

October 14, 2021

Dear Governor Kathy Hochul, Majority Leader Andrea Stewart-Cousins, and Speaker Carl Heastie:

We understand that last week, 20 members of the New York City Council wrote to you calling for rollbacks to New York’s landmark 2017 Raise the Age legislation, including removing discretion from judges to remove cases where 16 and 17 year olds are charged with gun violence to family court.<sup>1</sup> The undersigned, representing over 60 service, faith based, grassroots, and advocacy organizations around the state, write to express our strong and unwavering support for Raise the Age.

We share the Council Members’ deep concern over the increase in gun violence over the past 18 months, and the urgency to reverse it immediately. However, placing the blame for gun violence on the Raise the Age legislation is simply false. During the first eighteen months after the Raise the Age law was enacted, only three percent of charges filed against sixteen and seventeen year olds were for attempted murders and murders and ten percent were for possession of firearms and other dangerous weapons.<sup>2</sup> During that time, shootings in New York City remained the lowest they have been in decades.

Only after months of COVID-19 infections, deaths, lockdowns, disconnection from necessary services and the resulting economic upheaval did gun violence increase in New York City, as it did in many cities around the country where criminal justice reforms had not been enacted. Despite the recent rise in gun related incidents, the numbers are still far lower than the rates in 2000 when 16- and 17-year olds were all prosecuted as adults for all criminal charges, even the most minor.

Furthermore, under Raise the Age, the law specifically allows for teenagers charged with the most serious crimes or those who are found not to be amenable to the services available in family court to be charged and sentenced in the adult court system.

The reality is that we can’t incarcerate our way out of gun violence. That has been tried and failed—New York spent decades laboring under the myth that children are adults with no evidence that the practice ever reduced crime rates. By the time Raise the Age passed in 2017, New York was one of only two states in the country that continued to prosecute sixteen and seventeen year olds automatically as adults. This policy led to extreme disproportionate impacts such that the vast majority of youth facing the lifelong burden of a criminal record were Black and Brown young people living in our most vulnerable communities. Fear cannot permit these shameful and discriminatory practices to return.

New York City communities – particularly our Black and Latinx communities that are hardest hit by gun violence – *have also been the hardest hit by COVID*. We need effective solutions and resources to heal from COVID and to remedy the racial and economic inequities that the pandemic exposed and exacerbated. A clearer understanding of the problems we are facing now will lead to better and more effective policies. Below we review some of the most relevant and concerning studies of the impact COVID has had on young people in our most vulnerable communities.

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<sup>1</sup> “Pols want Gov. Hochul, Albany to allow jail for youth gun offenders.” *NY Post*, October 7, 2021.

<sup>2</sup> Governor’s Raise the Age Task Force, Final Implementation Report (2020), <https://www.criminaljustice.ny.gov/crimnet/ojsa/FINAL%20Report-Raise%20the%20Age%20Task%20Force%202012-22-20.pdf>

**A national youth mental health crisis:** A recent paper from the School Mental Health Assessment and Training Center, along with other health and mental health clinicians, highlighted some of the devastating mental health impacts of COVID-19 on youth across the country<sup>3</sup>:

- According to the CDC, nationally, the proportion of emergency visits for mental health issues for youth aged 12-17 increased by 31% during the pandemic.
- A CDC report from June 2020 found that young adults (aged 18-24) are experiencing mental health conditions at higher rates than other people in our communities. One in four young adults was found to have seriously considered suicide – an increase from one in 10 young adults pre-pandemic.
- Drug overdoses in 2020 showed the largest single-year increase in over 20 years.

**Deepening Educational Disparities:** A June 2021 report from the U.S. Department of Education Office for Civil Rights documents eleven findings about “how widely—and inequitably—the pandemic appears to have impacted America’s students<sup>4</sup>,” including:

- Emerging evidence shows that the pandemic has negatively affected academic growth, widening pre-existing disparities.
- COVID-19 appears to have deepened the impact of disparities in access and opportunity facing many students of color in public schools, including technological and other barriers that make it harder to stay engaged in virtual classrooms.
- COVID-19 has raised new barriers for many postsecondary students, with heightened impacts emerging for students of color, students with disabilities, and students who are caregivers, both for entry into higher education and for continuing and completing their studies.

