

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/new-york-state-revisits-the-age-of-juvenile-jurisdiction>

Public Facing Advocacy Writing

Sixteen-year-olds can't vote, join the military, or buy alcohol or cigarettes. In New York State, however, it's routine and the law to treat 16-year-olds as adults in the criminal justice system.

Federal guidelines listed in the [Juvenile Justice Delinquency Prevention Act](#) suggest that youth under 18 should be sent to Juvenile Court, yet New York State along with only one other state, North Carolina continues to send children as young as 16 to the adult system regardless of the charge.

Now there are signs that change may be on the horizon in both states. An article in the September 20 edition of the [New York Times](#) reports that a growing chorus in New York State is calling for raising the age of juvenile jurisdiction to 18 only months after North Carolina began debating a nearly identical reform.

Why is this issue important? According to the New York State Task Force on Transforming Juvenile Justice Report, 53 percent of juveniles in placement were adjudicated on misdemeanors. This suggests that juveniles who have committed non-violent and non-serious offenses may end up in adult prison. Recently, there have been calls for an examination of what New York State is currently doing to ensure that youth who may benefit most from rehabilitation services and monitoring are not being sent to adult prison.

Criminal justice experts indicate that sending 16- and 17-year-olds to adult prisons may be both unsafe and unhealthy. Research has shown that youth spending time in adult prisons face a number of obstacles that limit their future education and employment opportunities. According to the [Bureau of Justice Statistics](#), youth under the age of 18 in adult jails were disproportionately victims of inmate-on-inmate sexual violence. [The MacArthur Foundation Research Network](#) has found that placing youth in the adult system also increases their chances of re-offending. Sixteen- and 17-year-olds in prison receive inadequate education, mental health treatment, and rehabilitative programming. In addition, the Bureau of Justice Statistics estimated, using 2000-2002 data, that jail inmates under 18 had the highest rate of suicide among all inmates.

Moreover, researchers from the National Institute of Mental Health and the University of California Los Angeles have found that 16- and 17-year old brains are not fully developed. The prefrontal cortex, which governs decision making, planning, long-term goal setting, and perception of risk, is the final area of the brain to mature. In 2005, the Supreme Court agreed with this research, deciding in *Roper v. Simmons* that juveniles, or those under the age of 18, have not achieved the level of maturity to be sentenced to death.

It is certainly positive to see that some New York State decision makers are revisiting this policy. The topic of raising the age of criminal responsibility definitely needs to be further discussed so that we are sure juveniles are being served in the system that is most capable of serving them. Not only is it a conversation of which systems should handle 16- and 17-year-olds, but of where the state should invest necessary resources to best serve this vulnerable population.

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