

October 2019

# Report

# Raise the Age in New York City

Trends over the past five years  
and the first nine months of  
Raise the Age implementation



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# Executive Summary

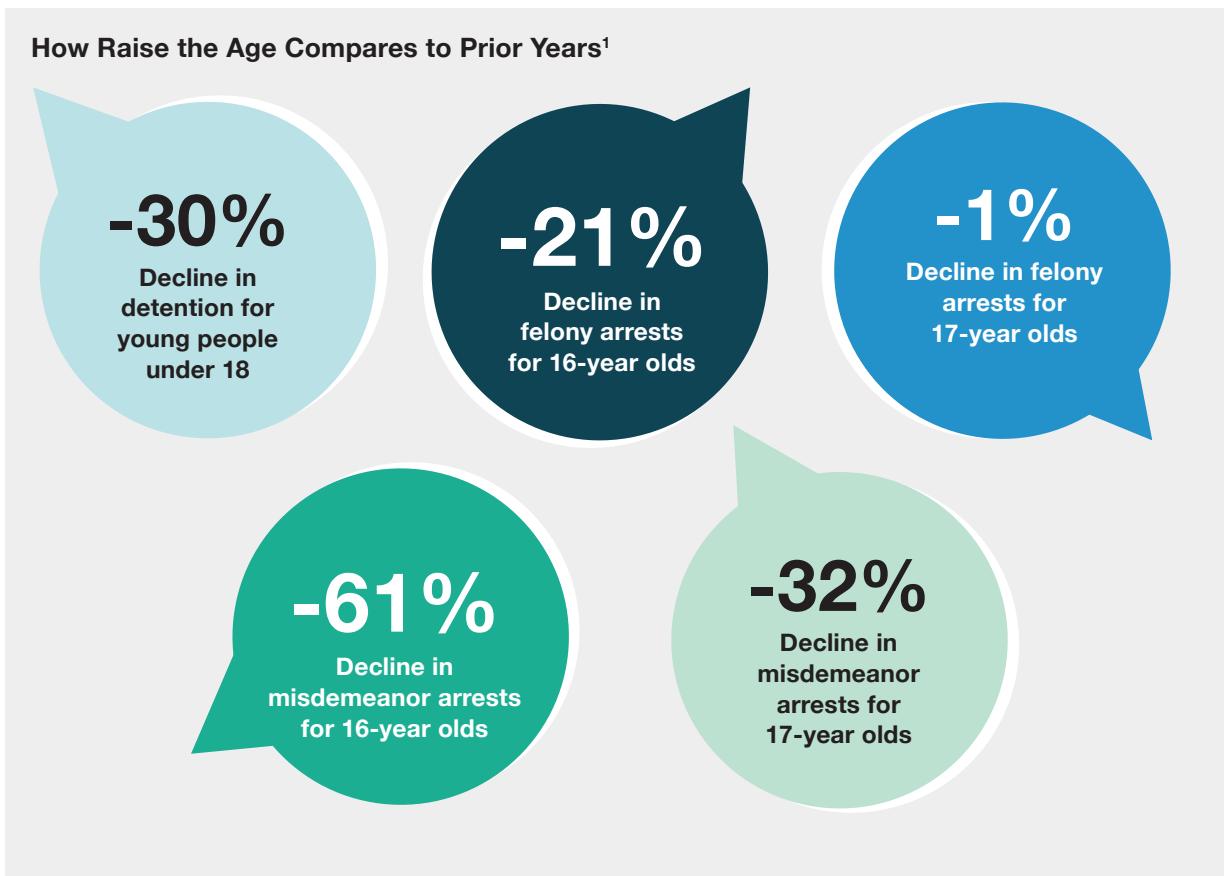
# Executive Summary

In April 2017, New York State passed Raise the Age legislation, ending automatic prosecution of 16- and 17-year-olds as adults. In doing so, Raise the Age aimed to go beyond simply changing how young people were being handled by the courts. It also sought to provide age-appropriate services and facilities that would promote an environment focused on wellbeing for young people.

The law went into effect in October 2018, also requiring the City to move all 16- and 17-year-olds out of jails on Rikers Island, and into more age-appropriate facilities. The law first brought 16-year-olds in under the new system, which moved all young people's cases into court systems specialized for juveniles and adolescents. Most misdemeanors are now handled through Family Court. A new Youth Part was created in the state Supreme Court, where felonies are now arraigned. Judges there decide whether to remove the case to Family Court or to continue to hear them in the Youth Part. During the first year with just 16-year-olds, nearly 80% arraigned in Youth Part were removed to Family Court.

Following broader trends in the criminal justice system, Raise the Age comes amid a rapidly shrinking juvenile justice system. From 2013 to 2018, juvenile arrests—those ages 15 and under—dropped by 55%. Over that same time period, adolescent arrests of 16- and 17-year-olds decreased by 60%. Over the first nine months under the new law, declines in misdemeanor arrests of 16-year-olds were 61% lower compared to the same time period from October 2017 to June 2018.

As of October 1, 2019, 17-year-olds will no longer be treated automatically as adults under the same new system. The report that follows demonstrates that Raise the Age amplified many of these already steep reductions in the juvenile justice system.



<sup>1</sup> Post-RTA implementation arrest declines reflect difference in arrest volume between Oct18-Jun19 and Oct17-Jun18; Post-RTA implementation detention declines reflect difference in detention average daily population between Oct18-Jun19 and Oct17-Jun18

# Overview

# Overview

## **What is Raise the Age?**

Raise the Age (RTA) refers to a law passed by New York State in April 2017 that raised the age at which young people are automatically treated as adults in the criminal justice system. The law became effective for 16-year-olds on October 1, 2018, and for 17-year-olds on October 1, 2019. Before RTA passed, 16- and 17-year-olds (adolescents) who entered the criminal justice system were treated as adults throughout the court system and held in adult jails and prisons, with no option for having their cases heard in Family Court instead.

## **What happens under Raise the Age?**

The vast majority of 16- and 17-year-olds' cases will now be heard in Family Court, the court that previously heard most charges against children 7-15 years of age. Depending on the charge, these cases may either start in Family Court or in the Supreme Court's Youth Part. Youth Part judges have specialized training in adolescent development. As of October 1, 2019, 16- and 17-year-olds arrested on misdemeanor charges other than misdemeanors under the Vehicle and Traffic Law automatically go to Family Court. Those who are charged with felonies, as well as individuals under 16 years of age charged with specific serious felonies, are arraigned in the Youth Part in each borough.

