

**What is Raise the Age?** Raise the Age (“RTA”) refers to a law passed by New York State in April 2017. RTA raises the age at which youth are treated as adults in the criminal justice system. The new law is phased, effective for 16-year-olds on October 1, 2018 and for 17-year-olds on October 1, 2019. Before RTA passed, 16- and 17-year-olds (“adolescents”) who entered the criminal justice system were treated as adults throughout the court system and held in adult jails and prisons.

**What happens post-Raise the Age?** The vast majority of 16- and 17-year-olds’ cases will ultimately be heard in Family Court, the court that in the past exclusively heard charges against children 7-15 years of age. Depending on charge, these cases may either start in Family Court or in the Youth Part, a new court that is a part of Supreme Court, where adult felony cases are prosecuted.

- Effective October 1st, 2018, 16-year-olds charged with misdemeanors that occurred on or after October 1st, 2018 automatically go to Family Court. Those who are charged with felonies, as well as individuals under 16 years of age charged with specific serious felonies, will be arraigned in the Youth Part in each borough.

**Juvenile Delinquents—those with cases in Family Court—will now include most 16-year-olds<sup>1</sup> who previously moved through the adult criminal court system.**

- Department of Probation staff interviews Juvenile Delinquents (“JDs”) and administers a risk assessment questionnaire.
- Based on the risk assessment, Probation staff will determine if the case may be adjusted (early resolution of a case based on charges and risk assessment). If it is not adjusted, the case is referred to the Law Department, which investigates and decides whether to proceed with charges in Family Court.
- If the judge orders the JD to be detained during the remainder of the case, he or she can be detained in either Non-Secure Detention (less restrictive residential group homes) or Secure Detention (restrictive facilities reserved for the highest-risk youth).
- If the youth is detained in Secure Detention, he or she will go to Crossroads Juvenile Center in Brooklyn. In the event that the judge determines that the youth will be placed (the juvenile equivalent of sentencing), the youth will go to Close to Home facilities (small group homes in all boroughs) or to a state-run facility. A judge can also order the youth to an Alternative to Detention (ATD) or Alternative to Placement (ATP) program, which provide community-based supervision and services in lieu of detention or placement.

**Adolescent Offender (“AO”) is a new category created under Raise the Age for some adolescents charged with felony offenses. AOs will be arraigned in the newly created Youth Part of the Supreme Court.**

- Many of these individuals will ultimately have their cases transferred to Family Court. The Youth Part judge will make a determination about whether to remove the case to Family Court. Most non-violent felony cases will be removed to Family Court, unless under extraordinary circumstances. Violent felony cases may also be removed to Family Court based on the judge’s determination. DAs have 30 days to decide whether to ask for the case to remain in the Youth Part.
- If the case stays in Youth Part, the judge will decide whether to release the individual with no conditions, set bail, place them under community supervision, or remand them to detention (held in detention without bail).
- If the individual is detained, they will be housed at Crossroads Juvenile Center.
- In the event that the judge sentences the young person, they will serve sentences under one year at Crossroads Juvenile Center or sentences over one year at a facility run by the New York State Office of Children and Family Services (OCFS) (the state agency that operates residential juvenile justice facilities).

**Any young people ages 16-17 detained on Rikers Island as of October 1, 2018 have been transferred to the Horizon Juvenile Center in the Bronx. 17-year-olds detained over the next year (“Gap Year”) will also be housed at Horizon, though their cases will proceed in the adult system until October 1, 2019.**

- If these individuals are sentenced, they will serve that sentence at either Horizon Juvenile Center (sentences up to one year) or New York State Department of Corrections and Community Supervision facilities (sentences over one year).

<sup>1</sup> 17-year-olds will become eligible effective October 1st, 2019.

