

RAISE the AGE | NY

**Statement of the Raise the Age-NY Campaign
New York State Assembly and New York State Senate
HEARING: Exploring Solutions to the Disproportionate Impact of COVID-19
on Minority Communities
Submitted May 20, 2020**

Thank you to the New York State Assembly and Senate Standing Committees on Cities, Health, Labor, Local Government, and Women's Issues; the Black, Puerto Rican, Hispanic, and Asian Legislative Caucus; and the Assembly Task Forces on Asian Pacific Americans and Puerto Rican/Hispanic Americans for holding this crucial hearing and for the opportunity to submit written testimony.

The Raise the Age-NY campaign brought together organizations and individuals from across New York, including formerly incarcerated youth and their families, child advocates, service providers, faith leaders, legal services groups, and unions. Together, they helped pass the Raise the Age law to end the practice of automatically charging all 16- and 17-year-olds as adults in New York. Today, we stand with allies from across the state who are moving youth justice forward. To achieve the best outcomes for adolescents and young adults, and to continue to promote genuine community safety for all New Yorkers, we must embrace a broad vision for youth justice.

It is well documented that youth of color are disproportionately represented at every level of the justice system, from arrest to pretrial detention to conviction and incarceration. As coronavirus has devastated New York City and State, thousands of teenagers and young adults of color are incarcerated in detention, jails, and prison, or have faced arrest. Because of how efficiently and silently coronavirus spreads, how deadly it can be, and the difficulty of practicing social distancing in a jail or prison—let alone during an arrest—each of these young people is at severe risk. And the more we learn about the virus, the graver that risk appears to be. As Governor Cuomo said last week in response to emerging cases of children afflicted with a rare, sometimes deadly, inflammatory condition linked to coronavirus: “We have been behind this virus every step of the way and even as we are now beginning to see the numbers on the decline, the virus is still surprising us.”

Meanwhile as recent reporting has highlighted, policing in New York City during the COVID-19 crisis to enforce social distancing disparately targets communities of color and places youth of color at risk of unnecessary justice-system involvement, including arrest and detention. Youth who have been disconnected from school, jobs, friends and community activities for months, who are experiencing extreme stress, hunger, and, in some cases, unmet mental health needs are more likely to have law enforcement contact.

The COVID-19 crisis presents painful challenges for New York's youth and families, particularly youth who rely on public schools and other programs for not only education and enrichment but meals and other basic necessities. Young people whose lives are already

incalculably disrupted are also surely feeling the stress that this virus is placing on their parents and other family members, especially as quarantine stretches on. In this testimony we wish to share recommendations we have already shared with the Governor, New York City Mayor, and the New York City Council to reduce risks to youth and families of color.

1. **Expand measures to release as many young people as possible from confinement, including young adults age 18-25 held in adult jails and prisons.** While some young people have been released, the current crisis calls for even bolder action, on par with previously unthinkable decisions like closing schools for months on end and suspending overnight subway service in New York City. We understand that this requires collaboration by multiple actors.

- Prosecutors in each county must identify eligible youth charged as Juvenile Delinquents, Juvenile Offenders, and Adolescent Offenders as well as young adults age 18-25 for whom they can consent to release.
- All young people serving sentences of under one year or detained for administrative reasons must be released.
- Any youth detained solely because of a violation of terms of parole or probation must be released. We applaud Governor Cuomo for releasing 1,000 people detained on parole violations in April and for his recent announcement that up to 1,500 more people may be released. It is critical that these releases happen immediately and include all youth, regardless of the technical violation.
- Transfer eligible youth held in secure juvenile detention to smaller, less dense non-secure facilities to facilitate social distancing.
- Cease new admissions to juvenile and specialized secure detention for as many young people as possible, and instead fund community-based organizations to provide services and supports in the community to divert children from incarceration.

2. **Stop custodial arrests of youth for all but the most serious charges.** Every custodial arrest puts both young people and police officers at risk of contracting and spreading COVID-19. We can simultaneously protect public safety and public health. To this end, local and county police departments should:

- Immediately stop enforcement of all low level and “quality of life” offenses, including fare evasion, trespass, and drug offenses.
- Prioritize de-escalation at every level, and use referrals to community-based services in lieu of arrests and summonses, particularly for youth with mental illness and developmental delays.
- When necessary, utilize the least disruptive tools, such as summonses.

In addition, New York City and other cities must:

- Transfer responsibility for social distancing enforcement away from police and instead develop corps of individuals outside of law enforcement, with preference given to organizations that already have a presence in the most heavily policed neighborhoods.

- Anticipate and employ mental health responses to youth behavior instead of police interaction, deferring to mental health providers to intervene where young people are in distress.
3. **Ensure proper testing, medical treatment, not solitary confinement for any young person who falls sick.**
- While social distancing is critical to stop the spread, we cannot allow for young people to suffer the psychological trauma of solitary confinement. Instead, any seriously ill young person must be transferred to an appropriate medical facility, when necessary.
 - Young people in detention, jails, and prisons must have access to masks as well as adequate hand sanitizer, soap, and other cleaning supplies.
 - In line with CDC guidance, young people should have access to testing for COVID-19 if they have reason to believe they have been exposed to the novel coronavirus or if they are displaying symptoms of COVID-19.
4. **Protect critical supports for New York’s most vulnerable youth.** As you know, Mayor de Blasio’s FY2021 Executive Budget for New York City eliminated over \$213 million in summer funding for essential youth activities and programming at a time when adolescents and young adults are more vulnerable than ever before. While we understand that the crisis has created an unparalleled budget challenge, we must ensure that basic policies and funding are in place so that we do not fail our most vulnerable youth. The City and State must work together to:
- Invest in remote programs, employment and stipends, including restoring funding for Summer Youth Employment Program (SYEP) in New York City. Organizations need both flexible funds and guidance now to create programs that can be effectively administered for youth this summer.
 - Identify and preserve funds for remote engagement with young people, including check-ins, mentorship, and, where necessary, referrals to other community-based services and supports.
 - Invest in mental health services that meet the needs of youth and their families, understanding that these mental health needs will escalate with the lengthening period of home confinement, the impacts of unemployment, and the community loss of life that has resulted from COVID-19.

We thank the New York State Senate and Assembly for your leadership during this crisis, and welcome the opportunity for further discussion of any of these recommendations. We look forward to continuing to work together.