**Young people designated as juvenile delinquents (JDs)—those with cases in Family Court—now include most 16-year-olds and 17-year-olds who previously moved through the adult criminal court system.**

Department of Probation (DOP) staff interview JD to determine if the case may be resolved early through a process known as adjustment. As a result, a case may be permanently sealed if the young person abides by certain conditions set by DOP. If it is not adjusted, the case is referred to the Law Department, which investigates the allegations against the young person, and then decides whether to proceed with juvenile delinquency charges in Family Court. The Law Department also retains discretion to divert a case to a community-based program or to decline to prosecute the case entirely. If juvenile delinquency charges are filed, and if the judge orders the young person to be detained during the remainder of the case, they can be detained in either non-secure detention (consisting of less restrictive residential group homes) or secure detention (consisting of restrictive facilities typically reserved for the highest-risk young people). Alternatively, a judge may also order that they be released to the custody of a parent or guardian or that they be supervised in the community as part of an Alternative to Detention (ATD) program.

Since the passage and implementation of RTA, these crucial decisions can be made outside of the confines of a court's daytime hours, with courts now available during nights, weekends, and holidays. If, after a plea or verdict after trial, a Family Court judge enters a formal finding that a youth is a JD, the judge must consider a disposition of the case that represents the least restrictive and most appropriate option consistent with the needs and best interests of the youth and the community. Options include being released on conditional discharge, probation—which may include supervision in the community through an Alternative to Placement (ATP) program—or placement in a Close to Home facility (small group home in and near New York City).

A key difference between the juvenile system and the adult system is that a finding of juvenile delinquency does not result in a criminal conviction. Rather, the goal of the juvenile process in Family Court is to ensure that the final disposition of the case meets the needs and best interests of the young person as well as the community's need for protection.

## Overview

**Adolescent Offender (AO) is a category created under Raise the Age to describe adolescents charged with felony offenses. AOs are arraigned in the Youth Part of the Supreme Court.**

Many young people initially designated as AOs ultimately have their cases transferred to Family Court by order of the Youth Part judge. Most non-violent felony cases are removed to Family Court, unless there are extraordinary circumstances. Violent felony cases may also be removed to Family Court based on the judge's determination.

District Attorneys have 30 days to decide whether to ask for the case to remain in the Youth Part. In order for a case to remain in the Youth Part, a District Attorney must demonstrate that extraordinary circumstances exist that should prevent the transfer of the case to the Family Court. Additionally, for certain serious felonies, the District Attorney must demonstrate that a defendant caused significant physical injury to another, displayed a gun or deadly weapon in furtherance of the offense, or unlawfully engaged in certain sexual conduct. While a case is pending in the Youth Part, a judge will decide whether to release the young person with no conditions, set bail, place them under community supervision, or remand them (hold in detention without setting bail). If, after a finding of guilt, the judge imposes a sentence of incarceration, the young person will serve the sentence in a local secure juvenile facility if the sentence is for one year or less, or at a facility run by the New York State Office of Children and Family Services (the state agency that operates residential juvenile justice facilities) if the sentence is for more than one year.

# Key Terms

# Key Terms

## Legal categories of youth

**Juvenile Delinquent (JDs):** JDs are 7- to 15-year olds arrested on misdemeanors and most felonies whose cases proceed in Family Court. As of October 1, 2019, 16- and 17-year-olds who are arrested on misdemeanor charges are automatically considered JDs. Many 16- and 17-year-olds arrested on felonies (AOs, see below) become JDs because a judge has ordered their cases removed to Family Court.

**Juvenile Offenders (JOs):** JOs are 13- to 15-year olds charged with certain serious felonies whose cases proceed in the Youth Part. For 13-year-olds, these felonies include murder or a sexually motivated felony; for 14- and 15-year-olds, these felonies include murder (including attempted), kidnapping (including attempted), arson, assault, manslaughter, rape, criminal sexual act, aggravated sexual abuse, burglary, robbery, and weapon possession.

**Adolescent Offenders (AOs):** AOs are 16- and 17-year-olds arrested and charged with a felony offense and whose case is heard in the Youth Part of Supreme Court.

## Court process under Raise the Age

**Adjustment:** For cases in Family court, adjustment refers to the early resolution of a case by the Department of Probation after an evaluation that considers the severity of the charge, risk of re-offense and flight, and whether an early resolution of the matter is appropriate, with consideration of the victim's views and the impact of adjustment on the victim and the community. If a juvenile delinquency matter is adjusted, and if the young person successfully completes the adjustment, then their record will be permanently sealed.

**Family Court:** Following Raise the Age, 16- and 17-year-olds charged as JDs go through Family Court, which was established to address the needs of young people who, by reason of their legal infancy, cannot be held criminally liable for conduct that, if committed by an adult, would constitute a crime.

**Youth Part:** A court part established in Supreme Court by Raise the Age legislation to hear cases involving AOs and JOs. Youth Part judges are also Family Court judges.

# Key Terms

## Detention and placement

**Non-Secure Detention:** Group home facilities, managed by ACS, that offer less restrictive settings for JDs who have pending court cases, and who are typically lower-risk.

**Secure Detention:** Restrictive facilities operated by City agencies that house young people whom a judge has ordered to be detained during the pendency of the Youth Part or Family Court case.

**Placement:** For cases resulting in a JD finding in Family Court (which is similar to a conviction in criminal court, but which does not result in a criminal record), placement is an incarcerative sentence imposed by the judge.

**Close to Home Facilities:** Small group homes in or near the five boroughs that house JDs who are in non-secure placement, which is designed to look and feel like a home environment, or limited-secure placement, which has more restrictive security features than non-secure placement facilities.

## Administration agencies

**New York City Administration for Children's Services (ACS):** Among other responsibilities, ACS provides non-secure and secure detention services for justice-involved young people and oversees local Close to Home facilities for those who are ordered to out-of-home placement by a Family Court judge.