**Juvenile Delinquent (JDs):** JDs are youth ages 7 to 15 arrested on misdemeanors and most felonies whose cases proceed in Family Court. Starting October 1st, 2018, 16-year-olds with misdemeanor charges for incidents occurring on or after October 1st, 2018 will automatically be considered JDs. Many 16-year-olds arrested on felonies (AOs, see below) will become JDs because their cases will be removed to Family Court. 17-year-olds will be eligible for this process on October 1, 2019. Misdemeanor charges for incidents occurring on or after October 1st, 2018 will automatically be considered JDs.

**Juvenile Offenders (JOs):** JOs are youth ages 13 to 15 charged with a specified serious felony whose cases proceed in Criminal Court. JO-designated charges include:

- 13-year-olds charged with murder or a sexually motivated felony
- 14- and 15-year-olds charged with: murder (including attempted), kidnapping (including attempted), arson, assault, manslaughter, rape, criminal sexual act, aggravated sexual abuse, burglary, robbery, weapon possession<sup>2</sup>.

**Adolescent Offenders (AOs):** AOs are a new category, created by Raise the Age, of 16-year-olds arrested and charged with a felony offense. Arraignments for AOs will take place in the newly created Youth Part in Supreme Court. 17-year-olds will become eligible for this process on October 1, 2019.

**Gap 17-Year Olds (Gap Year):** 17-year-olds who are arrested on any charge for an incident that occurs between Oct. 1, 2018 and Sept. 30, 2019 will proceed through the criminal court system and cannot go through the Family Court.

**Adjustment:** For cases in Family Court, adjustment is an early resolution of a case through the Department of Probation based in part on charge severity and risk assessment outcome. All individuals involved, including the complainant, must agree with the adjustment terms. If the Juvenile Delinquent successfully completes the adjustment, his or her record will be permanently sealed.

**Family Court:** Following Raise the Age, 16-year old Juvenile Delinquents will go through Family Court, which was established to address the needs of young people who, by reason of their legal infancy, cannot be held criminally liable for conduct that, if committed by an adult, would constitute a crime. Seventeen-year-olds will become eligible for this process on October 1, 2019.

**Youth Part-Supreme Court:** New court part established by Raise the Age legislation in Supreme Court to hear Adolescent Offender and Juvenile Offender cases. Youth Part judges must also be Family Court judges.

**New York City Administration for Children's Services (ACS):** Among other responsibilities, ACS provides non-secure and secure detention services (Crossroads and Horizon Juvenile Centers) for justice-involved youth and oversees local Close to Home facilities for youth who are ordered to out-of-home placement by a Family Court judge.

**Non-Secure Detention:** These group home facilities, managed by ACS, offer less restrictive settings for lower-risk juvenile delinquents who have pending Family Court cases.

**Crossroads Juvenile Center:** The specialized secure detention facility that houses Juvenile Delinquents, Juvenile Offenders, and Adolescent Offenders who are awaiting the resolution of their cases.

**Horizon Juvenile Center:** The specialized juvenile detention facility that houses Rikers adolescents (16-and 17-year-olds moved from Rikers) and Gap Year adolescents who are sentenced to additional time in custody.

**Placement:** For cases resulting in a JD finding in Family Court (which can be likened to a conviction in criminal court, but which does not result in a criminal record), placement is an incarcerative sentence imposed by the judge.

**Close to Home Facilities:** Small group homes in or near the five boroughs that house Juvenile Delinquents who have been ordered to out-of-home placement by a Family Court judge.

**New York State Office of Children and Family Services (OCFS):** Among other responsibilities, OCFS is responsible for supervision and treatment of court-placed youth. For youth who are unable to be placed in local Close to Home facilities, OCFS runs statewide residential placement facilities.

**New York State Department of Corrections and Community Supervision (DOCCS):** Among other responsibilities, DOCCS is responsible for housing any youth transferred off of Rikers or any 17-year-old arrested between October 1, 2018 and September 30, 2019 and sentenced to more than one year in custody.

<sup>2</sup> The full list of juvenile offender charges with corresponding penal subsections can be found at: <http://ypdcrime.com/penal.law/article10.htm>