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The Third Year Of Raise The Age

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THE THIRD YEAR OF RAISE THE AGE

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SUMMARY

This report describes the processing of 16- and 17-year-old arrestees during the third year of New York State's Raise the Age (RTA) Law. The law, which went into effect for 16-year-olds on October 1, 2018, and for 17-year-olds on October 1, 2019, raised the age of criminal responsibility in the State and changed how these Adolescent Offenders (AOs) are processed. Arrests from October 2020 through September 2021 are compared with arrests from October 2019 through September 2020 (year 2), October 2018 through September 2019 (year 1, the first year of the implementation of RTA for 16-year-olds and the year prior to implementation for 17-year-olds). Data is also presented for October 2017 through September 2018 (pre-RTA).

RTA Arrests

- There were 1,364 arrests of 16-year-olds and 2,002 arrests of 17-year-olds in the third year of RTA. The number of arrests was lower in year 3 than in year 2, especially for 16-year-olds.
- The volume of arrests of 16- and 17-year-olds decreased markedly when they became eligible for RTA. The number of arrests continued to decline for both age groups and for VFO (violent felony offenses), non-VFO felony offenses and especially for misdemeanors.

Prosecution

- The percentage of felony arrests prosecuted as felonies declined for both age groups and both VFO and non-VFO charges since implementation of RTA. However, the decrease was greater for 16-year-olds and for cases with non-VFO charges.
- There were far fewer cases for 16- and 17-year-olds prosecuted in adult court with felony charges after RTA was implemented. The decrease was steeper for 16-year-olds than for 17-year-olds. The number decreased from 1,111 in year 1 to 863 in year 2 and 668 in year 3 for 16-year-olds but declined from a high of 992 down to 894 for 17-year-olds.

Arraignment

- About half of AO cases were removed to Family Court at arraignment in year 3, up from 44% for both age groups in year 2 and only 25% at arraignments for 16-year-olds in year 1 (17-year-olds were not yet eligible). The rate of removal was higher for cases with non-VFO charges than for those with VFO offenses.
- In the third year of RTA, youths were released at arraignment (ROR, under supervision or with other non-monetary conditions) in more than nine of every ten non-VFO cases but in little more than seven of every ten VFO cases.

Adult Court Outcomes

- Most RTA case for both ages were removed to Family Court (84% to 90% across the ages and time periods), but the rates were higher for non-VFO cases (91% to 97%) than for cases with VFO charges (79% to 86%).
- In year 3, more than six of every ten VFO cases were removed at arraignment or the following day as were nearly nine of every ten non-VFO cases. Yet a month or more elapsed from arraignment to removal for one in ten AO cases.

Sentencing

- More than half of the sentences in AO cases included jail or prison time (55%) ranging from time already served pretrial (6% of sentences) to four years or more (10% of sentences).

INTRODUCTION

New York State's Raise the Age (RTA) legislation went into effect on October 1, 2018, raising the age of criminal responsibility in the State and bringing change to the processing of 16-year-old¹ arrestees. RTA was extended to 17-year-old arrestees on October 1, 2019. If the arrest charge is a Penal Law misdemeanor, youths aged 16 and 17 are now brought directly to Family Court by the New York Police Department (NYPD) for intake by the Department of Probation. If the charge is a felony², the youth is brought to the Youth Part in the adult court for arraignment. The case is removed to Family Court if the District Attorney (DA) consents or does not oppose removal. If the DA moves within 30 days to keep the case in the adult court and the motion is granted, the case stays in adult court. The DA's motion to retain the case within the adult court must meet certain evidentiary standards in support of retention, which differ for VFO and non-VFO felony cases..

Felony cases for adolescent offenders (AOs) are heard in the Youth Part of the adult court in each borough during business hours. If the Youth Part is closed, felony cases are first heard by an "Accessible Magistrate," a judge in a different court part who has been granted jurisdiction³ to remove the case immediately to Family Court in the event that all parties agree to remove it or to determine the release status for the AO until the case is heard in the Youth Part of the adult court, which usually occurs on the following day.

This report describes the processing of 16- and 17-year-old arrestees during the third year of RTA, and includes data on charge severity, disposition, release status, the adult court outcome, as well as selected demographic factors for the AOs in adult court. Arrests in October 2020 through September 2021 are compared with arrests in October 2019 through September 2020, the second year of RTA. Data is also presented for October 2018 through September 2019, the first year of RTA for 16-year-olds and the year prior to implementation for 17-year-olds as well as for the year prior to the implementation of RTA.

¹ Raise the Age pertains to arrests for offenses that took place on or after October 1, 2018, for youths who were age 16 on the date of the incident that led to the arrest and to arrests for offenses that took place on or after October 1, 2019, for youths who were age 17 on the date of the incident that led to the arrest.

² Arrests for violations, infractions, and offenses within the Vehicle and Traffic Law remain under the jurisdiction of the adult court.

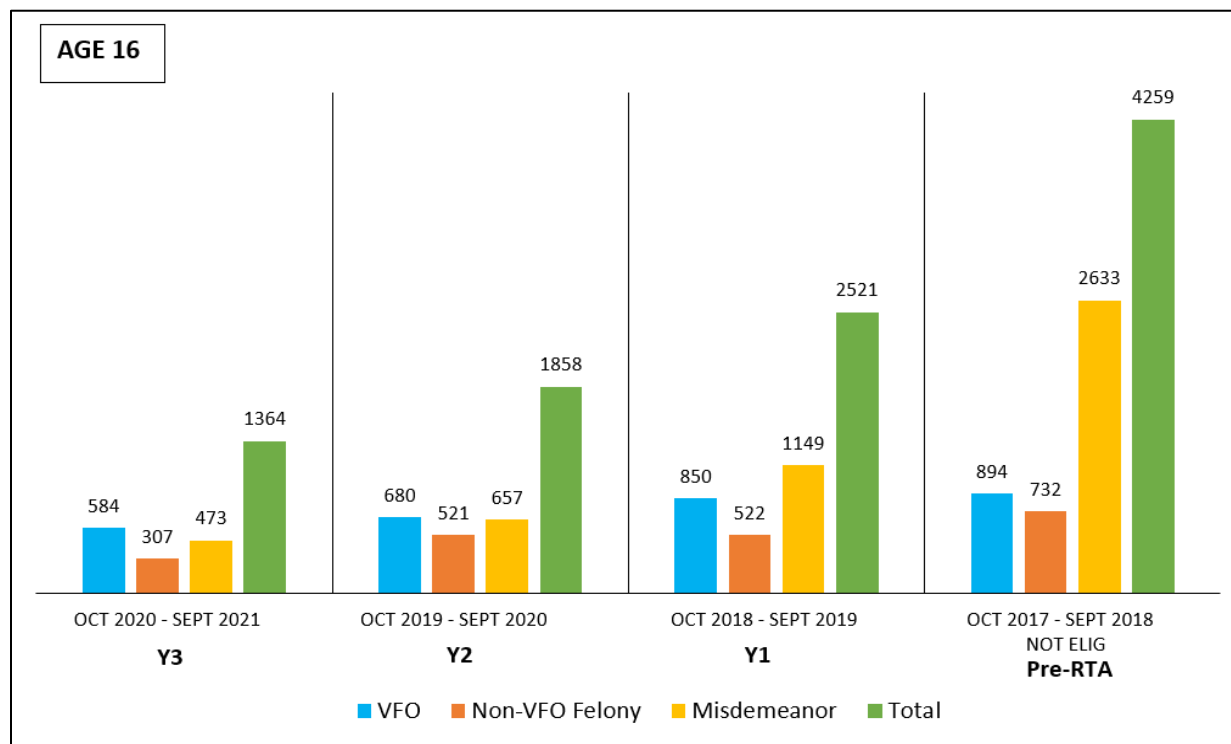
³ Accessible Magistrates were mandated solely to determine the release status for the AO prior to their appearance in the Youth Part from implementation of Raise the Age to August 2019. The authority to remove cases to Family Court was added in September 2019.

