse stakeholders to raise the age and get children out of adult jails and prisons are underway, and constituents across the state are listening, speaking out, and getting involved to make change. Individual donors and professional grantmakers also have started to recognize the unique opportunity for change that exists at this time. Penny Fujiko Willgerodt, Executive Director of The Prospect Hill Foundation and Chair of NYJJI, urges more funders to get involved, stating that “in the upcoming year, it is incumbent upon philanthropy to stay ahead of the curve and draw upon all its resources to support the movement for comprehensive and systemic youth justice reforms.”

In 1961, when legislators decided on the “temporary” fix that set the age of criminal responsibility at sixteen, they cited the need for a legislative initiative. Now, with overwhelming scientific evidence and strong public support, could 2014 be the year that New York State revisits its 1961 “temporary” decision and launches comprehensive juvenile justice reform?

³⁶ <http://www.correctionalassociation.org/news/join-us-for-lyrics-from-lockdown-the-raise-the-age-community-conversation-series>

³⁷ Horowitz-Prisco, Gabrielle. “Treating Youth like Youth.” http://www.correctionalassociation.org/wp-content/uploads/2013/07/CANY_Raise-the-Age-in-brief_July-2013_FINAL.pdf

³⁸ Raise the Age is a mini-documentary produced by Beyond Bars, a project of the Brave New Foundation, <http://www.correctionalassociation.org/cmp/watch-the-video>

