

# ACHIEVING YOUTH JUSTICE

## Talking Points

I'm \_\_\_\_\_, and I am here today with \_\_\_\_\_.

We are in Albany to focus on our Youth Justice Agenda for 2020:

### End the Adult Incarceration of Teenagers

- Adolescent Offender facilities are state prisons for 16 and 17 year-olds sentenced in the adult criminal court under Raise the Age.
- In these prisons, 16 and 17 year olds can be held in isolation in their cells for 18 during the week, and 22 hours a day on weekends, for months on end.
- They are staffed by adult correction officers, and managed by Department of Department of Corrections and Community Supervision (DOCCS).
- This is not where teenagers belong.
- ➔ **We need your support for legislation in the Governor's Proposed Budget that would transfer ALL 16 and 17 year olds to juvenile facilities operated by the Office of Children's and Family Services (OCFS) by October 2020.**

### End Solitary Confinement for Teenagers in Adolescent Offender Facilities

- Adolescent Offender facilities are state prisons for 16 and 17 year-olds sentenced in the adult criminal court under Raise the Age.
- In these prisons, children can be held in isolation in their cells for 18 during the week, and 22 hours a day on weekends, for months on end.
- In isolation, youth have limited contact with their families. It's also harder to access education, mental health services, drug treatment, and other services.
- Because brain development is underway, adolescents are particularly vulnerable to the negative effects of isolation, including increased risk for suicide.
- Youth the same age are NOT ALLOWED to be put in solitary in State juvenile justice facilities or when being detained pre-trial in "specialized secure detention" facilities.
  - In these facilities, solitary confinement is NOT ALLOWED for punishment or discipline.
  - It is not fair that the use of isolation is determined by which state agency is holding youth.
- ➔ **We need your support asking the Governor to direct the Department of Department of Corrections and Community Supervision (DOCCS) to issue new rules that immediately end solitary for teenagers.**
  - The rules should parallel the rules established for Adolescent Offender Specialized Secure Detention Facilities.
  - This approach would be consistent with Raise the Age law.

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### Stop Arresting and Prosecuting Children Under 12

- Under current law, children as young as 7 years old may be arrested and prosecuted as juvenile delinquents in Family Court.
  - Elementary age children under 12 can be arrested, questioned by police, and subject to probation. They can even be placed in juvenile detention.
  - Black and Latinx children are more likely to be arrested than their white peers. In NYC, 93% of arrests of children under 12 were children of color in 2016 and 2017.
  - Experts question whether children under 12 can effectively participate in their defense in Court.
  - We can serve children who need services without arresting them through referrals to existing local, community based services.
- ➔ **We need your support to raise the age for delinquency from 7 to 12.**

### Strengthen and Expand Protections for Court Involved Youth Up to Age 25

- Based on research, we know that brain development continues into the mid-20s.
  - New York's Youthful Offender law provides the opportunity for youth *under* the age of 19 to have a criminal conviction set aside and replaced with a confidential, non-criminal adjudication. It also allows for reduced prison sentences.
  - Yet, at age 19, this critical protection is no longer available and young people face mandatory prison sentences and criminal records that create barriers to education, jobs, and housing.
  - New York should strengthen existing protections under the youthful offender law so that more young people can access them, and create a new "Young Adult" status up to age 25.
  - Judges would have *discretion* to grant these protections to young people in more serious cases.
- ➔ **We need your support to strengthen and expand youthful offender protections.**