



**TESTIMONY OF:**

**Andrea Nieves**

**BROOKLYN DEFENDER SERVICES**

**Presented before  
The New York City Council  
Committee on Courts and Legal Services  
and  
Committee on Juvenile Justice**

**Oversight Hearing  
on  
Raising the Age of Criminal Responsibility**

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My name is Andrea Nieves. I am an attorney in the Policy and Advocacy Unit at Brooklyn Defender Services (BDS). BDS provides innovative, multi-disciplinary, and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy, for over 40,000 clients in Brooklyn every year. Brooklyn Defender Services' has a specialized adolescent unit, called the Brooklyn Adolescent Representation Team, or BART. BART represents over two thousand adolescents ages 13-21 annually. I thank the City Council Committee on Courts & Legal Services for the opportunity to testify today about BDS's experience representing adolescents.

**Brooklyn Defender Services calls on the New York State legislature to lead the country in creation of specialized Adolescent Courts that meet the unique needs of older adolescents in line with modern neuroscience and social science research.**

BDS calls on the New York State legislature to pass adolescent justice reform that does not limit young people's constitutional rights and that actively minimizes the harm that young people currently suffer in both adult criminal and family courts. While our

current delinquency system has many advantages over the adult criminal justice system, it is by no means a panacea to the harms that poor youth of color experience when they interact with any government system. Indeed, certain aspects of the Family Court Act lend themselves to increased arbitrariness and injustice, as compared to the adult criminal system. Legislators must learn from the experiences of the other 48 states that have already raised the age of criminal responsibility and carefully draft legislation that combines the best aspects of both existing systems.

Furthermore, BDS does not support any aspects of legislation that seek to increase penalties for youth or make either the family court or adult criminal court system more punitive in any way. The purpose of raising the age is to improve outcomes for young people in accordance with modern neuroscience and social science research.

Unfortunately, some states that have raised the age are now faced with the reality that removing cases to an imperfect juvenile court system does not always create better outcomes for youth.<sup>1</sup> States that studied the problems with their juvenile courts and used raise the age legislation as an opportunity to improve how they treat adolescents have fared much better.<sup>2</sup> New York should take advantage of the benefits that exist in both systems and create a new court for adolescents.

BDS proposes the creation of hybrid adolescent courts where judges would have the authority to act under either the Criminal Procedure Law or the Family Court Act. The court would provide a series of options for quick resolution prior to invoking the highly intrusive procedures in the Family Court Act. Adolescents would maintain their constitutional rights to a jury trial, to be free from self-incrimination and the ability to plea bargain.

Additional steps should be taken to mitigate the long-term consequences of court contact for 16- and 17-year-olds, including raising the age of youthful offender status, opportunities for sealing of prior criminal records, and the elimination of fines, surcharges and civil judgments previously imposed.

<sup>1</sup> See Eli Hager, *In Some States, Raising the Age for Adult Court is the Easy Part, But in South Carolina, Making the Juvenile System More Humane Will Be Much Harder*, THE MARSHALL PROJECT, Sept. 27, 2016, available at <https://www.themarshallproject.org/2016/09/27/in-some-states-raising-the-age-for-adult-court-is-the-easy-part#.aHVsPpX0k>.

<sup>2</sup> See LSU Health New Orleans Institute for Public Health and Justice, *A Legislated Study of Raising the Age of Juvenile Jurisdiction in Louisiana: The Future of 17-year-olds in the Louisiana Justice System* (2016), available at

<http://media.nola.com/politics/other/LSUHSC%20IPHJ%20HCR73%20RAISE%20THE%20AGE%20STUDY%20REPORT%202016.pdf>.

Finally, a task force should be created to craft targeted solutions to the specific types of incidents that currently result in the arrest of adolescents, including parent/child disputes, school-based occurrences, and events that occur in mental health facilities, hospitals, foster homes or other facilities designed to help the occupants.