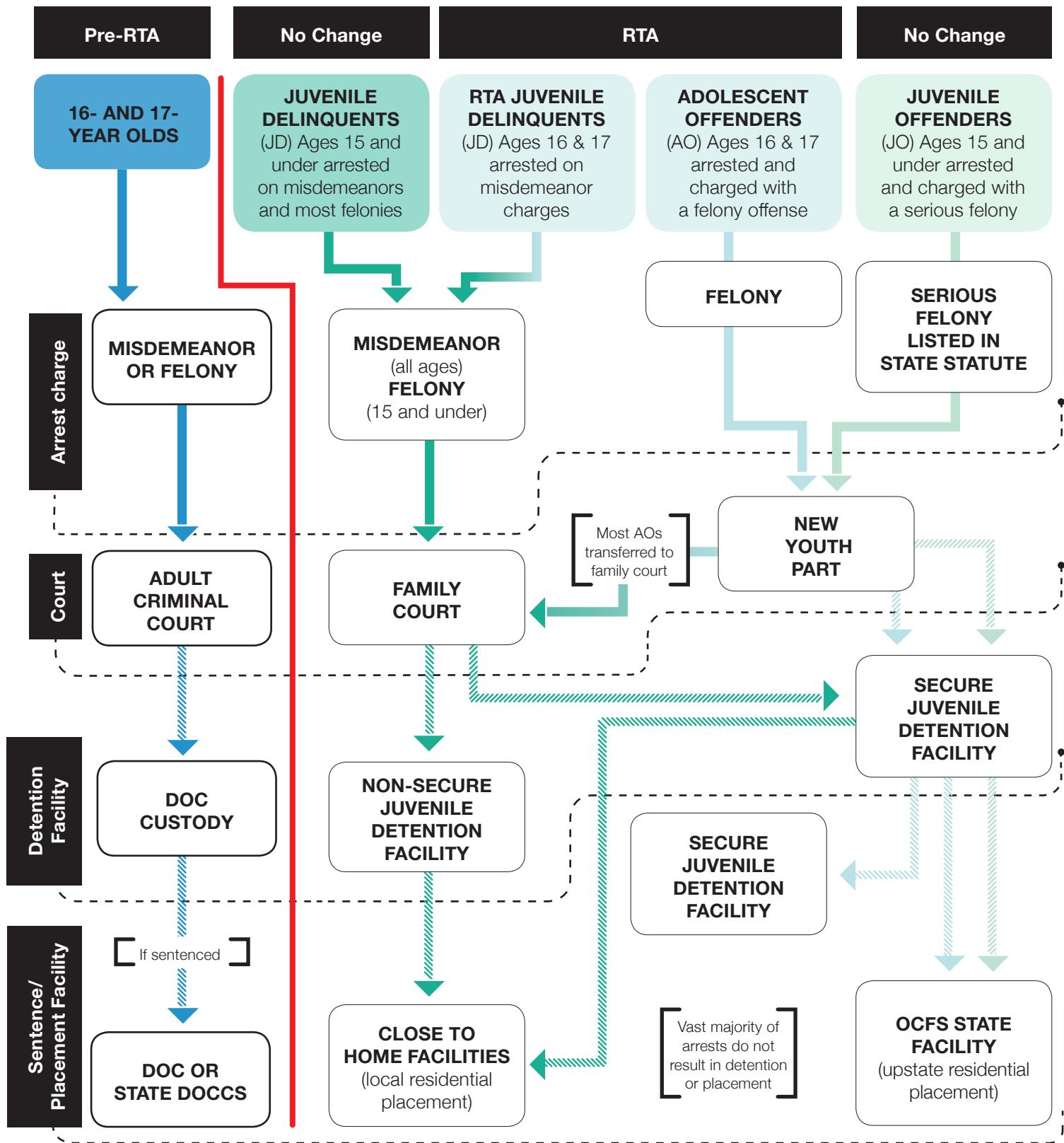
**New York Department of Correction (DOC):** Among other responsibilities, DOC is responsible for operating a specialized juvenile detention facility in conjunction with ACS for 16- and 17-year-olds charged in criminal court as adults.

**New York State Office of Children and Family Services (OCFS):** Among other responsibilities, OCFS is responsible for supervision and treatment of court-placed young people. For young people who are unable to be placed in local Close to Home facilities, OCFS runs statewide residential placement facilities.

**New York State Department of Corrections and Community Supervision (DOCCS):** Among other responsibilities, DOCCS is responsible for housing any young people sentenced to serve more than one year in incarceration, either prior to the enactment of Raise the Age or as an AO too old for a juvenile facility.

# Juvenile Justice System Before and After RTA Implementation

# Juvenile Justice System Before and After Full RTA Implementation



**ARREST CHARGE** Arrest charge and age determine whether the case will start in Family Court or the Supreme Court's Youth Part

**COURT** \*Family Court: Probation assesses all cases, can "adjust" cases immediately, diverting them from prosecution \*Youth Part: District Attorneys must present compelling evidence to keep felony cases (AOs)

**DETENTION FACILITY** \*If judge orders youth to be detained while the case proceeds, they will go to either secure or non-secure detention, determined by case details

**PLACEMENT FACILITY** \*If youth is found guilty/receives a JD finding, and a judge imposes an incarcerative sentence, the young person will go to a city or state facility, determined by case type and sentence length

# Timeline

# Timeline

## Raise the Age Timeline: Key Dates

### April 2017:

- New York State legislature passes Raise the Age legislation

### October 1, 2018

- All 16-and 17-year-olds moved off of Rikers Island

### October 1, 2018-September 30, 2019:

- All 16- and 17-year-olds detained after an arrest held in facilities operated by ACS in conjunction with DOC

- 16-year-olds arrested on or after October 1, 2018 go through new Raise the Age system:

- Most misdemeanor arrests for penal law offenses go to Family Court
- Felony arrests begin in a new Youth Part, located in Supreme Court. Serious cases will be kept in Youth Part and prosecuted by District Attorneys. All other cases removed to Family Court and prosecuted by the City's Law Department.