**Sustained Family Trauma:** During the first few months of the COVID-19 pandemic, 1 in 600 Black children and 1 in 700 Latinx children lost their parent or caregiver to the pandemic in New York State. More than half of those parent deaths were in three New York City boroughs: the Bronx, Brooklyn, and Queens.<sup>5</sup>

A new study published in *Pediatrics* this month shows that nearly 1 in every 500 children in the U.S. has lost a caregiver, and children of color have been disproportionately affected, with the highest loss of primary caregivers in California, Texas and New York.<sup>6</sup> Losing a primary or secondary caregiver is associated with a range of negative health effects, including lower self-esteem, a higher risk of suicide, and acts of violence.<sup>7</sup> According to the doctors who conducted the study, addressing the impact of this level of family death on young people will “require intentional investment to address individual, community, and structural inequalities.”<sup>8</sup>

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<sup>3</sup> “Behavioral Health Impacts During & After Covid-19.” University of Washington School Mental Health Assessment, Research, and Training (SMART) Center, et. al., April 2021.

<sup>4</sup> “Education in a Pandemic: The Disparate Impacts of COVID-19 on America’s Students.” US Department of Education, Office of Civil Rights, June 2021.

<sup>5</sup> “COVID-19 Ripple Effect: The Impact of COVID-19 on Children in New York State,” United Hospital Fund, Sept. 30, 2020.

<sup>6</sup> “About 1 in 515 children in U.S. has lost caregiver because of COVID-19, study estimates,” CBS News, Oct. 7, 2021.

<sup>7</sup> “COVID-19-Associated Orphanhood and Caregiver Death in the United States” *Pediatrics*, Oct. 1, 2021.

<sup>8</sup> “COVID-19-Associated Orphanhood and Caregiver Death in the United States” at p. 16.

To better understand the root of gun violence in New York City specifically – and therefore how to most effectively address it – we can also look to ambitious research conducted here in the City about why young people carry and use guns. In August of 2020, the Center for Court Innovation published a report based on interviews with 330 New York City youth ages 16-24 who were at high risk for gun violence. The results of this investigation are nuanced and worth reading in full, but some of the most salient findings include<sup>9</sup>:

- *Lack of safety was reported as a major driver of gun possession.* Participants reported feeling unsafe because of beefs between rival gangs or housing projects affecting how they could “move” —i.e., where they could safely walk or go; police harassment for small infractions but lack of responsiveness for serious crime; and fear of being shot by a police officer.
- Violence was a near universal experience among the young people interviewed. Eighty-one percent had been shot or shot at.
- Protection and self-defense were repeatedly cited as the backdrop against which decisions around weapons-carrying were made.
- Participants often described lack of ready access to money as a source of stress for themselves and their families, leading to engagement in alternative-economy survival strategies—most often drug dealing and robbery.
- Participants felt that police treated gang members and youth from the projects as less than human, “criminals,” “demons,” and “animals.” They also made specific connections between their poor treatment by the police and their race.

Increasing youth detention, harsh sentencing laws, and trying children as adults are outdated and ineffective solutions to the very real problem of gun violence in our communities. Thousands of pages of research have documented how these policies derail young people’s lives, burden families, destabilize communities, and fail to create community safety -- negative impacts that are disproportionately felt by Black and Latinx youth and families.

The same research points to a wide range of solutions that the City and State can pursue or expand right now to reverse the increase in gun violence that began last summer. These include:

- Increasing investments in high-quality, culturally competent mental health services for youth and families, in schools and in the community.
- Bringing high-quality youth engagement programs and services, including those employing “credible messengers,” to young people in spaces that are important to them.<sup>10</sup>
- Creating job programs that meet young people where they are at and help them find pathways to living wage jobs.<sup>11</sup>
- Investing in green spaces, safe and affordable housing and public spaces.<sup>12</sup>

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<sup>9</sup> “‘Gotta Make Your Own Heaven’ Guns, Safety, and the Edge of Adulthood in New York City.” Rachel Swaner, Elise White, Andrew Martinez, Anjelica Camacho, Basaime Spate, Javonte Alexander, Lysondra Webb, and Kevin Evans, Center for Court Innovation, August 2020.