### Why an Adolescent Court?

Our call for a hybrid adolescent court is grounded in seven core principles:

- (1) 16- and 17-year-olds are developmentally and situationally different from both younger teens and adults;
- (2) The *parens patriae* approach of the family court has the potential to create net-widening in the justice system;
- (3) Net-widening is not effective in reducing re-arrests of low-risk offenders and diverts needed resources away from high-risk youth;
- (4) Targeted, swift, short-term interventions are most successful because they reinforce the connection between behavior and consequences;
- (5) Consequences should always be proportionate to the offense and not based on factors that the young person has no control over;
- (6) Young people should be appointed an attorney to defend their rights and protect against net-widening early in the process; and
- (7) Reform must seek to limit the disproportionate impact of all stages of the criminal process on poor people of color.

### **Principle 1: 16 and 17-year-olds are developmentally and situationally different from younger teens**

The teenage brain is still growing and maturing during adolescence, beginning its final push around 16 or 17, reaching maturation sometime during a person's early twenties.<sup>3</sup> Adolescents can make rational decisions and appreciate the difference between right and wrong. However, because their brains are still developing, when teens are confronted with stressful or emotional decisions, "they are more likely to act impulsively, on instinct, without fully understanding or analyzing the consequences of their actions."<sup>4</sup> The United States Supreme Court and courts across the country have begun to accept this research as fact and adolescent jurisprudence has begun to shift accordingly.<sup>5</sup>

Yet as any parent of a teenager knows, 16- and 17-year-olds, older teens are different from younger teens legally, socially, academically, physiologically, and emotionally:

- Their interactions with law enforcement are more complex, in part because they are bigger and often look like adults
- They are likely to be accused of serious crimes, including a greater chance of wrongful accusation and false confession
- They may be aging out of the foster care system
- They are more likely to be employed
- They are eligible for driving privileges
- Their parents have much less control over their daily activities
- They have more responsibility for others within the family
- Some are parents themselves

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<sup>3</sup> Mary Beckman, *Crime, Culpability and the Adolescent Brain*, SCIENCE MAGAZINE, July 30, 2004, reprinted at <http://www.deathpenaltyinfo.org/node/1225>.

<sup>4</sup> Malcolm Ritter, "Experts link teen brains' immaturity, juvenile crime," USA Today, available at <http://abcnews.go.com/Technology/story?id=3943187> (quoting Dr. David Fassler, a psychiatry professor at the University of Vermont College of Medicine).

<sup>5</sup> See, e.g., *Roper v. Simmons*, 543 U.S. 551 (2005); *Graham v. Florida*, 560 U.S. 48 (2010); and *Miller v. Alabama*, 567 U.S. \_\_\_, 132 S. Ct. 2455 (2012); *State v. House*, Slip Opinion No. 1-11-0580 (Ill. App. Ct. – 4<sup>th</sup> Div. Dec. 24, 2015) (granting new sentencing hearing in mandatory life without parole case where 19-year-old defendant's youthfulness was relevant when considered alongside his participation in the actual shooting, stating that "the designation that after age 18 an individual is a mature adult appears to be somewhat arbitrary" and citing "recent research" that "discussed the differences between young adults, like defendant, and a fully mature adult."); *State v. O'Dell*, Slip Opinion No. 90337-9 (Wash. Aug. 13, 2015)(holding that a defendant's youth can justify an exceptional sentence below the standard range when the defendant was over 18 when he or she committed the offense, relying on "psychological and neurological studies showing that the 'parts of the brain involved in behavior control' continue to develop well into a person's 20s.")

- They are more likely to take action on their own behalf when they have problems at home
- They are more likely to be homeless or living outside of the family home
- Their education is a matter of choice rather than mandatory
- Those in school cannot afford to miss classes or exams for their court appearance
- They look more like adults: they are bigger in size than their younger peers
- Their mental health issues, if any, frequently emerge at this age
- They are dealing with more complex emotions, relationships and social interactions
- They are more likely to be sexually active

These challenges, in conjunction with the recognition that adolescents cannot be viewed as having the same level of criminal culpability as adults, create unique needs for older teenage defendants.