- 17-year-olds detained in the juvenile system, but their cases move through the adult system

### October 1, 2019

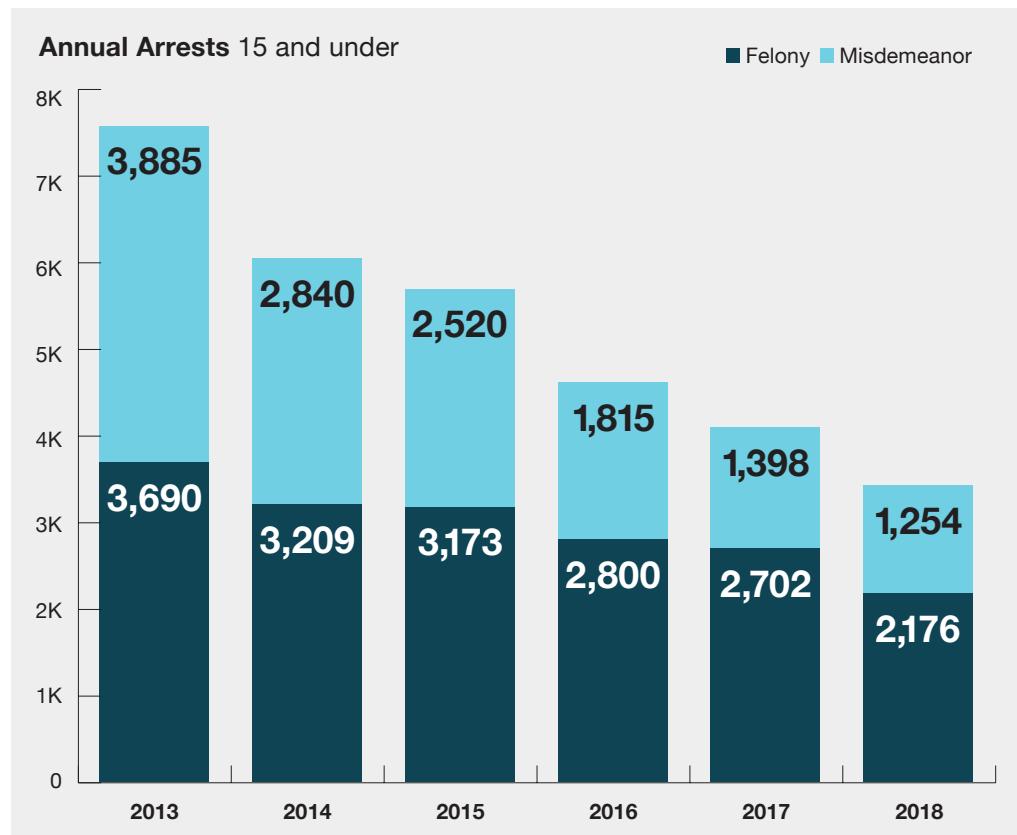
- 17-year-olds will go through the new Raise the Age system described above

NYC Before-

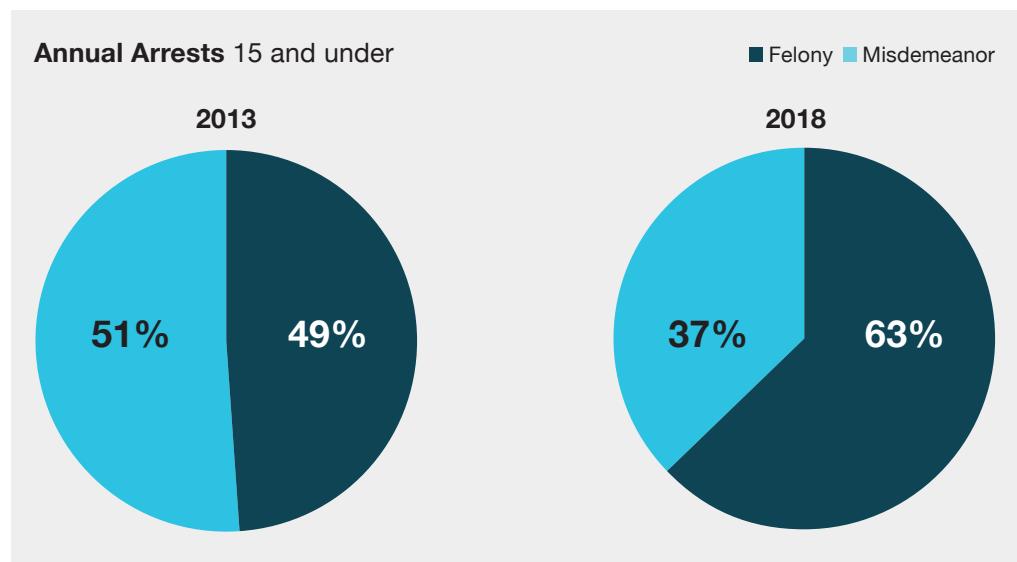
# Raise the Age: 5-Year Trends

## 5-Year Arrest Trends: 15 and under

Before RTA took effect for 16-year-olds on October 1, 2018, the numbers of juveniles arrested had fallen to the lowest level in years.