I. ARREST

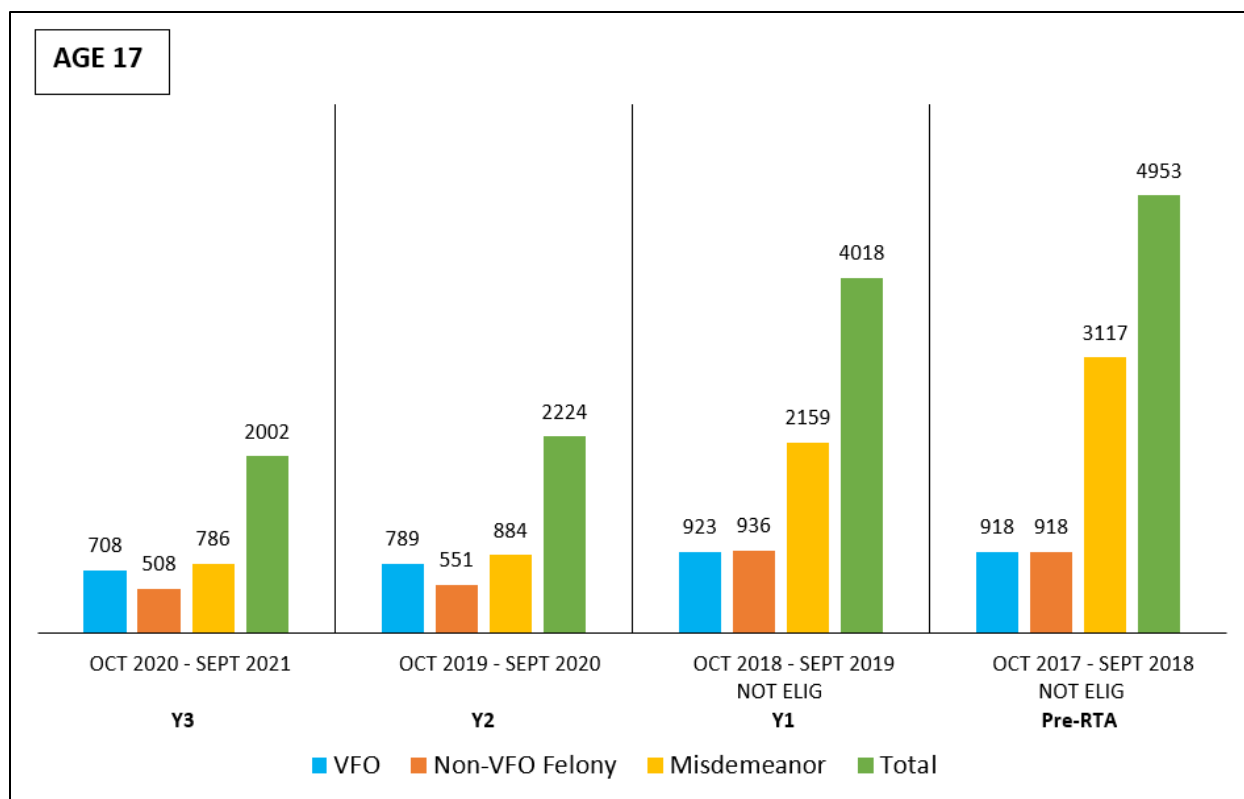
During the third year of RTA (the current report period) there were 1,364 arrests of 16-year-olds and 2,002 arrests of 17-year-olds (Exhibit IA).⁴ While the number of arrests declined from the previous year for both age groups, the drop was larger for 16-year-olds (494 arrests, 27%) than for their 17-year-old counterparts (222 arrests, 10%). The decline is visible for VFO (violent felony offenses), non-VFO felony and misdemeanor arrests for both age groups. However, while the decrease ranged from 8 to 11 percent for 17-year-olds, arrests for 16-year-olds charged with VFOs decreased 14 percent compared to 41 percent for those charged with non-VFO-felonies and 28 percent for those facing misdemeanors charges.

Exhibit IA also shows the marked decrease in the volume of arrests of 16- and 17-year-olds when they became eligible for RTA and the decrease in the volume of arrests from year-to-year for each of the three levels of charge severity.

Exhibit IA. Number of Arrests by Severity of Arrest Charge and Age

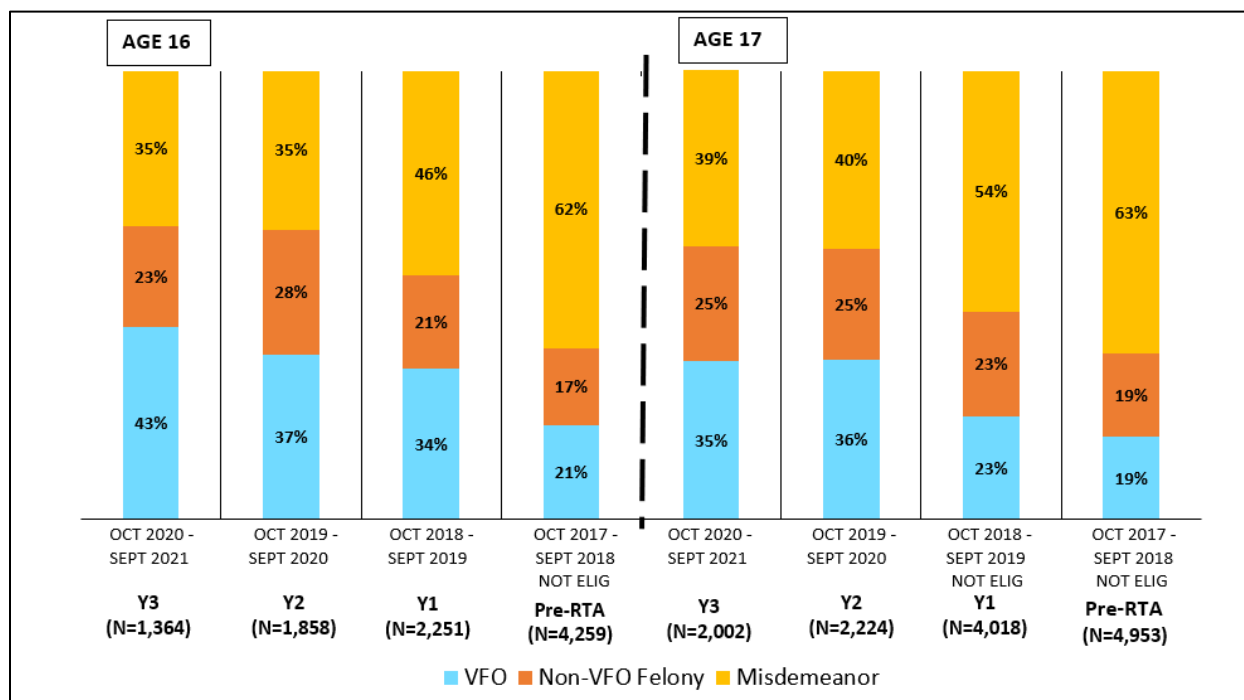


⁴ Each arrest that is assigned an arrest number by the NYPD is tallied. If multiple arrest numbers are assigned to a youth, each arrest is counted. Youths may face additional arrests on the same day if, for example, there are multiple offenses, victims or incident dates.