### **Principle 2: The *parens patriae* approach of the family court creates net-widening in the juvenile system**

New York's family courts are grounded in the philosophy of *parens patriae*, a doctrine that allows the state to step in and serve as a guardian for children and persons deemed incompetent. The juvenile court emphasizes treatment, supervision and control rather than punishment. They tend to view the young person's crimes as symptoms of his or her "real" needs and the system has maximized discretion to provide flexibility in diagnosis and treatment of the "whole child." The Family Court Act also limits procedural safeguards mandated in adult courts such as jury trials, opting instead to put cases in front of specially-trained juvenile judges with wide discretion.<sup>6</sup>

The *parens patriae* approach sometimes leads to lengthy terms of detention or supervision for relatively minor behavior. This is because, in juvenile court, the nature of the offense affects neither the degree nor the duration of the intervention. Rather,

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<sup>6</sup> Barry C. Feld, "Juvenile and Criminal Justice Systems' Responses to Youth Violence," 24 CRIME & JUSTICE 189-261, 192 (1998).

juvenile court judges impose indeterminate and non-proportional sentences that potentially continue for the duration of minority.<sup>7</sup>

The result of these extended interventions often leads to net widening within the family court system. Instead of reducing the number of youth formally processed through the juvenile justice system, the prevention and early intervention policies actually subject more youth to formal justice system intervention.

**Principle 3: Net-widening is not effective in reducing re-arrests of low-risk offenders and diverts needed resources away from high-risk youth.**

Any Adolescent Court must be carefully constructed to limit net widening. "Net widening" or "widening the net" is the name given to the process of administrative or practical changes that result in a greater number of individuals being controlled by the criminal justice system. Research over the past thirty years has shown that prevention and early intervention policies in juvenile justice often subject more youth to formal justice system intervention, resulting in the diversion of resources from youth most in need of interventions to youth who may require no intervention.

While it may seem counterintuitive, the research is clear: when it comes to youth, it is best to steer non-violent youthful offenders out of the justice system. Studies show that first-time offenders will never be arrested again, regardless of any intervention they receive. Almost 70 percent of youth who are arrested once are never arrested again. 20 percent of young offenders are re-arrested two or three times, with only six to eight percent falling into the category of three arrests or more.<sup>8</sup> Re-arrest rates appear to mirror the reality in the streets. A recent study found that 91.5 percent of justice-involved youth reported decreased or limited illegal activity during the first three years

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<sup>7</sup> *Id.*

<sup>8</sup> Center on Juvenile and Criminal Justice, "Widening the Net in Juvenile Justice and the Dangers of Prevention and Early Intervention" (August 2001), 4-6, available at <http://www.cjj.org/uploads/cjj/documents/widening.pdf>. See also Marvin E. Wolfgang, Robert M. Figlio, and Thorsten Sellin, *Delinquency in a Birth Cohort*, Chicago: University of Chicago Press, 1972; Michael Schumacher and Gwen A. Kurz, *The 8% Solution: Preventing Serious, Repeat Juvenile Crime*, Thousand Oaks, California: Sage Publications, 1999.

following their court involvement.<sup>9</sup> Re-offense statistics hold true whether or not first-time offenders are provided diversion interventions.<sup>10</sup>

**Principle 4: Targeted, swift, short-term interventions are most successful because they reinforce the connection between behavior and punishment.**

BDS is not of the opinion that first-time offenders should get a free pass for allegedly delinquent behavior. We believe that there should be a wide range of pre-arrest and precinct-based diversion options created and expanded to reduce the percentage of young people that even get to court. For those that are ultimately arrested, though, it is essential to carefully design options that are minimally invasive in the young person's life while also satisfying the goals of punishing the teen and reducing the chance of a repeat offense.

For juvenile interventions to be effective, research shows that they should be swift, certain, and consistent.<sup>11</sup> Such interventions allow the young person to connect the negative behavior with the punishment. It also sends a consistent message about accountability and personal responsibility.

