Testimony of

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Oversight Hearing: Implementation and Expansion of Raise the Age Int. 1628

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Good morning. My name is M. Mena and I am a Policy and Budget Analyst at the Citizens’ Committee for Children of New York, Inc. (CCC). CCC is a 74-year-old independent, multi-issue child advocacy organization dedicated to ensuring that every New York child is healthy, housed, educated, and safe.

Thank you Chairs Rory I. Lancman and Keith Powers, and all the members of the Juvenile Justice and Justice System Committees for holding today’s oversight hearing on the Implementation and Expansion of Raise the Age Int. 1628. I would also like to thank all of the members of Committees for their commitment to improving outcomes for youth in the justice system. CCC welcomes the opportunity to provide testimony backed by our fact-based advocacy and data-driven methods that prioritize, first and foremost, the safety of children, including justice-involved youth. We look forward to working closely with the Committees to create policies that ensure that each New York City youth is afforded the rights and opportunities to learn and grow from their transgressions, with minimal trauma, and to reintegrate into society with dignity.

CCC was a co-lead in the passing of the State legislation to Raise the Age of criminality for youth in New York in April 2017. These laws were several years in the making and marked a long-awaited victory for New York’s children, youth, and families, especially communities of color whom we know are often over-policed and over-represented in the juvenile justice system. With the passing of Raise the Age legislation, the automatic prosecution and confinement of 16- and 17-year-olds as adults ended. This legislation changed how youth are handled in New York’s court system and aimed to provide “age-appropriate services and facilities that would promote an environment focused on wellbeing for young people.”

In the last two years, we have monitored its implementation, which removed all 16-year and 17-year-olds from Rikers’ Island Adult Correctional facility in October 2018. Thus far, the data suggests that we are heading in the right direction. Increased reporting on all matters relating to justice-involved youth would further support the progress being made in the Juvenile Justice System. According to the Mayor’s Office of Criminal Justice, which reported on the first nine (9) months of Raise the Age implementation, 80% of 16-year-olds arrested for felonies had their cases removed from the Youth Part of the State Supreme Court to Family Court. Importantly, under this legislation Youth Part judges obtain specialized training in adolescent behavioral development. The City has also seen a 61% decline in misdemeanor arrests for 16-year-olds, and an overall 30% decline in detention for youth under 18-years old. In this year’s


2 Ibid.

3 Glazer, pg. 5.
Mayor’s Management Report⁴ we also found that, consistent with trends before the passing of Raise the Age, there was a decrease in the placement of youth in detention facilities, as well as a decrease in the length of time of confinement in said facilities. Moreover, there has been a decrease in reported youth-on-youth assaults, and while there was a slight increase in reports of youth-on-staff assaults, “the increase in the youth on staff assault rate is attributable to the consolidation of the juvenile delinquent, juvenile offender and adolescent offender populations into the Crossroads Juvenile Center during the implementation of the Raise the Age law.”⁵ To address this issue, the Administration of Children’s Services (ACS) is incorporating a new behavioral management system which they anticipate will result in a decrease in the number of assaults.⁶ Therefore, today’s hearing to discuss the proposed required reporting on juvenile justice statistics by ACS and the Department of Probation (DOP) is timely. Reporting would offer public data to allow a fuller picture of the juvenile justice system in New York. Transparent, consistent, and on-going reporting, for example, will help us better understand:

- Who is involved in the youth justice system?
  - Key youth demographics pertaining to race, gender, age, and home zip codes, among other data can provide more information on the types of preventive services and community-based support might their communities need.

- What types of offenses have they been arrested for? And what are the terms of their disposition, including length of placement in juvenile facilities? Given that judges receive training on adolescent development, and are required to “consider a disposition of the case that represents the least restrictive and most appropriate option consistent with the needs and best interests of the youth and community,”⁷ it is imperative to keep track of what misdemeanors and felonies youth are being charged with, the duration of their placement, and more generally the terms of their disposition.

- In which facilities are youth being placed?
  - What facilities are they being transferred from? For youth who have been transferred multiple times, what facilities have they been placed in and why are they being transferred? Keeping track of justice involved youth is one important way of ensuring that they are provided with the necessary resources to complete their time in the system and to help break the cycle of recidivism.

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⁵ Ibid.

⁶ Ibid.

⁷ Ibid.
• Additionally, the data will include incident reports involving Juvenile Justice Staff and/or altercations among youth. If we want to reduce the incidents that occur in juvenile facilities, data and reporting are key to identify trends and types of trainings and services that can be effective in minimizing disputes.

CCC believes that these and other areas outlined in Int. 1628 will further strengthen the juvenile justice system, a system that impacts thousands of young New Yorkers. There are well-documented social, health, and life-long effects for justice-involved youth, their families, and communities.

National research has shown that youth involved in the juvenile justice system have high rates of exposure to trauma. A national study found that up to 90% of justice-involved youth report exposure to some type of trauma, 70% meet criteria for a mental health disorder, and 30% meet criteria for post-traumatic stress disorder. Another study of youth in detention in Chicago found that 93% of youth had experienced at least one trauma, 84% experienced more than one trauma, and 57% reported being exposed to trauma six or more times, with most of these traumas consisting of witnessing violence. Compared to youth in the general population, youth in juvenile justice system have much higher rates of trauma histories. Various studies have found rates that are between two (2) to four (4) times higher among juvenile justice youth than general population youth.