In the third year of RTA, misdemeanor arrests accounted for 35% of arrests of 16-year-olds and 39% of arrests of 17-year-olds and non-VFO arrests accounted for about a quarter of arrests in both age groups. VFO arrests accounted for 43% of arrests of 16-year-olds and 35% of their 17-year-old counterparts. Misdemeanor arrests accounted for a larger portion of arrests of 17-year-olds than 16-year-olds in each time period and a smaller portion of arrests for both age groups in year 3 compared to the first year of RTA and especially the year before RTA (Exhibit IB). Although there were more 17-year-olds than 16-year-old arrested for VFOs, VFO arrests accounted for a larger portion of arrests of 16-year-olds than 17-year-olds in each of the four years displayed.

Exhibit IB. Severity of Arrest Charge by Age*



*May not sum to 100% due to rounding

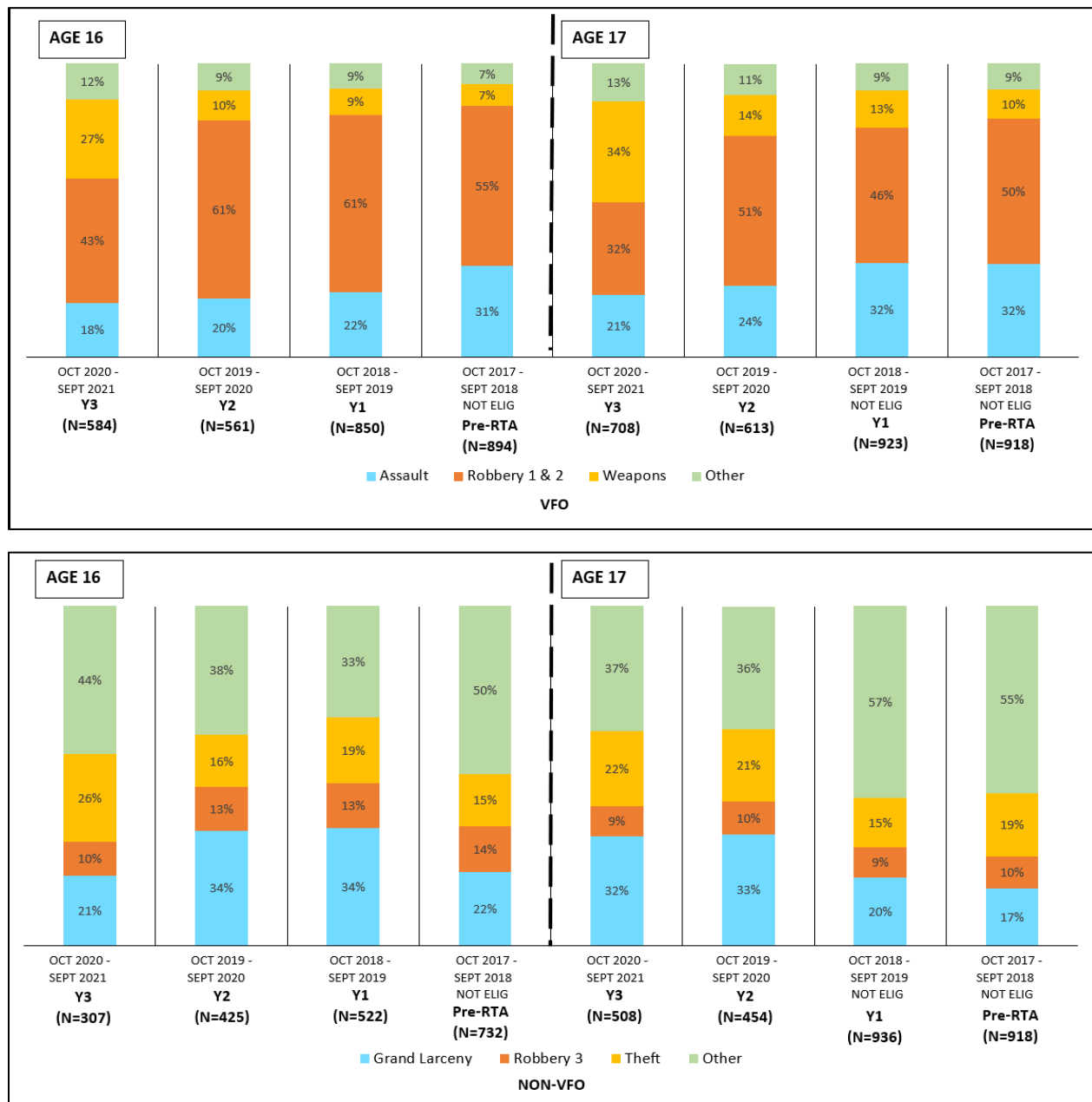
Robbery (1st and 2nd degree) was the most frequent type of VFO charge for both age groups during each year until the current reporting period (Exhibit IC.). Robbery charges accounted for six of every ten VFO arrests of 16-year-olds (61%) and more than half of VFO arrests of 17-year-olds (51%) in year 2 but little more than four of every ten (43%) and three of every ten (32%) of VFO arrests of 16- and -17-year-olds, respectively, in year 3. The volume of arrests for robbery declined from 341 to 248 for 16-year-olds and from 314 to 224 for 17-year-olds. Arrests for assault also declined as a portion of all VFO arrests for both age groups, although the decline was not as steep. In contrast, weapon offenses accounted for a dramatically larger portion of VFO arrests in year 3 than in year 2, from 10% up to 27% for 16-year-olds and from 14% up to 34% for 17-year-olds. There were only 57 arrests for VFO weapon charges for 16-year-olds in year 2 compared to 157 in year 3. Among 17-year-olds, the number increased from 86 in year 2 (their first year of eligibility for RTA) up to 242 in year 3.

