

STATEMENT

to the

NEW YORK STATE COMMISSION ON YOUTH, PUBLIC SAFETY & JUSTICE

by

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Good morning to Members of the Commission. Thank you for inviting me to appear here today. I will make a brief statement and then leave you with five key points that I hope will be included in your ongoing discussions.

Brief Statement

Reducing youth crime is a complicated business, and I think we all know that it takes more than punishment.

If it were possible to stop crime by simply increasing punishment, we would certainly know it by now.

Nearly every state in the country expanded punishments for youthful offenders between 1985 and 2005 – often by sending more young people into criminal court systems.

Decades of research tell us that the strategy did not work – IF the point of the strategy was to protect the public from crime.

If, on the other hand, if the goal of expanding youth punishment was simply to communicate our deep concerns about crime, then we could say the strategy was a success.

I assume the Commission's work should not be characterized as an exercise in communication. I assume that your task is to advise lawmakers about the justifications for

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changing the jurisdictional age of the State's family court and criminal court systems, as well as the feasibility and costs of doing so.

Key Points

Given that this is your mission, I encourage you to consider these points.

1. Establishing the proper scope of family law versus criminal law should be *informed* by research. Fundamentally, however, this is not a question to be settled by research. Calibrating the justice system's approach to youthful offending is a matter of social justice and shared values. The 19th Century founders of family court systems across America did not need brain scans and random controlled trials to understand that it was just to treat youthful law-breakers differently from adults. They knew it was the right thing to do.
2. Unfortunately, even with today's growing research literature, the evidence base on many of the critical questions related to age of jurisdiction is less clear than advocates on either side make it out to be. Years of studies have failed to confirm the deterrent effect of putting more young people in adult courts, but they also failed to establish the long-term benefits of juvenile court handling. The uncomfortable truth is that doing research on this question is difficult. Studies do not generate unequivocal answers. The best summary of knowledge is that — on balance — it appears that changes in youth crime (especially violent youth crime) are not correlated with the use of policies that place larger numbers of young people in criminal courts rather than juvenile or family courts.
3. There is one area of research, however, that has generated strong evidence. Developmental and behavioral science shows us that adolescents who violate the law are more likely to respond positively to justice systems that are customized for adolescents, and in this regard family courts are superior to criminal courts.
4. If placing more young people in criminal court does not advance crime reduction goals, the only argument against raising the age of criminal jurisdiction in New York would likely center on the cost and complexity of implementing a change in policy. This is not a sufficient justification to avoid addressing the potential harm being done to adolescents in the existing criminal court process.
5. If New York State bases even some of this important decision on costs, I hope the economic model looks beyond simple questions of budgetary outlays and instead examines the wide range of potential impacts on public safety. These would include not only the costs of moving youth into the family courts, but the savings to be accrued by moving them out of criminal courts. It would include the long-term labor market, educational, and housing impact of court sanctions on offenders, and it would include the economic and social benefits of crime rates on the victims of crime, where even a small increment of rehabilitation could generate large-scale benefits for New York families and communities.

Thank you for your time. I would be happy to answer any questions.