Girls in the juvenile justice system have even greater rates of exposure to trauma, particularly family violence and sexually-based traumatic experiences.\(^8\) Using a national data set of juvenile justice youth, girls were twice as likely as boys to report sexual abuse and four (4) times as likely to have experienced sexual assault.\(^9\) A study of youth in detention facilities found that girls and boys were equally likely to have experienced a variety of traumatic experiences, except girls were eight (8) times more likely to report sexual abuse and two and half (2.5) times more likely to report severe neglect.\(^10\) In one of the few studies to compare matched youth in the community and youth in detention facilities, girls in detention were three (3) times more likely to report being victims of rape or molestation than matched girls in community, and nearly ten (10) times more likely than boys in detention.\(^11\)

These alarming statistics should encourage us to continue to pursue and provide a robust network of supports for justice involved youth, a majority of whom have also experienced trauma. Fortunately, there are now several evidence-based, evidence-informed and promising practices that have demonstrated effectiveness in addressing trauma, including many that specifically target court-involved youth who have histories of trauma. An on-going list of evidence-based models and their efficacy is provided by The National Child Traumatic Stress


\(^9\) Ibid.

\(^10\) Ibid.

\(^11\) Ibid.
Network and available online at http://nctsn.org/resources/topics/treatments-that-work/promising-practices. Empirical research into long-term outcomes from trauma services within the juvenile context is still relatively new and, like most juvenile justice research, faces challenges in measuring recidivism for juveniles, but a few studies have shown promising findings. A recent study found that justice-involved youth with histories of trauma were less likely to believe they would recidivate when they were provided mental health services. More generally, trauma-informed care has been found to improve mental health outcomes and has been shown to reduce suspensions and expulsions in some school contexts.

In light of these facts, CCC views two major areas of concern that are directly linked to providing youth in the juvenile justice system with developmentally appropriate resources to increase their wellbeing and lead them back to a healthy and safe path. First, we want an update on the phasing out of correctional officers and/or Department of Correctional personnel in facilities where juvenile and adolescents are placed. And secondly, reporting data accurately and consistently increases oversight and accountability and ensures that every child and youth in detention is accounted for, thus keeping with the original goals of Raise the Age Legislation to “promote an environment focused on the wellbeing for young people.”

We urge the Committees to continue to take steps to stand up for the rights and wellbeing of youth involved in the justice system.

**Phasing out of correctional officers**

As we approach the phasing out of correctional officers in youth justice facilities, this process raises significant concerns for CCC. Generally, the Department of Correction approaches youth in the same way they approach adults in prison with the use of excessive force, resulting in trauma. As I outlined above, a majority of youth in the juvenile justice system experience trauma while in custody. Traumatizing youth will not result in positive behaviors, but rather exacerbates a climate of fear and distrust that enables young adults to continue to act from a place of confusion and stress rather than from a place of mental and emotional stability. Youth deserve the opportunity to learn from their mistakes with services and positive interactions with well-trained staff who also have the youth’s best interest in mind. Ultimately, correctional officers are trained to extinguish any type of dispute among adult populations, however, this approach is not developmentally appropriate for youth.

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14 Glazer 2019, p. 4.
Scientific research conclusively shows how a person’s brain develops slowly and takes much longer than their outward physical appearance. Studies have repeatedly shown that most people’s brains do not fully finish developing until a person is in their mid-twenties. Brain scans show that adolescents’ brains look different than adults. The parts of the brain responsible for more complex functions are the last to mature, which typically does not finish until the mid-twenties. Specifically, the prefrontal cortex (or frontal lobe), is the very last part of the brain that finishes growing and developing. The prefrontal cortex handles complex functions, like long-term thinking, properly recognizing risks, emotional regulation, reasoning, and denying instant gratification. Before this part of the brain matures, brain scans show that the parts of the brain responsible for emotions and immediate desires are the parts used most heavily when making decisions. This can explain why youth often seem to have less self-control, are drawn to higher levels of risk and stimulation, make decisions that are not in their long-term best interest, and are bad predictors of consequences.

An adolescent’s underdeveloped brain is also, by nature, primed for change. The same immaturity of the adolescent brain that may lead to risky behavior also makes the adolescent and their brain more receptive to rehabilitative services. The developmental nature of 16- and 17-year-olds makes youth physiologically primed to changing their thinking and behaviors about criminogenic norms and beliefs, either for good or bad. Research shows that the adult criminal justice system harms youth development, whereas the juvenile justice system can provide the services needed for pro-social development that do not involve such extreme forms of isolation and/or excessive force.

**Reporting data**

As an organization focused on fact-based advocacy, CCC strongly supports Int. 1628 for greater accessibility to public data ranging from demographic information on the youth placed in facilities, to the type of facilities they are placed in, to the nature of incident reports in juvenile justice facilities, as well as data on who is staffing these facilities. CCC supports efforts to end the practice of using pepper spray (Oleoresin Capsicum spray) to discipline youth. Furthermore, we support the proposed sections that explicitly address the reporting of youth probation (9-206), including the amounts of bail and other charges for youth who have committed both violent and non-violent felonies. CCC cannot overstate the significance of data and reporting to better meet the needs of justice-involved youth. We must remember that for the thousands of youth that pass through the system every year, we have thousands returning to their home communities. Consistent and accurate data reporting allows us to better serve youth.

CCC looks forward to continued partnership with the Committees to ensure effective implementation of Raise the Age legislation in NYC.

Thank you for the opportunity to testify today.

Respectfully,

M. Mena, Ph.D.