



With implementation of Raise the Age (RTA) October 1, 2018, sixteen year olds who are arrested on most misdemeanors are processed as Juvenile Delinquents (JDs) through the Family Court, and those arrested on felony charges (known as Adolescent Offenders) may have their cases removed to Family Court, where they also proceed as Juvenile Delinquents.

New York State

- *Arrests Among 7 to 15 Year Olds.* During 2017, there were 10,434 arrests of youth 7 to 15, a decrease of 9% over the prior year.ⁱ This included more than 1,200 aged 12 or younger.ⁱⁱ
- *Arrests Among 16 and 17 Year Olds.* While 17-year-olds are still treated as adults (until October 1, 2019 under Raise the Age), there has been a consistent decrease in arrests among both 16 and 17-year-old youth during 2018.ⁱⁱⁱ Based on data from the first half of 2018, there were 8,676 arrests among this age group, reflecting a decrease of 22% statewide from the same period in 2017.^{iv}
- *JD Petitions Filed.* Court filings against youth aged 7 to 16 decreased 18% statewide during 2018. This includes decreases in felony (18%) and misdemeanor filings (17%).^v
- *JD Detention.* During 2018, the number of youth in detention decreased 19% from 2017 (new admissions), with the average total number of youth in detention at a little over 100.^{vi}
- *JD Dispositions and Placement.* During 2018, dispositions decreased by 15% across the state, and placement orders outside of NYC were down 15%.^{vii}
- *Adolescent Offenders.* During the first 6 months of RTA, there were 930 felony-charged 16-year-olds arrested statewide. Outside of NYC, there were 327 AO arrests.^{viii}
- *Adolescent Offender Removals to Family Court.* Among cases arraigned during the first 6 months of the RTA reform, 76% of felony-charged 16-year-olds had their cases removed to probation or family court, and did not proceed in the youth part of criminal court.^{ix}
- *Adolescent Offender Detention.* As of June 20, 2019, there were 53 youth in Specialized Secure Detention statewide.^x

New York City

- *Arrests Among 7 to 15 Year Olds.* During 2017, there were a little over 4,000 arrests of youth 7 to 15, a 12% decrease from 2016.^{xi} This included 287 children aged 12 or under.^{xii}
- *Arrests Among 16 and 17 Year Olds.* Data from NYC shows that since RTA went into effect through December 2018, there were only 525 arrests among 16-year-olds, down over 50% from the same time period in 2017.^{xiii} Data for 17-year-olds is not as current, but shows a 28% decrease in the number of arrests among 17s during the first half of 2018.^{xiv}
- *JD Petitions Filed.* Court filings against youth aged 7 to 16 decreased 22% statewide during 2018. This includes decreases in felony (22%) and misdemeanor filings (23%).^{xv}
- *JD Detention.* During 2018, the number of new admissions to detention decreased 22% from 2017, with the average total number of youth in detention on any given day at 45.^{xvi}

- *JD Dispositions and Placement.* During 2018, family court JD dispositions decreased by 19%, and placement in Close to Home decreased by 50% compared to 2017.^{xvii}
- *Adolescent Offenders.* During the first 6 months of implementation of RTA, there were 603 AOs (felony-charged 16-year-olds) arrested in NYC.^{xviii}
- *Adolescent Offender Removals to Family Court.* Among cases arraigned during the first 6 months of the RTA reform, 80% of felony-charged 16-year-olds had their cases removed to probation or family court, and did not proceed in the youth part of criminal court.^{xix}
- *Adolescent Offender Detention.* During the first 3 months of RTA, 16-year-olds were more likely to be released instead of detained than the same aged youth during 2017.^{xx} As of June 20, 2019, there were 31 youth in Specialized Secure Detention in NYC.^{xxi}

