

N.Y., N.C. consider changes to juvenile justice laws

Yamiche Alcindor, USA TODAY

2:35 p.m. EST March 1, 2014

A national movement is underway to make all states treat youths age 17 and under as juveniles, rather than adults, when they are charged with crimes



(Photo: Jennifer S. Altman for USA TODAY)

SHARE

 **507**
CONNECT

 **143**
TWEET

 **32**
COMMENT

 EMAIL

 MORE

BROOKLYN, N.Y. — Jim St. Germain does not remember the day he decided to sell drugs.

At the time, it was an unremarkable turn for the 11-year-old whose Brooklyn neighborhood was filled with young men dealing temporary highs.

"It was like a family business," St. Germain, 24, said. "It wasn't like I woke up and said I'm going to sell. It was a natural thing to me. You just think I can't wait to get to the next level."

But, St. Germain's criminal ascension was cut short.

STORY HIGHLIGHTS

- Offenders who are 16 and 17 face adult punishment in New York and North Carolina

USA NOW



Is this the final weather blast? | USA NOW

Mar 03, 2014



507



143



32



■ Nearly 200 minors are housed in those states' prisons

■ Cuomo: 'Juvenile justice laws are outdated'

In 2004, he was arrested at 14 and charged with a felony drug charge as a juvenile and sent to a group home that he says saved his life. Now, St. Germain and others are lobbying that 16- and 17-year-olds who make similar mistakes will have the same opportunities — in juvenile court.

Their efforts are part of a national movement to make New York and North Carolina treat 16- and 17-year-olds as juveniles rather than adults in the criminal justice system. The two states are the last in the country that automatically treat those in their late teens, regardless of their crimes, as adults.

In a years-long trend, states have been changing their laws to keep young offenders away from adult prisons. Teens treated as adults live in violent settings without rehabilitation where more experienced criminals can take advantage of them, advocates say. Some, however, are cautious about the changes because they say doing so will be expensive and may strain the juvenile justice system.

A deep frown envelops St. Germain's face as he thinks about the dozens of friends who have recounted their experiences in adult jails and prisons. They talk about grown men raping and intimidating isolated and suicidal young boys, he said.

The young man is convinced he is the incredibly lucky one among a band of friends who made bad decisions together. Had he been 16, St. Germain would likely have been sent to an adult prison for several years, he said.

"I'm really good at adapting so if I had been sent to an adult prison I would have become a better criminal," St. Germain said. "I have a lot of friends who are still locked up."

Across the state of New York, there are 53,898 people in adult prisons — 130 of them are minors. Of the 37,148 people in North Carolina's adult prisons, 64 are minors. Advocates add that thousands of young people are arrested, charged and convicted as

adults. Some may avoid prison time but still carry the stigma and consequences of being treated as adults.

In New York and North Carolina, coalitions have been working for several years to get the age of adult criminal responsibility raised. This year, the New York groups got welcome news from New York Gov. Andrew Cuomo in his State of the State Address in January.

"Our juvenile justice laws are outdated," Cuomo said. " Under New York state law, 16- and 17-year-olds can be tried and charged as adults. Only one other state in the nation does that; it's the state of North Carolina. It's not right, it's not fair — we must raise the age. Let's form a commission on youth public safety and justice and let's get it done this year."

Cuomo has yet to announce the members of the commission but has budgeted \$250,000 for the new group to come up with a way to implement the change. Likely, law enforcement officials, service providers and legislators will be part of those tasked with hammering out the details including how much such a change would cost and how it would affect the infrastructure of the juvenile justice system.

When older teens are sent to the adult system, they receive mainly punishment and are denied access to many alternative programs that work on changing behavior early, said New York City Department of Probation Commissioner Vincent Schiraldi.

"Kids drop off a cliff when they go into the adult system," Schiraldi said. "Research consistently shows when you keep similarly situated young people together, they do better, they get arrested less frequently and for less serious crimes," he said.

