

# THE LEGAL AID SOCIETY

Justice in Every Borough.

December 30, 2021

Contact:

Redmond Haskins  
The Legal Aid Society  
[rhaskins@legal-aid.org](mailto:rhaskins@legal-aid.org)  
(929) 441-2384

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

## ***Legal Aid Statement on Governor Hochul Signing Legislation that Will End the Overwhelming Majority of Arrests and Prosecutions of Children Under the Age of 12***

(NEW YORK, NY) - **Dawne Mitchell, Attorney-In-Charge of the Juvenile Rights Practice at The Legal Aid Society**, released the following statement in response to Governor Kathy Hochul signing into law S4051A/A4982A, legislation that will end the arrest and prosecution of children who are under the age of 12, except those charged with homicide:

“For decades, our young clients - the overwhelming majority of whom come from communities of color - have suffered significant trauma from these draconian practices, including lifelong harm. We laud Governor Hochul, Senator Bailey and Assembly Member Hevesi for ensuring this critical legislation’s passage into law.

Raising The Lower Age builds on the successes of raise the age and other recent reforms to further justice for New York State’s children and youth, and The Legal Aid Society urges Albany to continue this fight by passing legislation immediately next session to protect the rights of youth during police interrogations and to abolish the City’s rogue DNA database which has ensnared many of our clients for too long.”

### **Background**

Until today, New York has set 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 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 will 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 also ends the secure detention of children under age 13 who benefit from this law.

This legislation 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 delinquency 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 pursuant to the disposition of their Family Court case are Black or Hispanic according to NYC Detention Demographic Data.

###

*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](http://www.legalaidnyc.org)*