<sup>10</sup> “‘Gotta Make Your Own Heaven,’” p. xiii.

<sup>11</sup> “‘Gotta Make Your Own Heaven,’” p. xiii.

<sup>12</sup> “Reducing Violence Without Police: A Review of Research Evidence.” Submitted to Arnold Ventures by the John Jay College Research Advisory Group on Preventing and Reducing Community Violence, November 2020, p. ii.

- Strengthening anti-violence social norms and peer relationships through violence intervention programs like Cure Violence.<sup>13</sup>

Under your leadership, New York has begun to invest and implement many of these policies, but much more is needed to bring them to scale. For instance, even with recent expansions to Cure Violence programs we are far from being able to saturate neighborhoods with violence interrupters, and the pay for these positions is low in comparison to the difficulty of the work. We need bigger and more sustained investments in these kinds of public health responses to gun violence, along with strategies to link youth and families to meaningful supports in addition to pathways for housing and economic security.

The undersigned organizations thank you for attention to this urgent issue and look forward to working with you to identify and implement real solutions to gun violence.

Advocates for Children  
 Bronx Defenders  
 Brooklyn Defender Services  
 Brotherhood Sister Sol  
 Center for Appellate Litigation  
 Center for Community Alternatives  
 Center for Family Representation  
 Center for the Study of Social Policy  
 Central in Action at Central Synagogue, New York, NY  
 Central Synagogue  
 Chief Defenders Association of New York  
 Children's Defense Fund-NY  
 Children's Rights  
 Children's Village  
 Citizens' Committee for Children of NY  
 Columbia University Justice Lab Youth Justice Initiatives Project  
 Community Connections for Youth  
 Crystal Walthall, Executive Director, Faith in New York  
 Dr. Hazel N. Dukes, President, NAACP New York State Conference  
 Erie County Bar Association's Aid to Indigent Prisoners Society, Inc., Assigned Counsel Program  
 exalt youth  
 Exodus Transitional Community  
 Families Together in New York State  
 Fortune Society  
 Freedom Agenda  
 Genesee County Public Defender  
 Girl Vow  
 Girls for Gender Equity  
 Graham Windham  
 Harlem Dowling  
 Hon. Michael Corriero (Ret.)  
 Jennifer Jones-Austin, CEO & Executive Director, FPWA  
 Joseph Lentol, Author and long-time sponsor and principal negotiator of the Raise the Age Law  
 Lawyers For Children

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<sup>13</sup> "Reducing Violence Without Police: A Review of Research Evidence," p. ii.

Legal Action Center  
Legal Aid Bureau of Buffalo  
Legal Aid Society  
Legal Aid Society of Nassau County  
Legal Aid Society of Westchester County  
Monroe County Public Defender's Office  
Neighborhood Defender Services of Harlem  
New York County Defender Service  
New York State Defenders Association  
NYS Coalition for Children's Behavioral Health  
Oneida County Public Defender  
Onondaga County Bar Association Assigned Counsel Program Inc.  
Ontario County Office of the Conflict Defender  
Ontario County Public Defender  
Rev. Amanda Hambrick Ashcraft, Executive Minister for Justice, Education & Movement Building,  
Middle Collegiate Church  
Rev. Andrew Wilkes, Co-Pastor, Double Love Experience Church, Brooklyn, NY  
Rev. Dr. Chloe Breyer, Executive Director, Interfaith Center of NY  
Rev. Dr. Willie D. Francois, III, Assistant Professor of Liberation Theology and Director of the Master of  
Professional Studies Program, New York Theological Seminary  
Rev. Michael A. Walrond, Jr., Senior Pastor, FCBC  
Rev. Michael Livingston, Interim Senior Minister, The Riverside Church in the City of New York  
Rev. Peter Cook, Executive Director, New York State Council of Churches  
Rising Ground  
Schuyler Center for Analysis and Advocacy  
SparkAction and the Forum for Youth Investment  
United Neighborhood Houses  
Urban Justice Center Mental Health Project  
Westchester Children's Association  
Youth Correctional Leaders for Justice  
Youth Represent  
Youth Shelter Program of Westchester

*List in formation*

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