

FACT SHEET ON THE ADULT COURT CASE PROCESSING OF JUVENILE OFFENDERS IN NEW YORK CITY, JANUARY THROUGH DECEMBER 2021

In New York, a fourteen- or fifteen-year-old arrested for a serious offense, such as first-degree robbery or first-degree assault (or a thirteen-year-old arrested for second-degree murder), is processed within the jurisdiction of the adult criminal justice system as a Juvenile Offender (JO). This report describes juveniles under the age of 16 who were arrested for serious crimes during 2021 (*JO Offenses are enumerated below in the Appendix*) and provides information on court activity for JO cases during the reporting period. Any case which had a specific action (arrest, arraignment, disposition, or sentence) during the year is counted.

Note that Raise the Age affected the court of jurisdiction for 16-year old arrestees starting October 2018 and for 17-year old arrestees starting October 2019 but does not pertain to JOs although, like adolescent offenders (AOs) charged with felonies, JOs are now brought to Supreme Court for arraignment.

Arrests and Arraignments

- There were 271 arrests for JO offenses, more than the 240 arrests in 2020 but only slightly more than the 266 and 263 in the previous two years. The most severe arrest charge was most often first-degree robbery (39%), followed by second-degree robbery (20%) and possession of a weapon in the second degree (20%), the only JO-eligible weapon offense, which increased from 8% of top JO charges in 2020 and 4% in 2019.
- Bronx arrests accounted for more JO arrests than any other borough (28% up from 20% in 2021). 27% were in Brooklyn, 24% in Manhattan, 16% in Queens and 5% in Staten Island.
- More than nine of every ten youths (94%) arrested for JO offenses were male and more than seven of every ten (71%) were aged 15. Nearly six of every ten (59%) were Black, more than third (36%) were Latinx, 3% were white and less than 1% were Asian.
- 58% of JO arrests were arraigned in adult court (157), down from 194 in 2021, 227 in 2019 and 208 in 2018). The remaining cases were either referred to Probation for processing as juvenile delinquency cases or declined prosecution by the district attorney.
- The JO release recommendation reflects only two factors: school attendance and expecting someone to attend arraignment. The recommendation may be overridden by a policy consideration that excludes the defendant from eligibility for any recommendation if charged with murder or attempted murder, if there is a current bench warrant, or if the interview is not complete. If juveniles who were not screened and those in the excluded categories are subtracted from the calculation base, then youths received the highest rating in more than nine of every ten (96%) arraignments.
- A third of JOs were released on recognizance in 2021, an additional 14% were released under supervision, and nearly 5% were released on bail at arraignment. 48% were held on bail or remanded with no bail set compared to 37% in 2020, 32% in 2019 and 38% in 2018.

Dispositions

- Citywide, 186 JO cases reached disposition in 2021, including JO cases that began in previous years, about the same as the 181 in 2020 but fewer than the 241 in 2019 and 234 in 2018.
- 52% of JO cases disposed in 2021 were transferred to Family Court, down from about 60% in 2020 but comparable to 2019 (50%). A quarter (26%) were convictions in Supreme Court, about the same as in 2020 (23%) and 2019 (27%). 20% were dismissals, between the 16% in 2020 and 22% in 2019. The remaining 2% were consolidated with or covered by other cases.
- Juveniles were released on recognizance or under supervision at some time prior to disposition in nearly three quarters (73%) of JO cases that were continued at arraignment and reached disposition in 2021 (down from 85% in 2020). An additional 18% were released on bail prior to disposition (up from 6% in 2020). Only 9% did not secure pretrial release, about the same as in 2020 and 2019 but down from 15% in 2018.

Sentences

- 38 JO cases reached sentencing in 2021, down from 61 in 2020. In 14 cases the sentence was imprisonment, in 12 the sentence was probation and in 12 the sentence was conditional discharge. Custodial sentences accounted for a slightly larger proportion of sentenced cases in 2021 (36%) than in 2020 (30%) or 2019 (31%).
- Nine of the 14 custodial sentences were for one year or less, two were for a minimum of one year to a maximum of three years, one was for a minimum of one year four months to four years and two sentences were longer.

APPENDIX: JUVENILE OFFENSES

| Offense | Penal Law | Felony Class | Defendant Age |
|---|----------------|--------------|---------------|
| Aggravated sexual abuse in the first degree | 130.70 | B | 14, 15 |
| Arson in the first degree | 150.20 | A | 14, 15 |
| Arson in the second degree | 150.15 | B | 14, 15 |
| Assault in the first degree | 120.10 (1) (2) | B | 14, 15 |
| Burglary in the first degree | 140.30 | B | 14, 15 |
| Burglary in the second degree | 140.25 (1) | C | 14, 15 |
| Criminal sexual act* in the first degree | 130.50 (1) (2) | B | 14, 15 |
| Kidnapping in the first degree | 135.25 | A | 14, 15 |
| Attempted kidnapping in the first degree | 110/135.25 | B | 14, 15 |
| Possession of a weapon in the second degree | 265.03 (3) | C | 14, 15 |
| Manslaughter in the first degree | 125.20 | B | 14, 15 |
| Murder in the second degree | 125.25 (1) (2) | A | 13, 14, 15 |
| | 125.25 (3)* | A | 14, 15 |
| Attempted murder in the second degree | 110/125.25 | B | 14, 15 |
| Rape in the first degree | 130.35 (1) (2) | B | 14, 15 |
| Robbery in the first degree | 160.15 | B | 14, 15 |
| Robbery in the second degree | 160.10 (2) | C | 14, 15 |

* But only where the underlying crime is also a JO offense.

This report can be downloaded from nycja.org/library.php. © 2022 NYC Criminal Justice Agency, Inc.
When citing this report, please include the following elements, adapted to your citation style:

Gewirtz, Marian J. 2022. *Fact Sheet on the Adult Court Case Processing of Juvenile Offenders in New York City, January through December 2021*. New York: New York City Criminal Justice Agency, Inc.