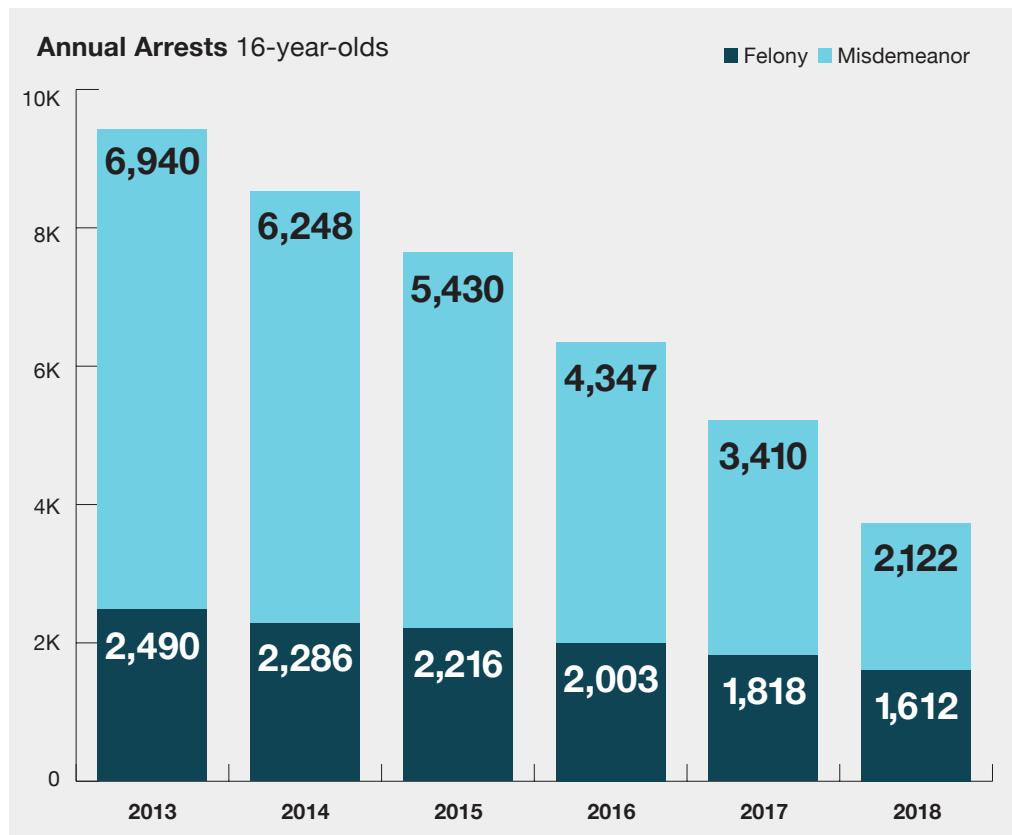


- Between 2013 and 2018, arrests of young people ages 15 and under decreased by 55%, from 7,575 to 3,430
- Reductions in misdemeanor arrests are steeper than felony arrest reductions with a 68% and 41% decline respectively
- Felony arrests have accounted for the majority of young people arrested since 2014

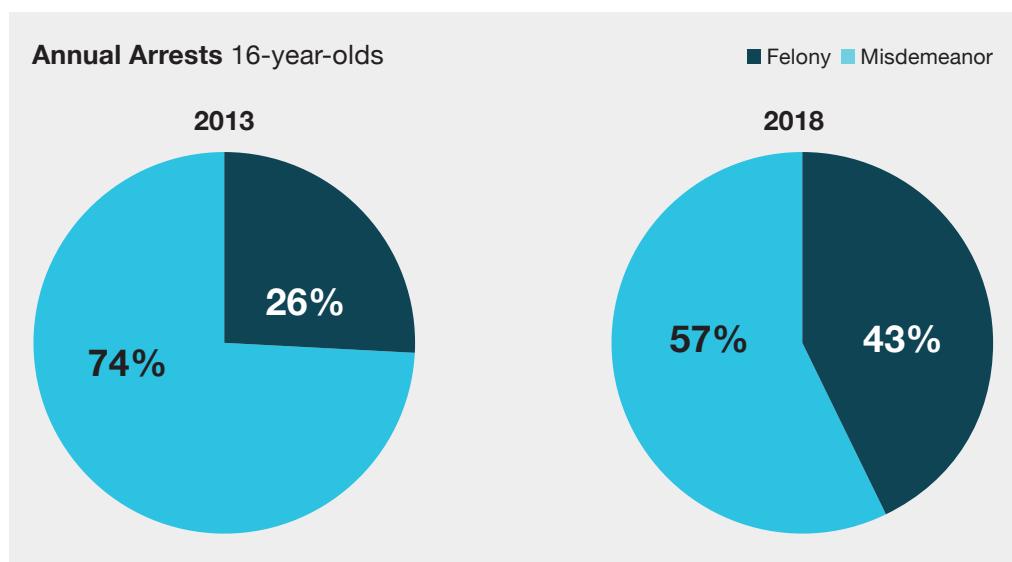


## 5-Year Arrest Trends: 16-year-olds

Before RTA took effect for 16-year-olds on October 1, 2018, the number of 16-year-olds arrested had fallen to the lowest level in years.

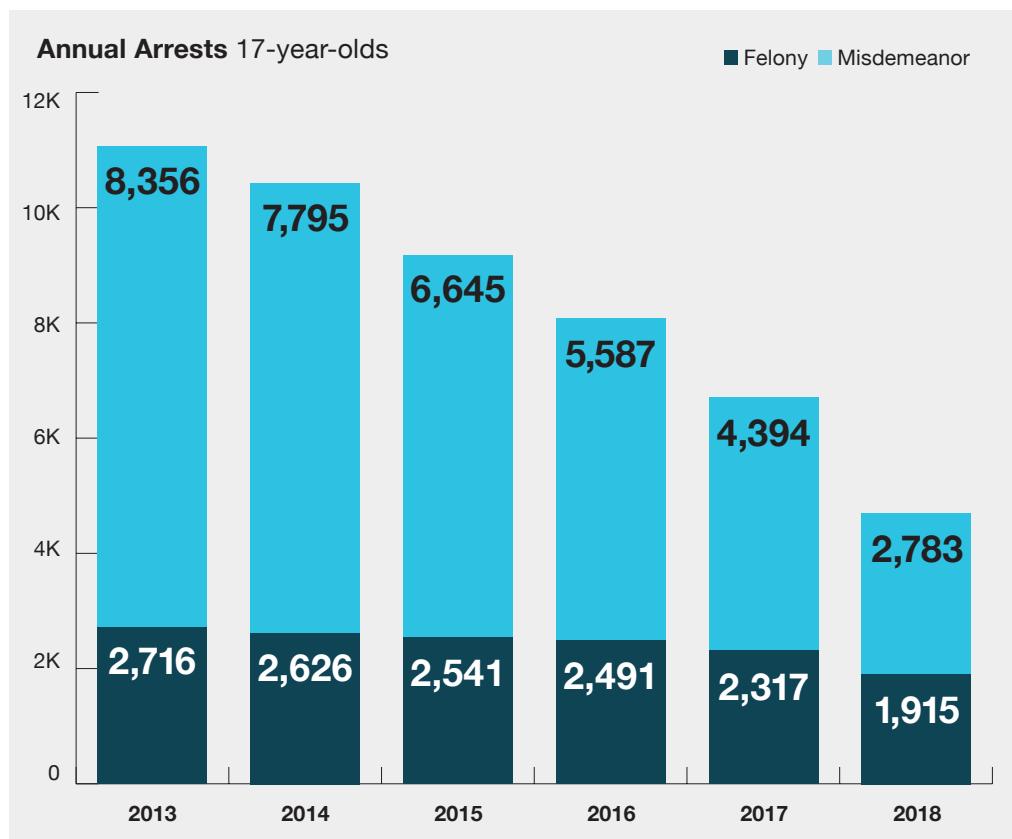


- Between 2013 and 2018, arrests of 16-year-olds decreased by 60%, from 9,430 to 3,734
- Reductions in misdemeanor arrests are steeper than felony arrests with a 69% and 35% decline respectively
- In 2018, felony arrests accounted for more than four in ten arrests for 16-year-old youth

