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Editorial

THE ISSUE:

The governor has used his executive powers to help some New Yorkers who committed crimes in their youth.

THE STAKES:

He must now help broker legislation to raise the age. Facing persistent resistance from the state Senate in efforts to reform how our justice system deals with 16- and 17-year-olds charged with crimes, Gov. Andrew Cuomo has done the next best thing -- pardoning more than 100 New Yorkers who turned their lives around after criminal convictions at that young age.

The compassionate action follows through on a pledge the governor made a year ago that could affect an estimated 10,000 people who were convicted of crimes committed when they were 16 or 17. Because of the 101 conditional pardons granted last week by Mr. Cuomo, the recipients will no longer have a public criminal record, removing a huge obstacle to finding jobs and housing and pursuing higher education.

New York and North Carolina are the only two states that still treat 16- and 17-year-olds accused of crimes as adults. When these young offenders are processed through the adult criminal justice system and sent to prison, they end up 34 percent more likely to later be arrested for a violent crime compared to youth whose cases go through a Family Court type system and are held in a juvenile facility, according to research by the National Juvenile Justice Network. This recognition has given rise to a "raise-the-age" movement that would provide an array of options to law enforcement and the courts now only available to those younger than 16.

Handling these cases through Family Court enlists the help of a young person's family as well as social and mental health services, all aimed at addressing the causes of the criminal behavior. In cases where incarceration is ordered, the youths are held with their peers in facilities that offer rehabilitation programs instead of being assigned to jails and prisons where they would be influenced by hardened criminals. Other states have found these alternatives provide a path away from a life of crime, but New York's youth remain behind the curve in this regard. That's because proposals to make these necessary changes come up year after year, but never make it out of committee in the state Senate.

The governor deserves credit for his response. In addition to offering conditional pardons -- which require the recipient to stay out of trouble -- Mr. Cuomo has also taken the commendable step of ensuring that those 16- and 17-year-olds convicted of crimes and order incarcerated serve the time separately from the adult prison population.

Still, these steps are not enough. In particular, Mr. Cuomo should use his political skills to pressure those Senate Democrats who align themselves with the chamber's Republican leadership the Independent Democratic Conference -- to get the "raise the age" legislation out of committee so it may be considered by the full Senate.

Then it will be up to advocates of this important legislation to use the compelling documentation available to convince the lawmakers to do the right thing for New York's youth by adopting the

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overdue reform.