**Principle 5: Punishment should always be proportionate to the offense and not based on factors that the young person has no control over.**

The family court's current sentencing scheme is a one-size-fits-all approach which allows for onerous and overbroad long-term conditions no matter the charge. Pursuant to this scheme, teens charged with a minor infraction can and do end up in placement,

<sup>9</sup> Edward P. Mulvey, "Highlights from Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders," OJJDP JUVENILE JUSTICE BULLETIN (March 2011), available at <https://ncjrs.gov/pdffiles1/ojjdp/230971.pdf>.

<sup>10</sup> Ted Palmer and Roy V. Lewis, *An Evaluation of Juvenile Diversion*, Cambridge: Oelgeschlager, Gunn & Hain, 1980.

<sup>11</sup> Office of Juvenile Justice and Delinquency Prevention, *Combating Violence and Delinquency: The National Juvenile Justice Action Plan*, Washington, D.C.: U.S. Department of Justice, 1996.

sometimes until their 18<sup>th</sup> birthday or longer. This is one of the true failings of family court.

There are many legally-prescribed family court procedures, agency policies and assessment instruments that do not reflect realities about older teens. These biases put older teens at a disadvantage when being assessed for risk under current practices.

Some examples:

- Adjustment criteria currently emphasize parental involvement and school attendance and are less focused on the young person's own level of responsibility
- Police criteria for issuance of summons include whether a parent has ever had a warrant
- Full probation reports and family evaluations, requiring a parent interview, are required on all cases in family court regardless of the alleged act or expected disposition.
- Young people and their parents are required to disclose if the young person uses drugs, engages in sexual activities or has "negative peer interactions." All of these disclosures can then be used against the teen to mandate interventions and determine his or her punishment.

*The nature of the crime, not the nature of the teen's social circumstances, should control sentencing. The more extreme the punishment, the more important that it be tightly calibrated to the criminal act the individual committed. The more minor the crime, the less the potential sentencing exposure should be, even if the teen fails to comply with programs or conditions set by the court.*

Non-compliance with court-required conditions and sentences should be met with increasing degrees of assistance in meeting the requirements of the court, and for the most part, not result in incarceration. Adolescents often need support rather than punishment to stay on track in correcting a course of misbehavior.

Incarceration should not be a sentencing option in all but the most serious cases. Incarcerating youth based on purely punitive principles has little effect on, and in some

cases may even increase youth recidivism.<sup>12</sup> When necessary to incarcerate a young person, they should be placed in non-secure facilities and moved to more secure placements only when less restrictive options have failed. Solitary confinement should never be used as a punishment for teenagers.

**Principle 6: Young people should be appointed an attorney to defend their rights and protect against net widening early in the process.**

Older teens should have a right to this counsel at the earliest, and arguably the most critical, stages of a family court or adult court prosecution. Poor people are not likely to receive legal advice or guidance during the pre-court procedure. Public defense attorneys can provide representation at the precinct and at adjustment. They can also connect interested teenage clients and their families with community services to address their collateral needs swiftly and appropriately.

The way the law is currently structured, a young person under the age of 16 may not be questioned without a parent present. The governor's legislation would extend this protection to 16- and 17-year-olds. However, a parent with means can hire an attorney to advise them at the precinct, where statements usually take place, but an indigent person does not have access to legal advice for themselves or their child until they appear in court – after the young person's arrest has become a criminal accusation.

Young people should have access to attorneys at the precinct to protect their *Miranda* rights: the right to remain silent or right to consult an attorney. As the Commission Report properly noted, police interrogation of a youth is an extremely important moment in a youth's involvement with the justice system, with consequences that can shape the youth's life and threaten the soundness of the outcome.<sup>13</sup> Attorneys present at the precinct can advise the young person and his or her family about statements, avoiding false statements that can work against the child later. Studies have found that youth invoke their *Miranda* rights in about 7 percent of cases. By contrast, adults have

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<sup>12</sup> Edward P. Mulvey, "Highlights From Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders," OJJDP JUVENILE JUSTICE BULLETIN (March 2011), available at <https://ncjrs.gov/pdffiles1/ojjdp/230971.pdf>.

