



National Association of Social Workers

50 Broadway • 10th Floor • New York NY • 10004 • Phone: (212) 668-0050 • Fax: (212) 668-0305
Website: www.naswnyc.org • E-Mail: contactus@naswnyc.org

Sandy Bernabei, President
Candida Brooks-Harrison, President-Elect
Robert Schachter, Executive Director
Joan Serrano Laufer & Alicia Fry, Co-Chairs, NASW-NYC PACE

It's a Matter of Human Rights

Raise the Age Of Criminal Responsibility

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NASW-NYC supports a movement to Raise the Age of Criminal Responsibility in New York State from 16 to 18 years old. New York is one of only two states—the other being North Carolina—that automatically arrests, prosecutes, and over-criminalizes 16 and 17-year-olds as adults. These are disproportionately kids of color who are arrested for activities that go mostly unnoticed when done by whites.

We believe that the Raise the Age campaign is based on core human rights principles and violates the UN Convention on the Rights of the Child, to which the United States is a signatory. NASW-NYC's stance on this is also supported by the NASW-NYC Code of Ethics.

Among the most sobering reasons to support this campaign is seeking justice for Kalief Browder, a 22-year-old African American New Yorker who was arrested at age 16 on charges of allegedly stealing a backpack. He was subsequently imprisoned at Rikers Island pending trial for three years. Earlier this year, he committed suicide, unable to survive the trauma inflicted by his incarceration, which included an unprovoked beating by a guard which was caught on tape, and long periods of solitary confinement and deprivation. His case, for which he long claimed his innocence, was eventually thrown out.

Adolescents are adversely impacted when adjudicated in adult courts and detained in adult prisons. The over-criminalization of teenagers leads to higher suicide rates, high rates of rape in prison, and increased recidivism. Solitary confinement can permanently damage young people. These challenges disproportionately affect young men of color and their communities.

It is noteworthy that recent research in brain development shows that impulse control and judgment don't develop until the early to mid-20s, which makes these teenagers less culpable for

their actions and more susceptible to rehabilitation. It is also important to note that since the 1990s, there has been a significant decrease in violent crimes committed by youth. This reduction in crime has encouraged thoughtful, focused intervention to reduce recidivism without costly incarcerations.

Legislation in New York to Raise the Age would trigger a comprehensive series of reforms proven to be effective with 16- and 17-year-olds. It would reserve confinement only to those who pose a significant threat to public safety, and protect the youths from being preyed upon by older incarcerated individuals, by using only juvenile facilities regardless of which court sentences them. It would allow young people to avoid a lifelong criminal record for one adolescent mistake. It would provide or offer a rehabilitation response to all minors accused of committing a crime, thus reducing reoffending and making communities safer.

Recommended reforms include, but are not limited to:

- Making the juvenile system rehabilitative – including parental notification on first contact with the police to confinement only in facilities for youth.
- Pre-trial diversion of cases: Diversion involves referring a person out of the court system to the social service resources of their community while living with his or her family. Research shows that diversion of appropriate cases before trial improves outcomes for youth and better protects public safety. Diversion costs much less than either out-of-home placement or juvenile placement.
- Removing youth from adult jails and prisons and planning re-entry to the community

NASW-NYC calls for significant and systematic changes to our destructive, expensive, and dysfunctional justice system for 16- and 17-year-olds, with an aim toward a society in which all adolescents can have equal opportunity to live productive and healthy lives.

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