2019/2020 Legislation

- *Raise the Age Implementation.* The final budget included \$200 million for local RTA implementation, available to counties upon submission of an approved plan for developing a continuum of services, increasing staffing, training, and other costs associated with police, probation, legal services and local court processes.
- *Persons in Need of Supervision (PINS) Reform.* The final budget included legislation that ends detention and limits placements for status offenders. The law permits local child welfare agencies to continue to draw-down open-ended preventive dollars for PINS diversion and support services.
- *Court Processes for Youth.* The session ended with several bills passing the Senate and Assembly that codify changes to court procedure. These include “fixes” to or build upon RTA reforms, including provisions that permit the Courts hearing off-hours arraignments to transfer cases to the family court when the parties agree (obviating the need for an additional court appearance in the youth part of criminal court) (A.8315/S.6550), and remove the victim/complainant veto over adjustment decisions made by the family court in delinquencies (A.7939/S.6475).

Emerging Issues

- *Raise the Age Year 2.* The second phase of the law goes into effect in October 2019 for 17-year-olds, bringing the state into full implementation of the law. As 17s enter the family court system, the Office of Court Administration anticipates a significant increase in delinquency petitions.
- *Families First.* New York’s implementation of the federal law will directly impact New York City’s juvenile delinquency placements (Close to Home), which are considered foster care placements. Because of the restrictions placed around funding for institutional settings, the City will have to work with the State to ensure that those placements that currently draw down IV-E child welfare dollars will continue to be able to do so after Families First.

ⁱ DCJS Statewide Juvenile Justice Profile 2017, available at: <https://www.criminaljustice.ny.gov/crimnet/ojsa/jj-reports/newyorkstate.pdf>.

ⁱⁱ Ibid.

ⁱⁱⁱ DCJS New York State Arrests Among 16-17 Year Olds, Jan.-June 2018 vs. 2017, available at: <https://www.criminaljustice.ny.gov/crimnet/ojsa/NYS%20RTA%20Arrests%20YTD.pdf>.

^{iv} Ibid.

^v OCFS Juvenile Justice Indicators, 2018.

^{vi} Ibid.

^{vii} Ibid.

^{viii} DCJS Quarterly Update of Juvenile Offender/Adolescent Offender Arrests and Youth Part Court Activity, available at:

https://www.criminaljustice.ny.gov/crimnet/ojsa/rtq-quarterly_oct18_mar19.pdf.

^{ix} Ibid.

^x OCFS Specialized Secure Detention Daily Census, as of June 20, 2019, available at: <https://ocfs.ny.gov/main/rehab/facilities.asp>.

^{xi} DCJS NYC Juvenile Justice Profile 2017, available at: <https://www.criminaljustice.ny.gov/crimnet/ojsa/jj-reports/newyorkcity.pdf>.

^{xii} Ibid.

^{xiii} New York City Criminal Justice Agency, The First Three Months of Raise the Age and A Comparison to Similar Cases in October through December 2017, June 2019.

^{xiv} DCJS New York State Arrests Among 16-17 Year Olds, Jan.-June 2018 vs. 2017, available at: <https://www.criminaljustice.ny.gov/crimnet/ojsa/NYS%20RTA%20Arrests%20YTD.pdf>.

^{xv} OCFS Juvenile Justice Indicators, 2018.

^{xvi} Ibid.

^{xvii} ACS Flash Indicator Report, CTH Admissions, available at:

<https://www1.nyc.gov/assets/acs/pdf/data-analysis/flashReports/2019/01.pdf>.

^{xviii} DCJS Quarterly Update of Juvenile Offender/Adolescent Offender Arrests and Youth Part Court Activity, available at:

https://www.criminaljustice.ny.gov/crimnet/ojsa/rtq-quarterly_oct18_mar19.pdf.

^{xix} Ibid.

^{xx} New York City Criminal Justice Agency, The First Three Months of Raise the Age and A Comparison to Similar Cases in October through December 2017, June 2019.

^{xxi} OCFS Specialized Secure Detention Daily Census, as of June 20, 2019, available at: <https://ocfs.ny.gov/main/rehab/facilities.asp>.