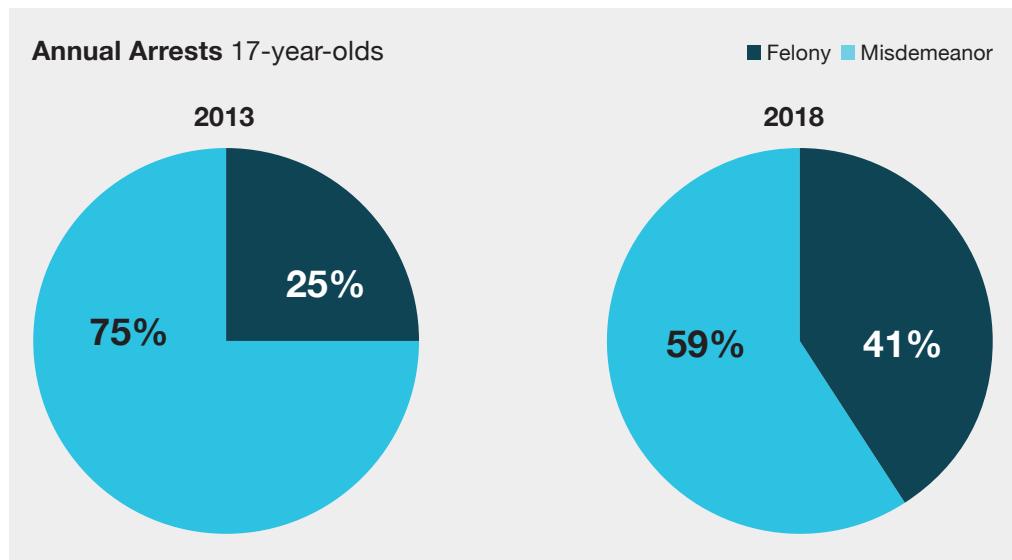


## 5-Year Arrest Trends: 17-year-olds

By 2018, the number of 17-year-olds arrested had fallen to the lowest level in years.



- Between 2013 and 2018, arrests of 17-year-olds decreased by 58%, from 11,072 to 4,698
- Reductions in misdemeanor arrests are steeper than felony arrest reductions with a 67% and 29% decline respectively
- In 2018, felony arrests accounted for approximately four in ten arrests for 17-year-old youth

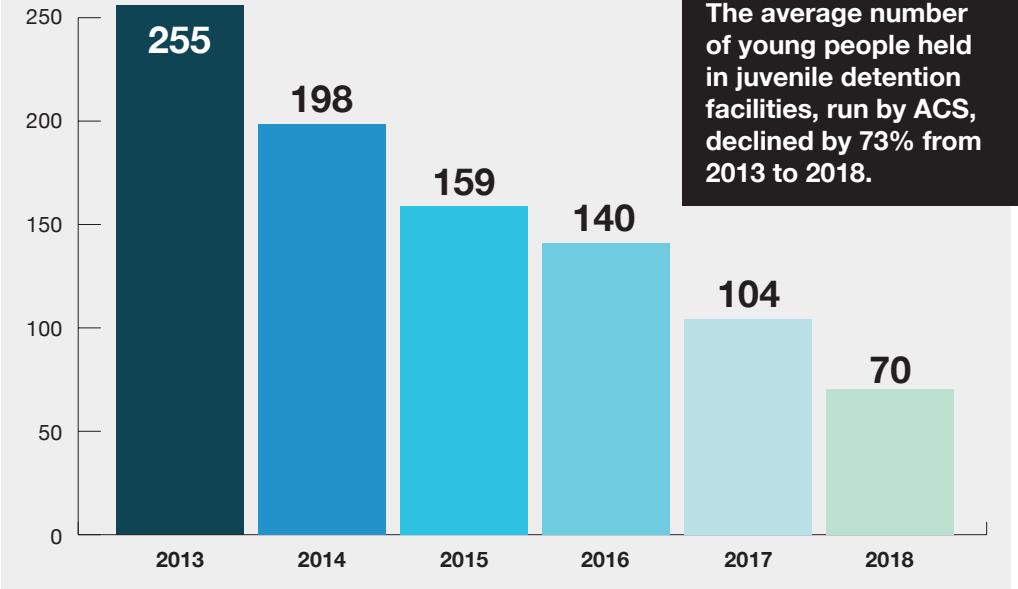


## 5-Year Detention Trends

Before RTA took effect for 16-year-olds on October 1, 2018, the juvenile detention population had fallen to the lowest in years.