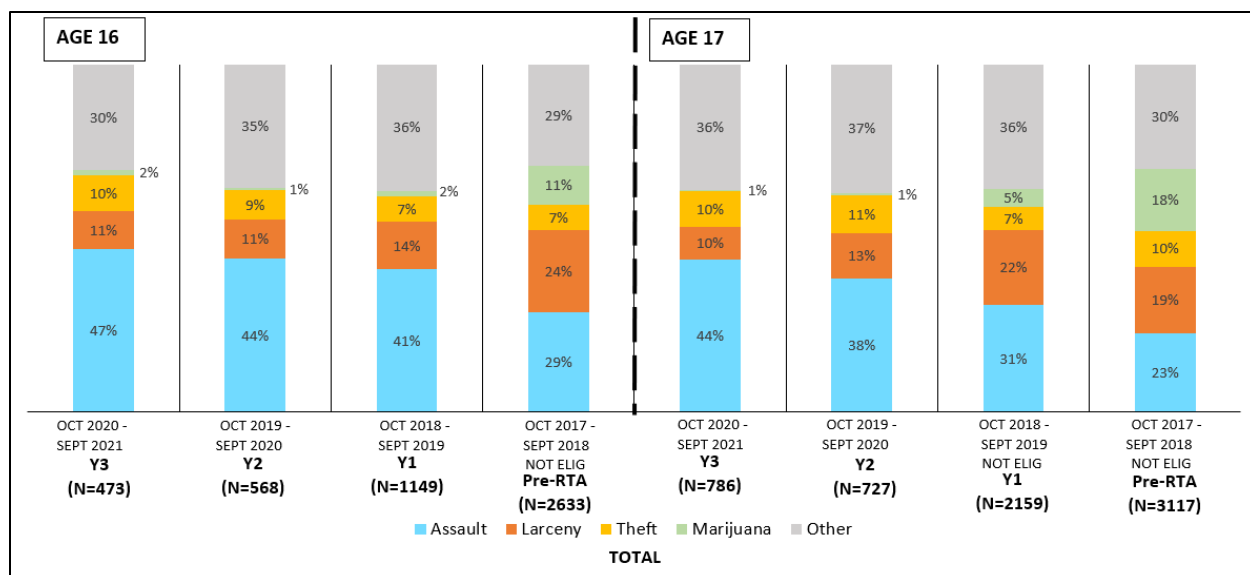
In the current reporting period, changes in the most frequent non-VFO felony arrest charges were small for 17-year-olds and grand larceny accounted for the largest portion (32% and 33% in year 3 and years 2, respectively). Among 16-year-olds, however, the portion of non-

VFO arrests for grand larceny dropped from 34% in year 2 to only 21% in year 3 (from 144 arrests down to 63 arrests). At the same time, arrests for theft (primarily criminal possession of stolen property in the fourth degree) increased from 16% to 26% (although the number of arrests increased by only 13 arrests).

The most frequent misdemeanor arrest charge was assault, which accounted for 47% and 44% of misdemeanor-level arrests of 16-year-olds and 17-year-olds, respectively.

Exhibit IC. Most Frequent Arrest Charges by Severity and Age*

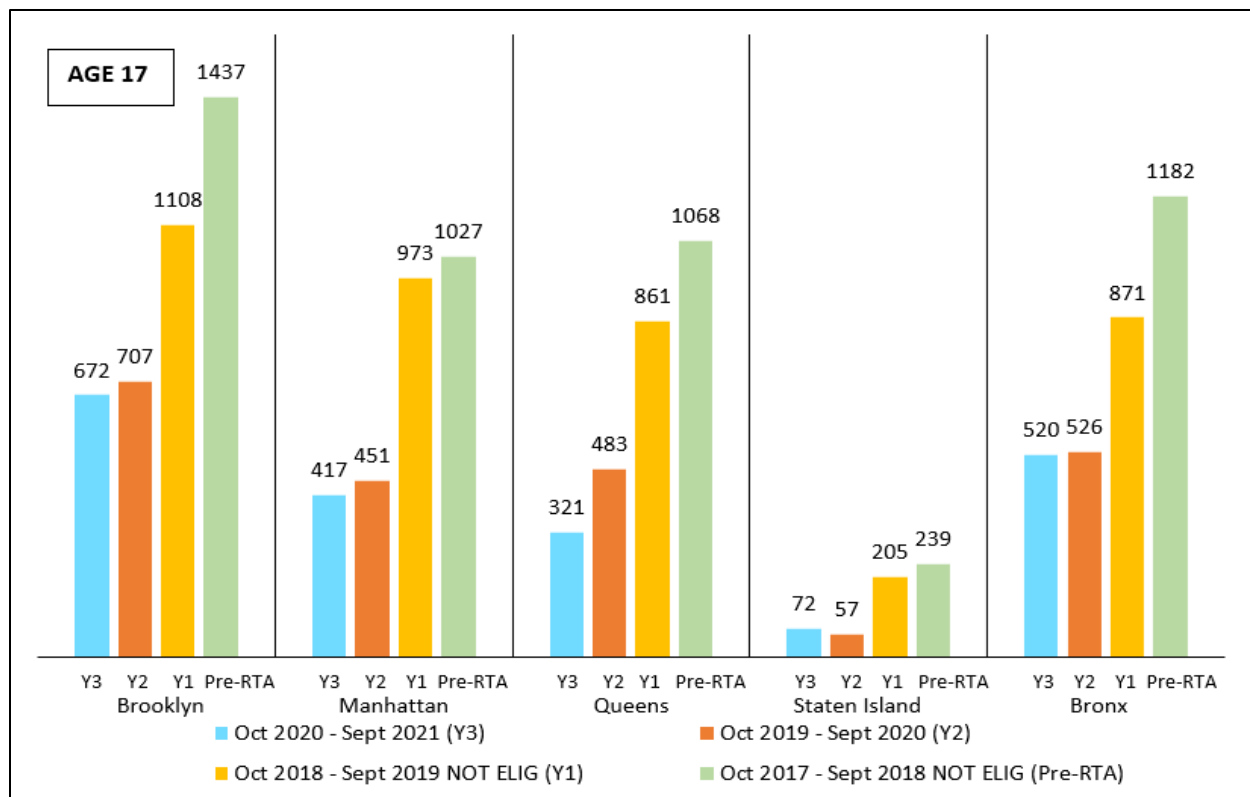
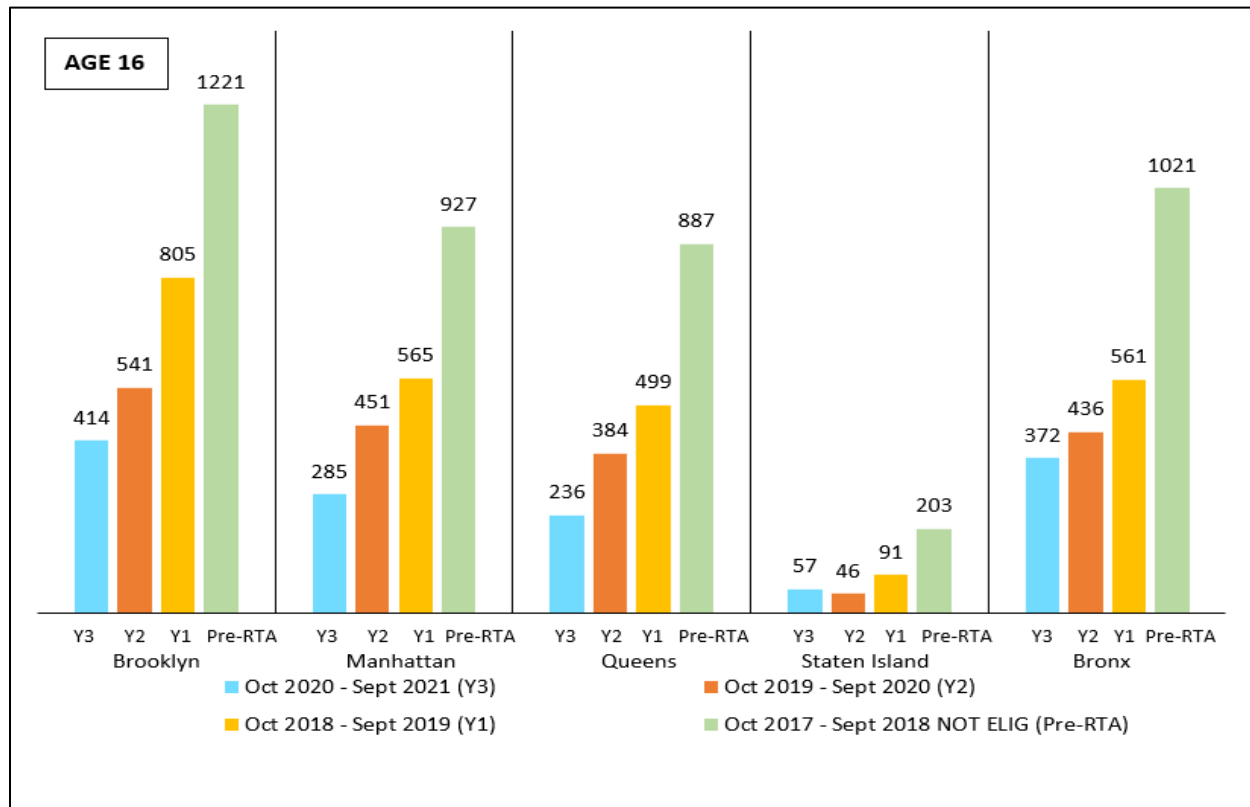