<sup>13</sup> Commission Report, pp. 40-41.

been found to invoke such rights in approximately 20 percent of cases.<sup>14</sup> We can better protect young people by ensuring that defense attorneys are available at this stage. This is particularly important because, let's face it, teens are likely to lie to get out of trouble, yet as obvious as this is, there is a tendency to use denials against the young person on court.

Public defenders can provide representation at the precinct with other added benefits. Lawyers can bring the police officer's attention to matters that can impact the charges to be brought and assist the family in establishing the young person's release with an appearance ticket. It is also never too early to do a full investigation of the allegations, identifying and interviewing witnesses while the incident is fresh in their minds.

Young people should have a right to an attorney at the adjustment interview that takes place prior to the formal filing of charges in delinquency proceedings. The assessment determines the programs that the youth is required to participate in in order to divert his or her case from prosecution and will play a role in the sentencing determination if he or she is found responsible. Currently, people who can afford to do hire counsel at this early stage of the proceedings. Indigent people have no such assistance.

### **Principle 7: Reform must seek to limit the disproportionate impact of all stages of the criminal process on poor people of color.**

Children of color, particularly young men, are substantially overrepresented in the juvenile justice system, both as victims and offenders. They are arrested and imprisoned at far greater numbers than their white counterparts. As the Commission Report noted, black and Hispanic youth make up 33 percent of 16- and 17-year-old youth statewide, but 72 percent of all arrests and 77 percent of all felony arrests.<sup>15</sup> They also receive 82 percent of sentences to confinement statewide. In New York City, black and Hispanic youth account for more than 95 percent of prison sentences for 16- and 17-year-olds.<sup>16</sup>

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<sup>14</sup> Commission Report, pp. 40-41.

<sup>15</sup> *Id.*, p. 40.

<sup>16</sup> *Id.*, p. 78.

The overrepresentation of adolescents of color in the juvenile justice system causes significant harm to youth, their families, and communities of color. The long-term collateral consequences of interactions with the system reinforce a vicious cycle of poverty and disenfranchisement. Juvenile justice reforms must acknowledge disparities at all stages of the criminal process and actively seek to limit the effects of racial bias and reduce racial disparity.<sup>17</sup>

### What Would an Adolescent Court Look Like?

An adolescent court could be located in either adult or family courts. The adolescent court should be developed in consultation with all of the juvenile justice and criminal justice stakeholders to minimize net widening.

#### *1. Jurisdiction of the Adolescent Court*

- a. *16 and 17-year-olds should have their cases heard in the Adolescent Court, with the possibility of expanding the reach of the court to older adolescents in future years*
- b. *Judges would be cloaked with the authority of both Supreme and Family Court judges*

Judges would have the ability to sentence youth under either the Criminal Procedure Law or the Family Court Act, depending on the alleged act(s) and the adolescent's prior criminal history.

- c. *Disorderly conduct and harassment should not be chargeable offenses against 16- and 17-year-olds*

Violations cannot be charged against youth under 16 years of age in family court and the same should apply to all young people under the jurisdiction of the Family Court Act. The Governor's Commission recognized that adolescents should not be held

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<sup>17</sup> See, e.g., Akiva M. Liberman and Jocelyn Fontaine, *Reducing Harms to Boys and Young Men of Color from Criminal Justice System Involvement*, Urban Institute: Washington, D.C. (Feb. 2015), p. 1, available at <http://www.urban.org/UploadedPDF/2000095-Reducing-Harms-to-Boys-and-Young-Men-of-Color-from-Criminal-Justice-System-Involvement.pdf>.

criminally responsible for normative teenager behavior. Actions falling within the category of violation offenses are just that.

*d. Vehicle and Traffic Law violations should be heard in the Adolescent Court.*

Youth who violate New York Vehicle and Traffic Law should be held responsible for their actions in the adolescent court. This would be an exciting area for innovation and age-appropriate programming that would allow communities to address harms such as impaired driving and substance abuse.