Part of the debate around raising the age deals with whether young murderers and other violent offenders should be treated as adults. Melanie Hartzog, executive director of Children's Defense Fund-N.Y., said based on studies, all minors, despite their crimes, should be treated as juveniles.

"We are not saying young people should not be incarcerated," Hartzog said, explaining that instead her group believes young people should be housed with people their age and with similar offenses.

Whatever the commission decides, it's clear the change will require putting new cash into the juvenile justice system, said Abby Anderson, executive director of the Connecticut Juvenile Justice Alliance.

Between 2010 and 2012, Connecticut began sending 16- and 17-year-olds to its juvenile system. Still, Anderson points out that it took years to make that happen.

"It's about money," she said, explaining that in tough fiscal years some won't want to invest in young people who get in trouble.

But, Anderson and others say the key to getting the change passed is explaining the crippling and long-term effects on teens and society.

Reginald Dwayne Betts, who spent eight years in a Virginia adult prison after carjacking someone at 16, knows about those effects.

The 33-year-old is a first-year law student at Yale University but has been denied countless jobs and has been turned away from apartments because of his record. He also had a full undergraduate scholarship to Howard University but couldn't receive it because he had a felony conviction.

Before that, he had come of age amid chaos. In prison, he became paranoid and callous after seeing people get stabbed and beat to death.

"I was 5-foot-6 and 125 pounds, and I was in prison with men," Betts said. "My perception of the world was sort of governed by violence and desperation for a long time."

Betts' experiences and others like it are why Brandy Bynum has been lobbying for North Carolina to raise the age of adult criminal responsibility for seven years.

"This is a policy whose time has come," said Bynum, director of policy and outreach for N.C. Child: The Voice for North Carolina's Children, a child advocacy group. "We are creating tax burdens not taxpayers."

Some, however, are cautious about the changes.

Officials with the North Carolina Sheriffs' Association and the North Carolina Conference of District Attorneys have expressed concern about the cost and consequences of raising the age in their state. Both organizations and the office of North Carolina Gov. Pat McCrory did not return multiple requests by USA TODAY for comments about the issue.

Dean Skelos, a Republican and majority co-leader of the New York state Senate, hasn't decided whether to support raising the age in New York.

"In the coming weeks, we will consult with and seek feedback from the state's district attorneys on this proposal," said Scott Reif, a Skelos spokesman.

The biggest pushback will likely be from Upstate New York politicians who will be leery of doing anything that seems soft on crime, said Jeffrey Fagan, a Columbia University law professor. He also doubts whether Cuomo, who will face re-election in November, will stick by the plan if too many view it as being easy on young criminals.

"The bread and butter for politicians is to be tough on crime," Fagan said. "I think fears of crime will trump any rational argument based on science."

Studies show that at 16 and 17, people's minds are still developing and behaviors are much more malleable, said Mishi Faruqee, a juvenile justice policy strategist for the American Civil Liberties Union. Recognizing this, several states over the past few years have adjusted their laws to deal with the differences between teens and adults.

Faruqee added that such changes can drastically impact young people of color who are overrepresented in the adult system. In both New York and North Carolina in 2011, the

ratio of young people of color to white youths in adult prisons was 4 to 1, according to the American Civil Liberties Union.

"This is in a way a racial justice issue," Faruqee said. "Almost all the young people on Rikers Island are people of color."

One of them could have been St. Germain, who was born in Haiti and moved to New York when he was 9. His mother abandoned the family when he was 3. His father, who moved the family to the United States, was addicted to drugs and rarely around.

St. Germain and his siblings were being raised by their grandmother in Brooklyn when he was arrested. After his conviction, he spent three years living in a group home with a couple and five other boys. There, he fought then flourished.

Now, St. Germain, a college graduate, spends much of his time speaking and lobbying for juvenile justice rights. He hopes to possibly go to law school and one day run for public office.

"It's a blessing that I got caught at an early stage," he said. "I wouldn't have stopped unless my whole neighborhood changed overnight."

SHARE  **507** CONNECT |  **143** TWEET |  **32** COMMENT |  EMAIL |  MORE