*May not sum to 100% due to rounding

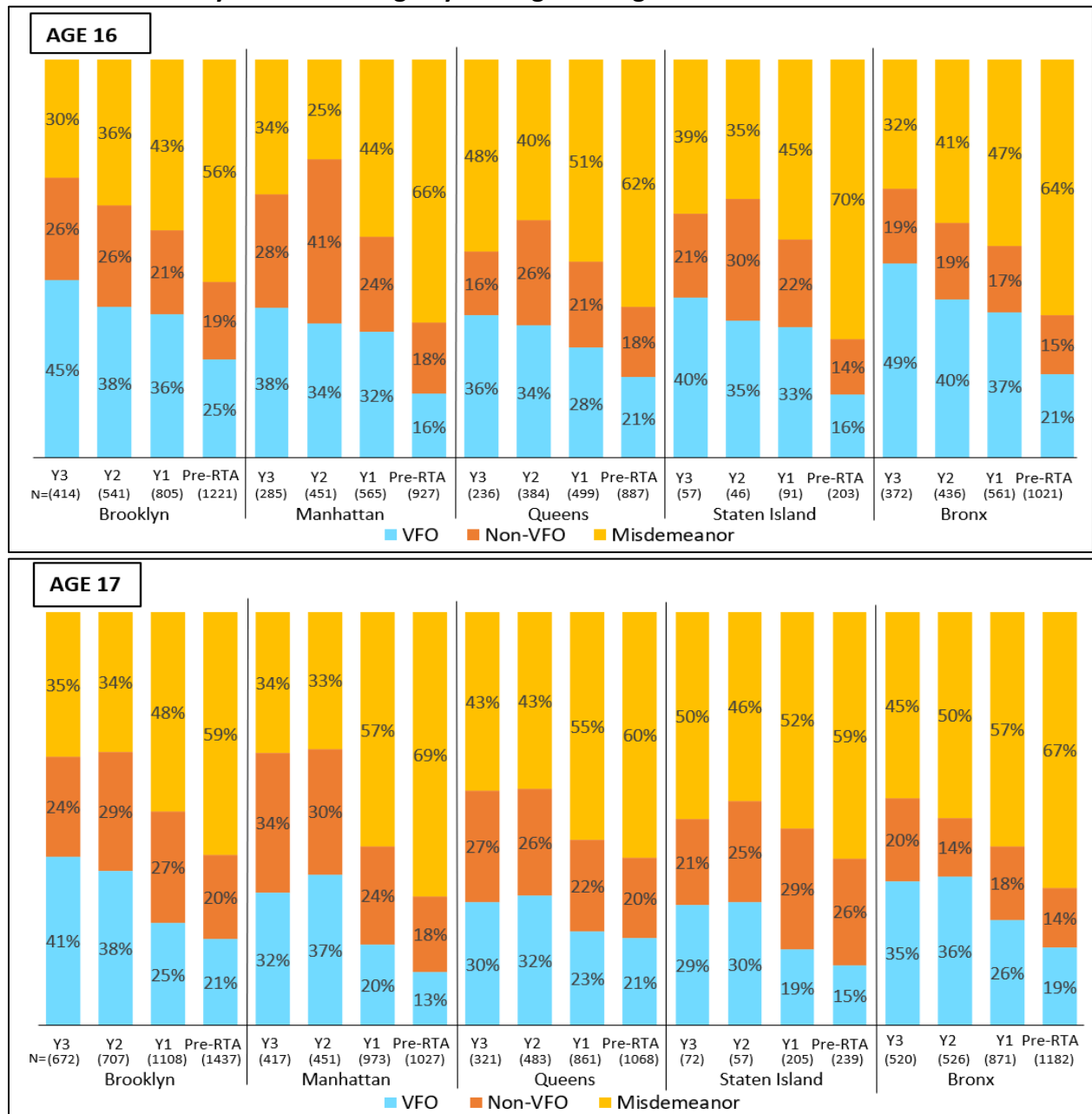
Brooklyn accounted for more AO arrests than any other borough each year for both age groups, despite the decline in the number of arrests year-to-year (Exhibit ID). Manhattan and the Bronx were next behind Brooklyn among 16-year-olds, with very similar numbers of arrests until the current reporting period. In year 3, the volume of 16-year-olds arrested in Manhattan decreased to 285 from 451 while the volume arrested in the Bronx did not decline as steeply (372 down from 436). Among 17-year-olds, the number of arrests in the Bronx surpassed Manhattan in year 2 (the first year 17-year-olds were eligible for RTA). There were 451 and 417 arrests of 17-year-olds in Manhattan in years 2 and 3, respectively, compared to 526 and 520 arrests in the Bronx in years 2 and 3, respectively.

Exhibit ID. Number of Arrests by Borough and Age



The citywide finding that VFO charges accounted for a larger portion of arrests of 16-year-olds than 17-year-olds (43% compared to 35%) in the current report year was reflected in each borough (Exhibit IE). The difference was largest in the Bronx where VFO arrests accounted for nearly half of arrests of 16-year-olds (49%) but only 35% of their 17-year-old counterparts in year 3. The portion of VFO arrests increased from year 2 to year 3 in each borough for 16-year-olds but changed little for 17-year-olds.

Exhibit IE. Severity of Arrest Charge by Borough and Age*



II. PROSECUTION

A. Felony Arrests Prosecuted as Felonies

Thus far this report has highlighted the decline in the volume of arrests of 16- and 17-year-olds, especially in arrests with misdemeanor charges, when they became eligible for RTA, and the decline in arrests of 16- and 17-year-olds in each subsequent year. Exhibits IIA1 and IIA2, below, show the number and percent of felony arrests of 16- and 17-year-olds that were prosecuted with felony charges in adult court.⁵

The number of felony arrests of 16-year-olds that were prosecuted with felony charges declined each year since the implementation of RTA, from 1,111 in the first year, down to 863 in year 2 and 668 in year 3. The decline was similar for VFO and non-VFO-felony arrests. However, the percentage of arrests docketed with felony charges dropped from 81% in year 1 to 72% in year 2 but up to 75% in year 3. The rate of prosecution of all felony arrests reflects the prosecution rates for non-VFO felony arrests (77% in year 1, down to 65% in year 2 and up to 70% in year 3). Among VFO arrests, the percent prosecuted dropped from 83% in year 1 down to 77% in the subsequent years. In the year prior to RTA, slightly more felony arrests were docketed (1,297, data not shown) but the number (845) and percent (52%) docketed as felonies were much lower since it was common for felony arrest charges to be reduced to misdemeanors prior to arraignment.