### Average Daily Juvenile Population

Secure and Nonsecure, includes both JDs and JOs

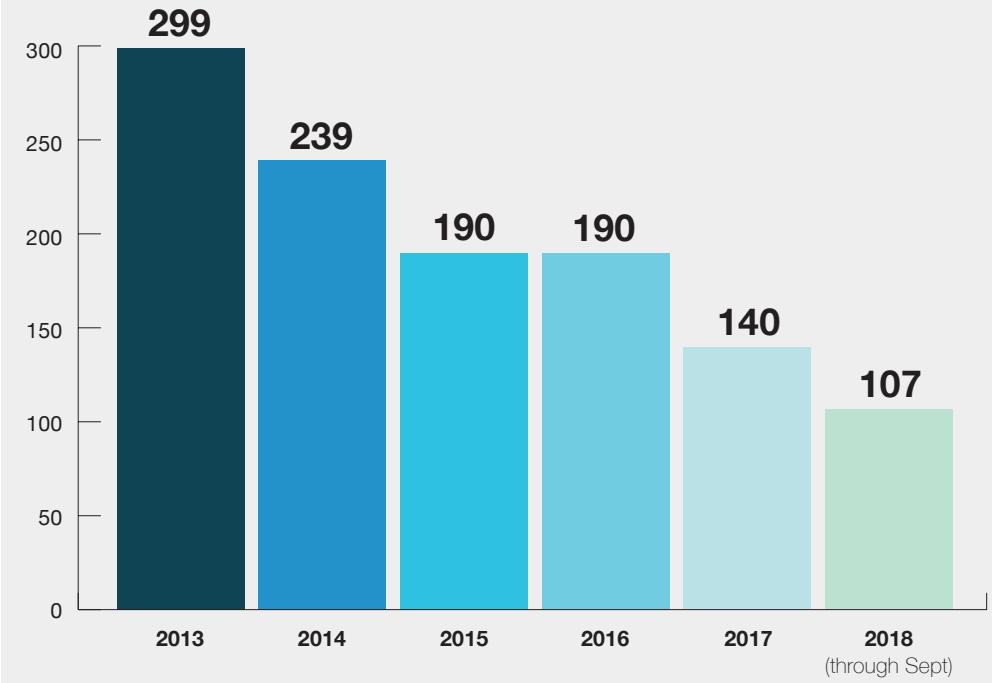


\*Note: the 2018 ADP includes AOIs in custody from October to December

Prior to RTA, 16- and 17-year-olds arrested for crimes were held in adult jails.

From 2013 to September 2018, the average daily jail population of young people in jail declined by 64%. At the same time, fewer young people were being detained on nonviolent felony or misdemeanor charges.

### Average Daily Jail Population of 16- and 17-year-olds



# The First 9 Months

# The First 9 Months: Arrests

Compared to October 2017-June 2018

**-21%**  
Decline  
in felony  
arrests for  
16-year-olds

**-61%**  
Decline  
in misdemeanor  
arrests for  
16-year-olds

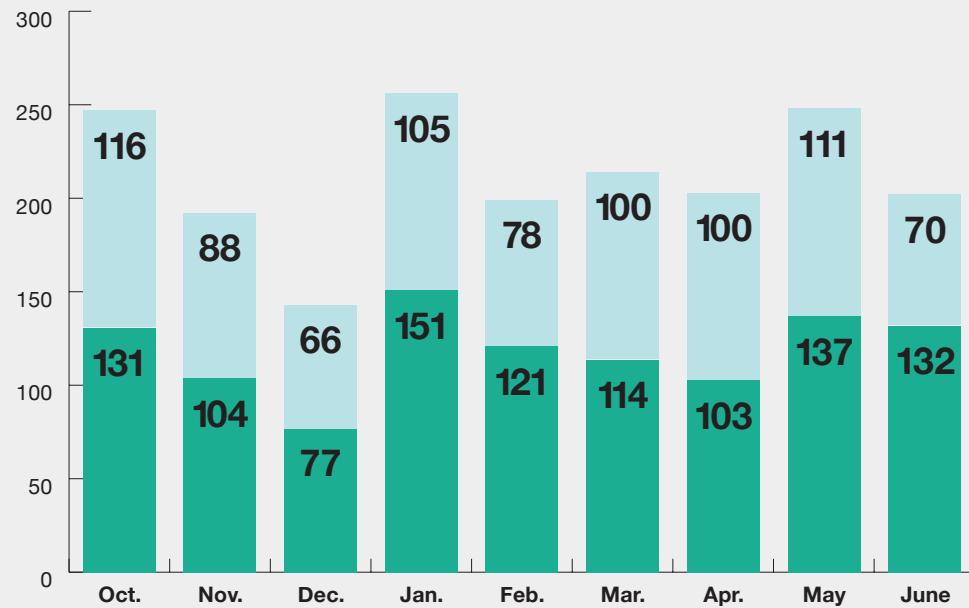
**-1%**  
Decline  
in felony  
arrests for  
17-year-olds

**-32%**  
Decline  
in misdemeanor  
arrests for  
17-year-olds

When compared to prior years, the total number of arrests of 16- and 17-year-olds are down in the first 9 months of Raise the Age. However, the number of monthly arrests have not continued to decline overall since Raise the Age implementation.

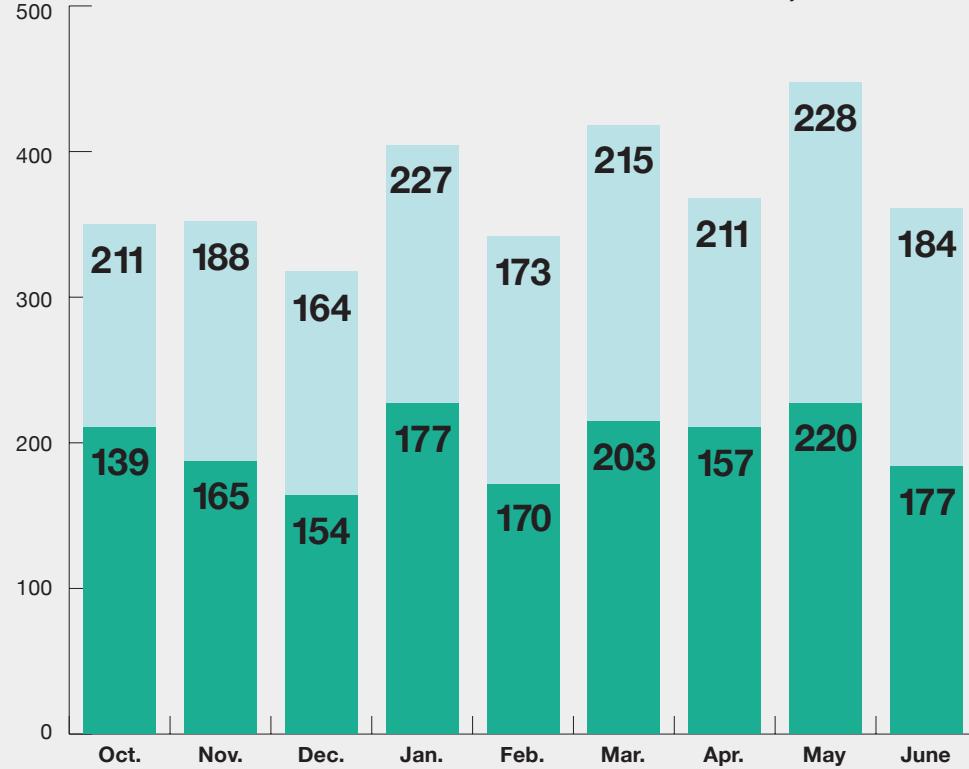
Arrests of 16-Year-Olds October 2018-June 2019

