

THE LEGAL AID SOCIETY

Justice in Every Borough.

June 10, 2021

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*****FOR IMMEDIATE RELEASE*****

Legal Aid Calls on Governor Cuomo to Enact Legislation that Will End the Overwhelming Majority of Arrests and Prosecutions of Children Under the Age of 12

(NEW YORK, NY) – The Legal Aid Society called on Governor Andrew Cuomo to sign legislation ([S4051/A4982](#)) that would end the arrest and prosecution of children who are under the age of 12, except those charged with homicide.

New York currently sets its minimum age for arrest and prosecution of children as juvenile delinquents at age 7, the second lowest age set by statute in the United States. Across New York in 2019 alone, police arrested over 800 elementary school children ages 12 and younger. Children of color disproportionately suffer the brunt of this practice.

Rather than rely on arrests and prosecutions of elementary school-aged children, New York can promote true community safety and safe access to mental health care for children by ensuring that its system of local, community-based services is available to families of children whose behavioral needs would otherwise expose them to police and the legal system. This legislation would also end the secure detention of children under age 13 who benefit from this law.

Today's bill passage comes in response to reports nationwide of egregious arrests and prosecutions involving young children in such places as [Brasher Falls](#) and [Rochester, New York](#); [North Carolina](#) and [Maryland](#).

Raising the minimum age for prosecution in delinquency proceedings has emerged as a national issue as over half of U.S. states (28) have no minimum age for prosecuting children. The United States remains an outlier throughout the world in the prosecution of young children; 14 is the most common minimum age of criminal responsibility internationally.

While Black and Hispanic children make up only 57% of NYC's population of children:

- Over 90% of children age 7-11 arrested in New York City were Black or Hispanic in 2019, according to the New York State Department of Criminal Justice Services (DCJS);

- [Over 80% of petitions filed](#) in Family Court against children age 7-11 in New York City were against Black or Hispanic children in 2019, according to DCJS;
- Over 85% of children admitted to secure or non-secure detention were Black or Hispanic in fiscal year 2020, according to NYC Detention Demographic [Data](#).
- And, over 95% of all NYC youth admitted to non-secure placement and 87.5% admitted to limited secure placement are Black or Hispanic, pursuant to the disposition of their Family Court case according to NYC Detention Demographic Data.

“New York State is just a pen stroke away from abolishing its longstanding and appalling practice of arresting and prosecuting children who are under the age of 12,” said **Dawne Mitchell, Attorney-in-Charge of the Juvenile Rights Practice at The Legal Aid Society**. “In the vast majority of cases, this bill will bring New York's practices into accord with the science of child development and basic humanity. This is an essential step as New York continues to reform longstanding and ingrained biases in the state’s criminal and juvenile legal systems, and we call on Governor Cuomo to sign it into law at once.”

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For 145 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. www.legalaidnyc.org