In contrast to the decrease in the volume of felony prosecutions of felony arrests of 16-year-olds across the years, the number of prosecuted felony arrests of 17-year-olds declined little (from a high of 992 to a low of 894). Only about half of the felony arrests of 17-year-olds were prosecuted as felonies in the two years prior to their eligibility for RTA compared to little more than a quarter in their two years of RTA eligibility and the rate of felony prosecution was far lower for non-VFO felonies (66% and 69%) than for VFO arrests (78% and 74%). Of course, many felony arrests were prosecuted with misdemeanor charges in the years prior to eligibility for RTA: Roughly 1,500 felony arrests were docketed in the two years prior to eligibility for RTA (data not shown) compared to 964 in their first year of RTA and 894 in their second year.

⁵ Under Raise the Age, misdemeanor-charged 16- and 17-year-olds are not processed through adult court.

In accordance with the RTA legislation, no 16- or 17-year-old arrested for a felony was arraigned in adult court on misdemeanor charges. If felony charges are reduced to non-felonies, the case is processed in the Family Court.

Exhibit IIA1. Number of Felony Arrests Prosecuted as Felonies

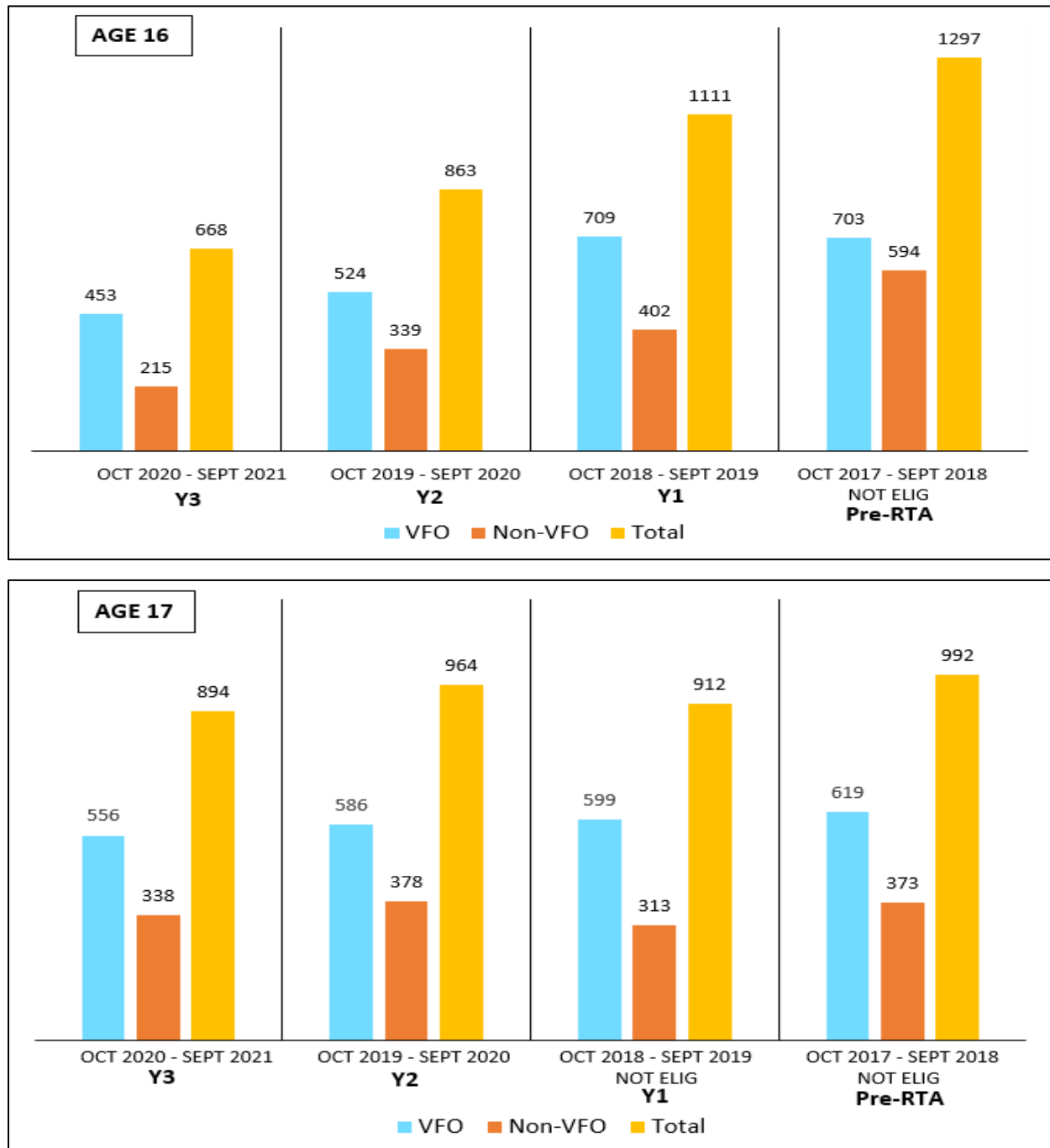
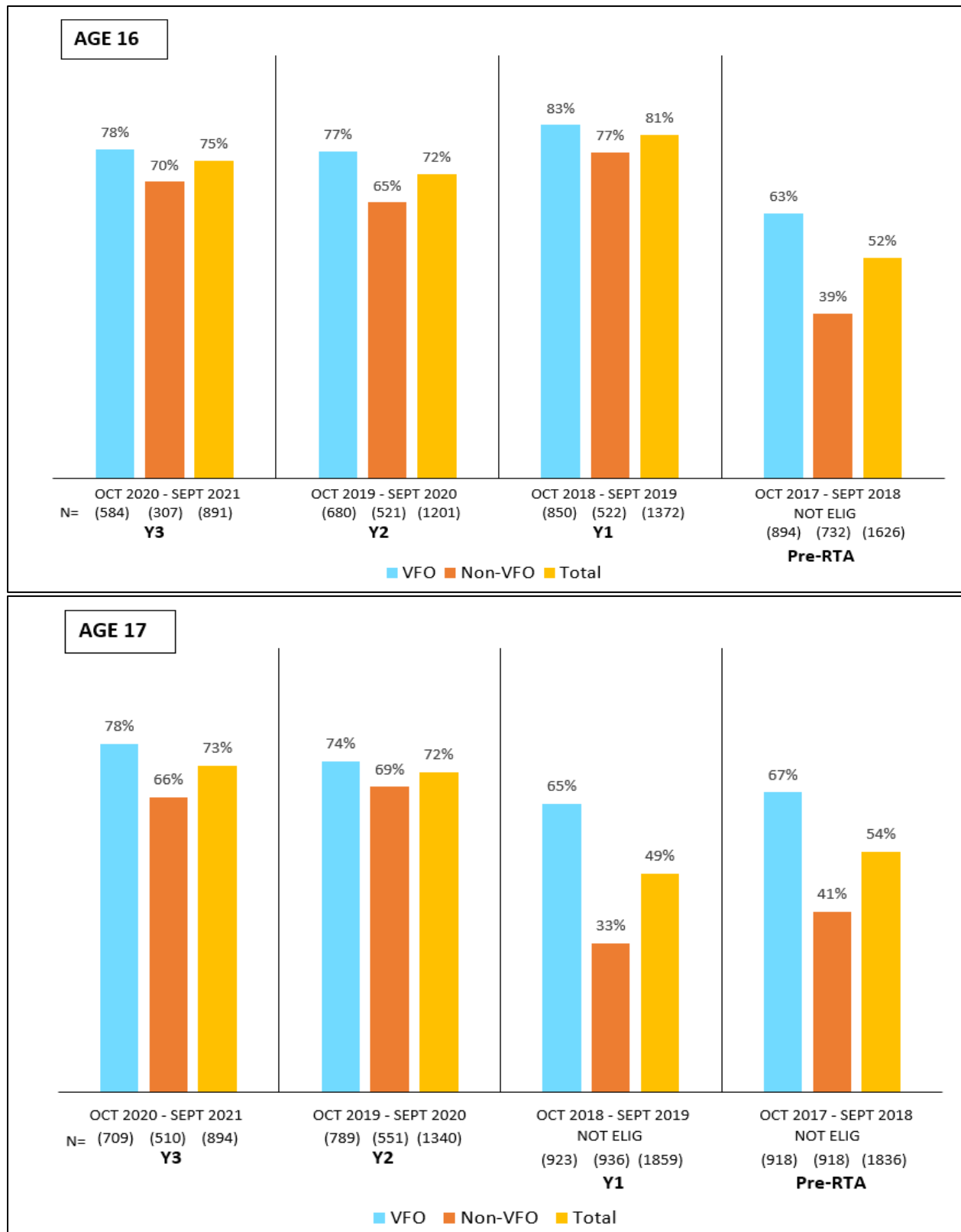