Felony Misdemeanor



Arrests of 17-Year-Olds October 2018-June 2019

Felony Misdemeanor



# The First 9 Months

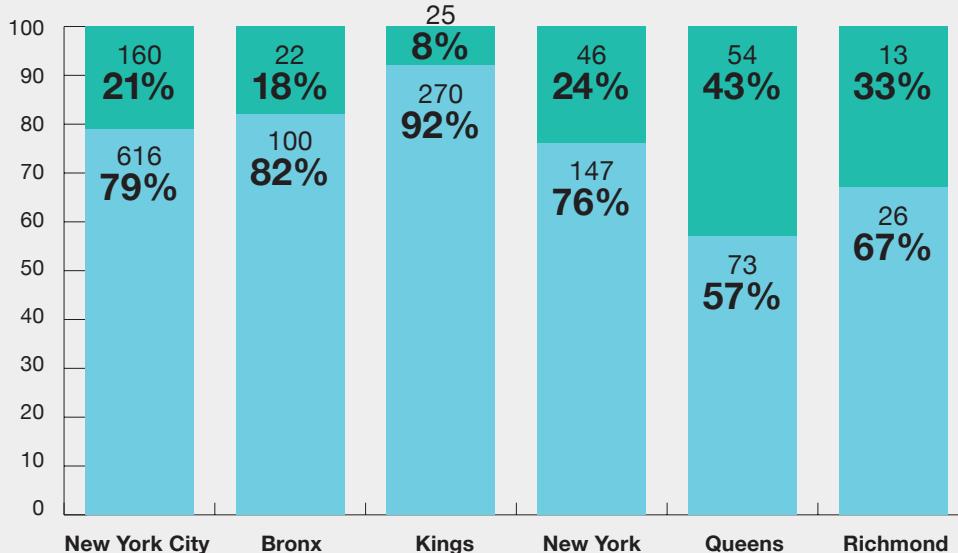
Citywide, 79% of arraigned Adolescent Offenders (AOs) had their cases removed to Family Court where they are processed as juveniles. Out of 776 AO cases arraigned in Youth Part, over 600 were transferred to Family Court.

## ARRAIGNED

### Adolescent Offenders Removed to Family Court:

October 2018-June 2019

■ Not Removed/Pending ■ Removed



Under RTA, young people under 18 were transferred off of Rikers Island and into Horizon Juvenile Center prior to October 1, 2018. Overall, the vast majority who were arrested were not detained. Those who were, however, were often charged with serious offenses. The use of detention for young people ages 17 and under remained fairly constant over the first nine months of Raise the Age.

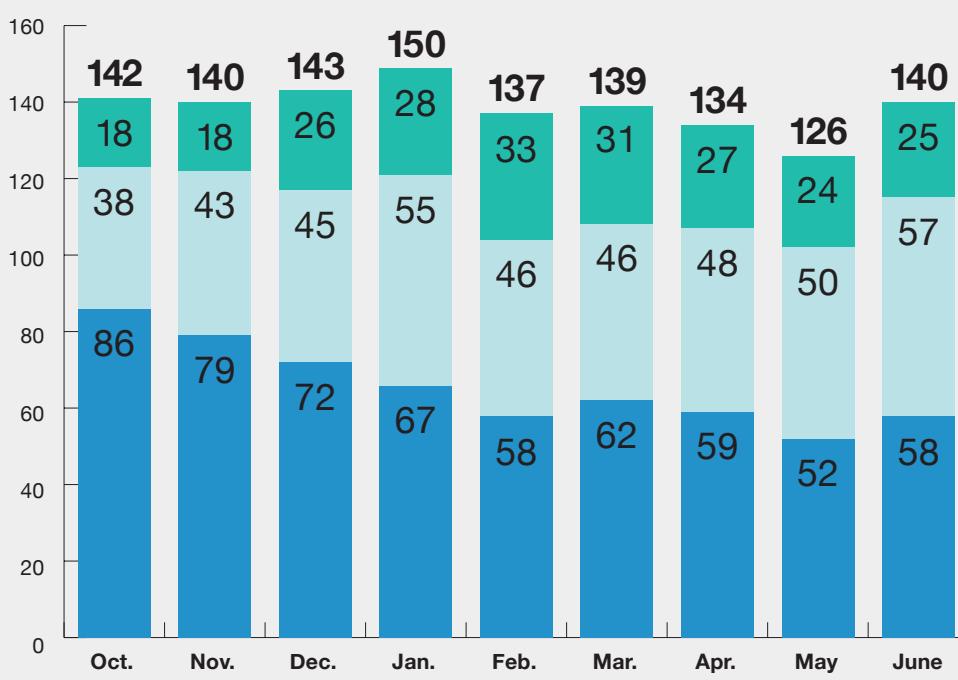
Compared to  
October 2017-  
June 2018

**-30%**  
Decline in  
detention for  
young people  
under 18

### Youth Detention Average Daily Population by Facility<sup>2</sup>:

First 9 Months of RTA Implementation

■ Horizon\* ■ Crossroads\*\* ■ Non-Secure\*\*



\*Young people transferred off of Rikers, 17-year-olds arrested and detained after 10/1/18. ■ AOs, JOs, JDs. ■ \*\* JDs.

<sup>2</sup> This graphic reflects where young people were housed in the first 9 months of Raise the Age implementation.

# Additional Resources

## **Additional Resources**

**Click the links below to view resources.**

[Quarterly Update of Juvenile Offender/Adolescent Offender Arrests and Youth Part Court Activity](#)

[The First Three Months of Raise The Age And A Comparison To Similar Cases In Oct Through Dec 2017](#)

[ACS Juvenile Justice Page](#)

[ACS Monthly Data-Flash Reports](#)

[I got arrested! Now what? A guide to the juvenile justice system](#)

[Family Court FAQ](#)

[New York State Raise the Age Implementation Task Force: First Annual Report](#)

[Raise the Age|NY RTA Implementation Brief \(April 2019\)](#)

