



Budget Priority

RAISING THE AGE OF CRIMINAL RESPONSIBILITY

PROBLEM

The Governor is prioritizing fundamental reform of the juvenile justice system in New York State, including a statutory change to the age of criminal responsibility. Structural changes to raise the age of criminal responsibility will require a significant investment in services based on a children and families social services model. These services will produce a need for job-training, high school equivalency education, transportation, drug and alcohol treatment, family and individual counseling, coordinated mental health services, case management, and other interventions resulting in significantly higher expenses. Many regions of the state currently do not have capacity to provide such services in their communities. In addition, the state currently caps funding for foster care and youth detention, and limits reimbursement for other child welfare and probation costs. This results in a significant unfunded mandate on counties, which will grow if the state changes the age of criminal responsibility without providing full funding to alleviate those costs.

2018 EXECUTIVE BUDGET PROPOSAL

The 2018-19 Executive Budget proposal includes \$100 million to implement Raising the Age of Criminal Responsibility. Funding provides support for raising the age of criminal responsibility and reform measures, including comprehensive diversion, probation, and programming services for 16 – and -17-year-old youth in the juvenile system.

In addition, the Governor's 30-Day Amendments on February 15, 2018. The Amendments include language allowing the Dormitory Authority of the State of New York (DASNY) to Assist with Construction Related to Raise-the-Age, extending authorization to obtain DASNY bond financing and construction services to local social services districts, probation departments, and not-for-profits providing juvenile residential placement services; to finance the construction of new specialized secure detention facilities and/or retrofitting existing juvenile detention facilities in time for the implementation of Raise the Age.

COUNTY SOLUTION

NYSAC strongly endorses and has long advocated that the governmental entity that makes legislative and public policy decisions should also be responsible for paying for them.

To make the implementation of this law successful and to ensure that diversion first, rather than detention first, can succeed, the state must invest in prevention services, including:

- De-link the adherence to the state property tax cap as an eligibility requirement for full state reimbursement of costs incurred to implement the new state mandate;
- Remove fiscal caps for foster care and youth detention;
- Restore the 65 percent state match for child welfare;
- Maintain PINS state fiscal support;
- Restore prior state funding cuts for Supervision and Treatment Services for Juveniles Program (STSJP) and provide necessary increases in state funding support beyond the previous level;
- Provide a clear service needs plan and capital investment strategy to ensure there is sufficient provider capacity and detention space in all areas of the state;
- Bolster outreach and require engagement of the K-12 school system as a partner in these systemic reforms;
- Ensure judges receive appropriate training on alternatives that may be available in communities; and
- Develop a waiver process in the early transition years regarding finding appropriate placement options for youth and families, especially in regard to the new specialized secure detention facilities for adolescent offenders (AOs) that may not be fully operational by October 1, 2018. In addition, the state should consider using current state facility(ies) to house AO until counties' facilities can be built and fully staffed as required under state regulations.

For more information on the county position regarding this issue, visit www.nysac.org/publicsafety or call 518-465-1473 to speak to Katie Hohman, NYSAC Legislative Director.