Exhibit IIA2. Percent of Felony Arrests Prosecuted as Felonies*



*May not sum to 100% due to rounding

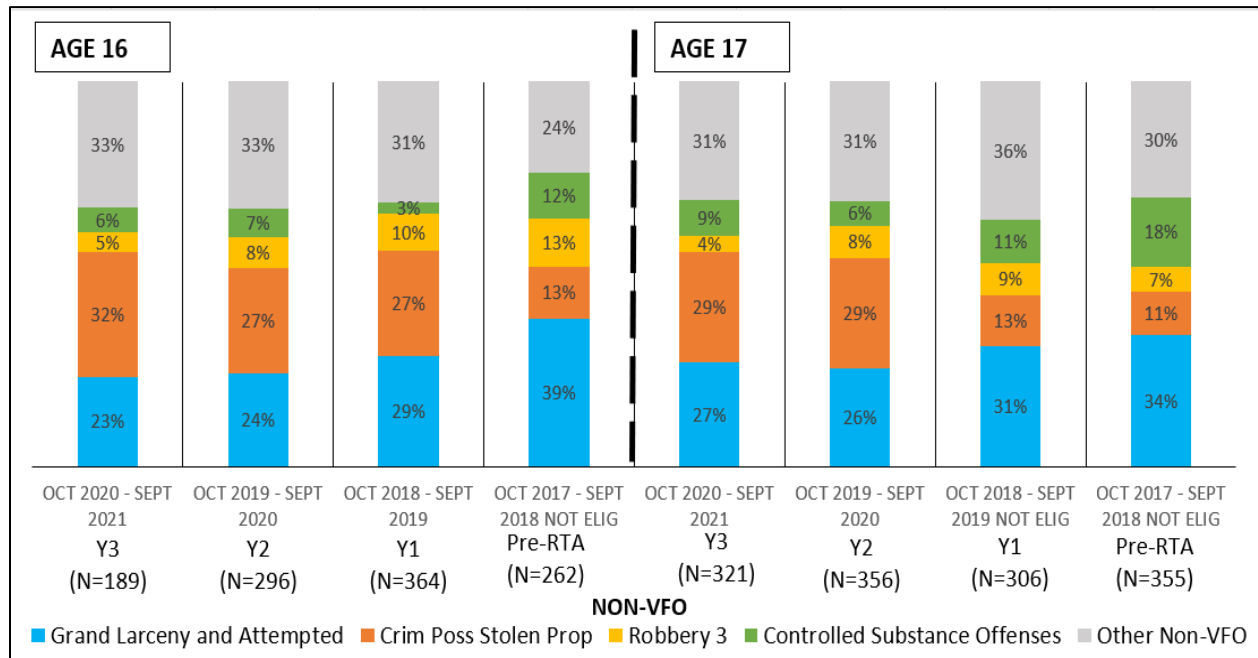
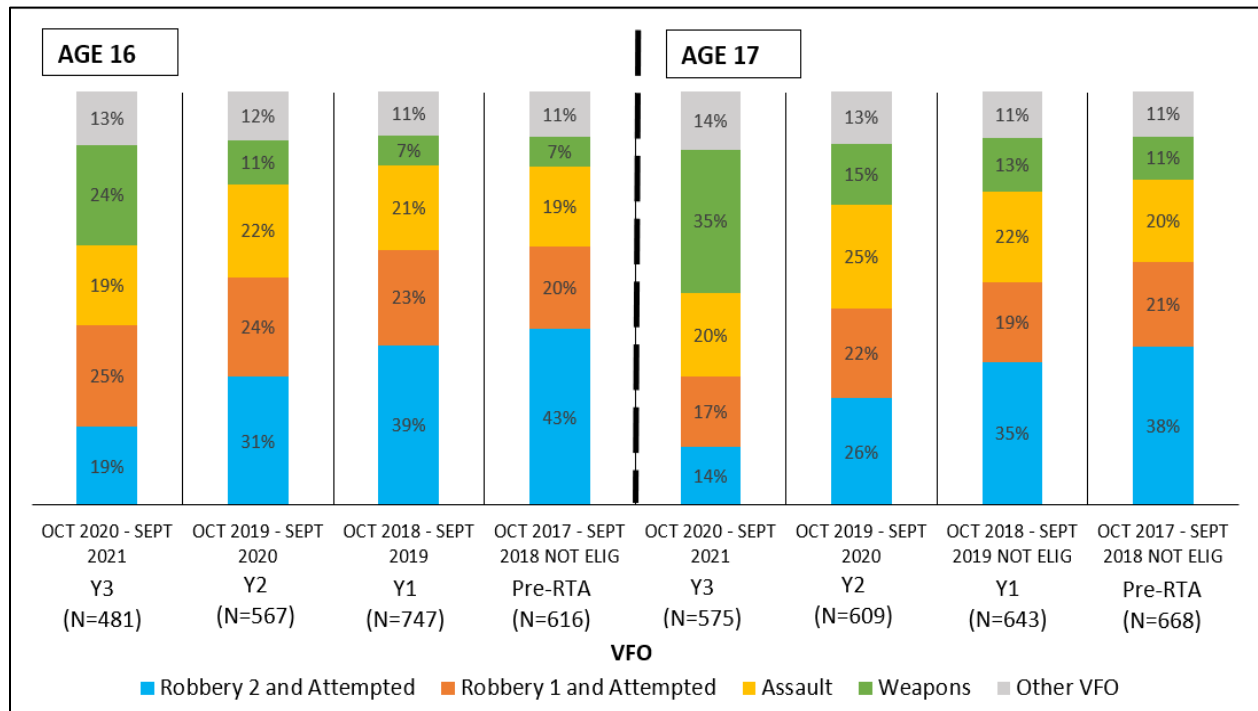
B. Arraignment Charges

Arraignment charges may differ from arrest charges because some youths charged with violent felony offenses at arrest may be prosecuted for non-violent felony offenses and vice versa, and some arrests for misdemeanor offenses may be prosecuted on felony-level charges. Among cases for both 16- and 17-year-old AOs, the charges were more likely to be VFOs than non-VFOs. In the third year of RTA, 72% of 16-year-old AOs and 64% of 17-year-old AOs were charged with a VFO at arraignment (data not shown).