*2. Adjustment process for adolescents must include constitutional safeguards*

The U.S. Department of Justice recently entered into an agreement with the St. Louis County Family Court that aims to ensure that the court protect the constitutional rights of children throughout their court proceedings. Among other reforms, the agreement prohibits deputy juvenile officers –the court staff responsible for virtually every aspect of family court operations – from discussing with the young person the substance of the allegations and/or using incriminating statements made by the youth in subsequent delinquency proceedings.<sup>18</sup>

Indeed, the best way to protect young people from the net widening effects of these disclosures is to ensure that adjustment is voluntary, young people have the advice of counsel during the probation assessment, and that anything said to probation is not held against a young person at sentencing. The assessment should also be done by an outside agency to ensure that the results of the assessment are not used against the youth at sentencing, as is often done in family court, and in violation of an adolescent's 6<sup>th</sup> amendment rights. While the Governor's 2017 Raise the Age Executive Budget Proposal incorporates these constitutional safeguards into proceedings involving Juvenile Offenders, youth who have their cases heard in family court are not provided the same protections.

BDS suggests the first family court intervention be a "mini-adjustment" mirroring the highly successful DAT-Y project. Currently being implemented in Brooklyn adult court and resulting in a 50 percent reduction in re-arrest for participants, this quick and effective intervention is also the basis for a New York City police diversion program for 16- and 17-year-olds. Our suggestion is that teens scheduled to meet with the

<sup>18</sup> U.S. Dep't of Justice, Office of Public Affairs, *Justice Department Enters into Agreement to Reform the Family Court of St. Louis County, Missouri*, Dec. 14, 2016, available at

<https://www.justice.gov/opa/pr/justice-department-enters-agreement-reform-family-court-st-louis-county-missouri>.

Department of Probation at intake be offered a quick screening rather than a detailed traditional adjustment interview. If eligible (the vast majority will be), the respondent will be directed to attend a one-time class or other appropriate intervention.<sup>19</sup> Studies and experience indicate that short and targeted interventions are more effective than intrusive and long-lasting obligations when it comes to modifying the behavior of teenagers. It is also a positive that, for cases successfully “adjusted” in this way, the entire matter is resolved in one day—respecting the teens other obligations and creating an impression while the matter is fresh in the young person’s mind. Diversion programs like DAT-Y are an important way to limit the number of youth who become justice involved.

### ***3. Pre-trial detention***

Young people in Adolescent Court should have access to both bail and supervised release to minimize the need for pre-trial detention.

### ***4. Constitutional protections maintained during the life of the case***

In adult court, adolescents currently have the right to a jury trial and the ability to plea bargain with the prosecutor for a non-incarceratory sentence. In the family court, instead of plea bargaining the juvenile makes an admission to a lesser charge, but there is no commitment by the court with regard to sentencing, where the judges must consider the best interests of the child. The result is that youth charged with non-serious crimes may face probation and subsequent placement in cases that would never resolve in an incarcerated sentence in adult court. In order to protect against this, young people in Adolescent Court must maintain their right to a jury trial and the ability to plea bargain.

### ***5. Sentencing***

#### *a. No adolescent should be eligible for adult sentencing*

If we believe the neuroscience research that adolescents are distinct from adults, then we must adhere to the principle that they are deserving of rehabilitation and shorter sentencing. Consequently, no adolescent should be eligible for adult sentencing, and

<sup>19</sup> The DAT-Y program focuses on decision making and consequential thinking and is conducted in a three-hour class that uses art and other modalities to encourage meaningful participation by the teens. We would be happy to provide additional information about the successful elements of the DAT-Y program.

certainly no adolescent should be eligible for a life without the possibility of parole sentence.

Adolescents charged with the most serious crimes should only be charged in rare circumstances under the Juvenile Offender sentencing scheme. The default should be that most adolescents would avoid incarcerated sentences altogether.

*b. Placement or detention should not be available in misdemeanor cases*

One major problem with delinquency cases is that family court judges are authorized to place youth based on “the best interests of the child” and often youth end up in placement for low-level allegations that would never have resulted in detention in adult court. Placement and detention foster recidivism and worse outcomes and should only be used the rarest of circumstances.

The nature of the crime, not the nature of the teen’s social circumstances, should control sentencing. The more extreme the punishment, the more important that it be tightly calibrated to the criminal act the individual committed. The more minor the crime, the less the potential sentencing exposure should be, even if the teen fails to comply with programs or conditions set by the court.

Non-compliance with court-required conditions and sentences should be met with increasing degrees of assistance in meeting the requirements of the court, and for the most part, not result in incarceration. Adolescents often need support rather than punishment to stay on track in correcting a course of misbehavior.

Incarceration should not be a sentencing option in all but the most serious cases. Incarcerating youth based on purely punitive principles has little effect on, and in some cases may even increase youth recidivism.<sup>20</sup> When necessary to incarcerate a young person, they should be placed in non-secure facilities and moved to more secure placements only when less restrictive options have failed. Solitary confinement should never be used as a punishment for teenagers.

*c. Fines and Fees*

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<sup>20</sup> Edward P. Mulvey, “Highlights From Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders,” OJJDP JUVENILE JUSTICE BULLETIN (March 2011), available at <https://ncjrs.gov/pdffiles1/ojjdp/230971.pdf>.

Given that adolescents are required to be in school, Adolescent Court judges must not have the authority to penalize adolescents with fines and fees as under the Criminal Procedure Law. However, youth should still be held accountable for restitution in certain limited circumstances.

*d. Sealing*

Some form of sealing would be available for all adolescents who appear before the Adolescent court. Cases should be filed only in the young person's first name and last initial, as in family court, to ensure a young person's privacy.

What can City Council do to support court-involved adolescents in New York City?

Even if the state raises the age of criminal responsibility this year, the law will not go into full effect until 2020. There is a great deal that the City can do to support youth now that would limit court involvement for youth and improve outcomes for young people and their communities.

**Recommendations:** City Council should invest in programs that support youth.

1. Right now there are no diversion programs in Brooklyn that deal with the unique needs of pregnant and parenting teens or homeless youth. There is a great need for more programming options for gang-involved youth. Councilmember Lancman noted the success of Project Reset, a critical resource in limiting the number of youth who become court-involved. We call upon the City Council to work with the Mayor's Office of Criminal Justice and the Center for Court Innovation to pilot new diversion programs in the courts and extend Project Reset to all precincts in Brooklyn.
2. Court involvement fosters homelessness and homelessness invites further court involvement. Runaway and homeless youth shelter beds are critical for connecting youth with much needed services and protecting them from a life on the streets. We have testified extensively about youth homelessness and the complete lack of shelter beds for youth in Brooklyn or the Bronx. Please revisit our in-depth testimony before the Committee on Juvenile Justice, including recommendations for action, available at <http://bds.org/bds-testifies-at-nyc->

[council-committee-on-juvenile-justice-oversight-hearing-on-examining-acss-juvenile-offender-population/](#)

3. City Council also has the authority to call upon the NYC Department of Correction to improve the way that they support the adolescents in their care on Rikers Island. The Council could mandate the presence of social workers on every adolescent block, fund reading and math specialists to assist school-age youth, and facilitate visits for parents to maintain contact with their children while incarcerated on Rikers Island. One way to foster family relationships would be to increase access to the library video visitation program. Please revisit our previous testimony before the Committee on Juvenile Justice on these issues: <http://bds.org/wp-content/uploads/2016.11.30-BDS-testimony-on-East-River-Academy-FINAL.pdf> and <http://bds.org/wp-content/uploads/2016.09.21-BDS-testimony-on-family-engagement-at-ACS-facilities-FINAL.pdf>.
4. Finally, the Council should consider funding NYC District Attorney Offices to hire specialized Assistant District Attorneys to focus on reducing the number of youth who obtain convictions.

If you have any questions about my testimony, please feel free to reach out to Andrea Nieves, [anieves@bds.org](mailto:anieves@bds.org), 718-254-0700 ext. 387.