Second degree robbery was the most frequent VFO charge among both 16- and 17-year-olds (Exhibit 11B), but that charge accounted for a declining portion of VFOs across the years. Roughly four of every ten were charged with robbery 2 in the year prior to RTA implementation compared to only 19% and 14% of 16- and 17-year-olds arraigned on VFO charges in the current year. Robbery in the first degree was the second most frequent offense among VFO cases in the pre-RTA year, followed by assault charges, and both accounted for about the same portion of cases in year 3. In contrast, weapon offenses accounted for an increasing portion of the VFO charges. Pre-RTA and during the first year, only 7% of the VFO charges for 16-year-old AOs were weapons offenses compared to 11% in year 2 and 24% in year 3. Among 17-year-olds, the proportion rose from 11% and 13% in the years prior to their eligibility to 15% in year 2 and 35% in the current year.

Criminal possession of stolen property was the most frequent non-VFO charge, accounting for 32% of AO arraignments for 16-year-olds and 29% of those for 17-year-olds in the current report year. In the year before RTA was implemented, criminal possession of stolen property accounted for only 13% and 11% of arraignments for 16- and 17-year-olds, respectively. Grand larceny is the second most frequent arraignment charge, accounting for 23% among 16-year-olds and 27% among 17-year-olds. Grand larceny was the most frequent non-VFO charge in the year prior to RTA implementation, accounting for 39% of arraignments of 16-year-olds and 34% of those for 17-year-olds.

Exhibit IIB. Most Frequent Arraignment Charges by Age*

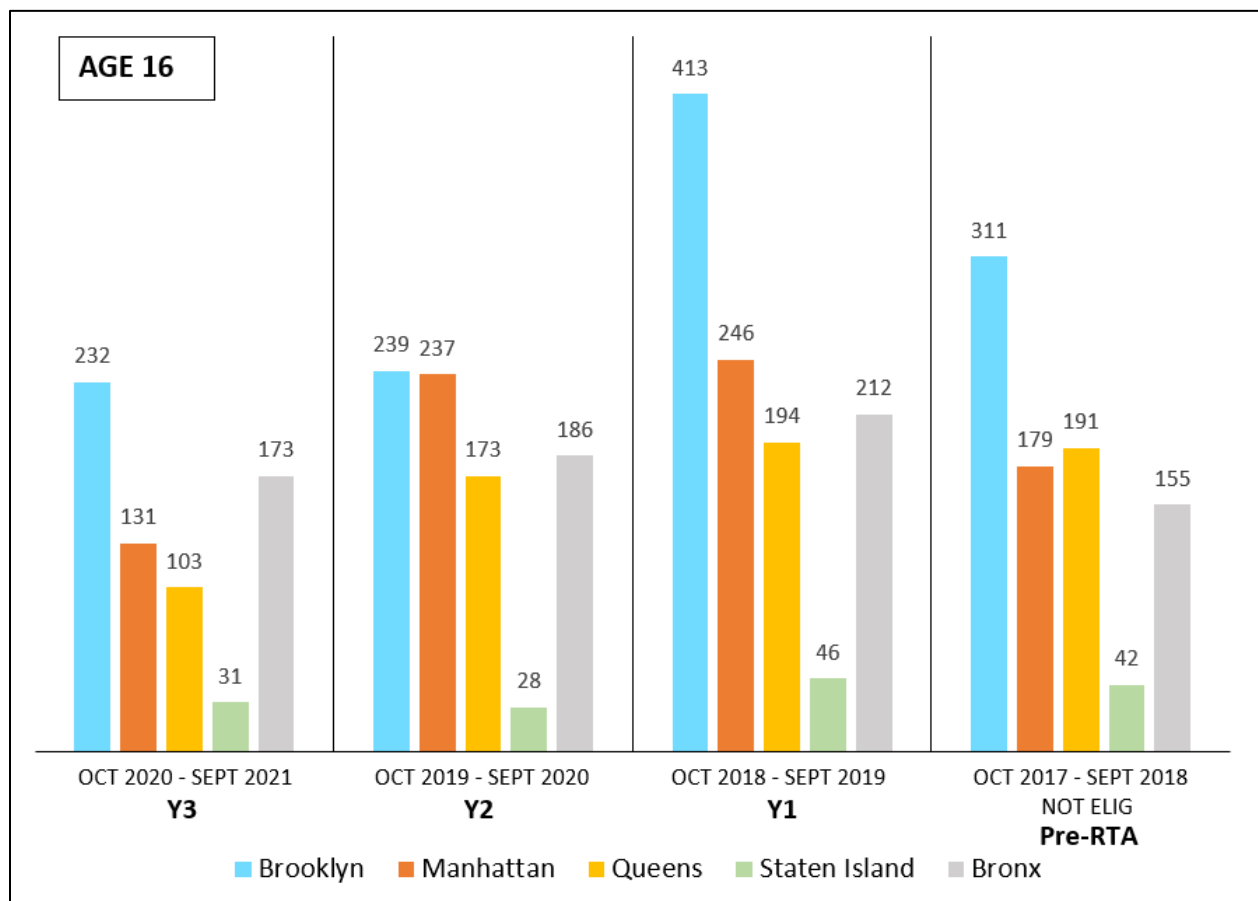


*May not sum to 100% due to rounding

C. Borough, Race and Sex

Just as Brooklyn arrests accounted for more AO arrests citywide than any other borough, Brooklyn also accounted for the largest portion of AO arraignments (Exhibit IIC1). However, while the decline in arrests was reflected in all boroughs, the decline in arraignments did not take place in all boroughs or to the same extent. While arraignments of 16-year-olds in Brooklyn declined slightly from year 2 to year 3 (239 down to 232), arraignments of 17-year-olds increased (from 326 to 343). In Staten Island, there were three more arraignments of 16-year-olds and 2 more arraignments of 17-year-olds. In the Bronx, arraignments of 16-year-olds declined slightly (from 186 to 173) but arraignments of 17-year-olds increased (from 177 to 183). In contrast, the volume of arraignments decreased for both age groups in Manhattan, (from 237 to 131 and from 234 to 177 for 16- and 17-year-olds, respectively) and Queens (from 234 to 103 for 16-year-olds and from 199 to 160 for 17-year-olds).

Exhibit IIC1. Borough of Arrest by Age



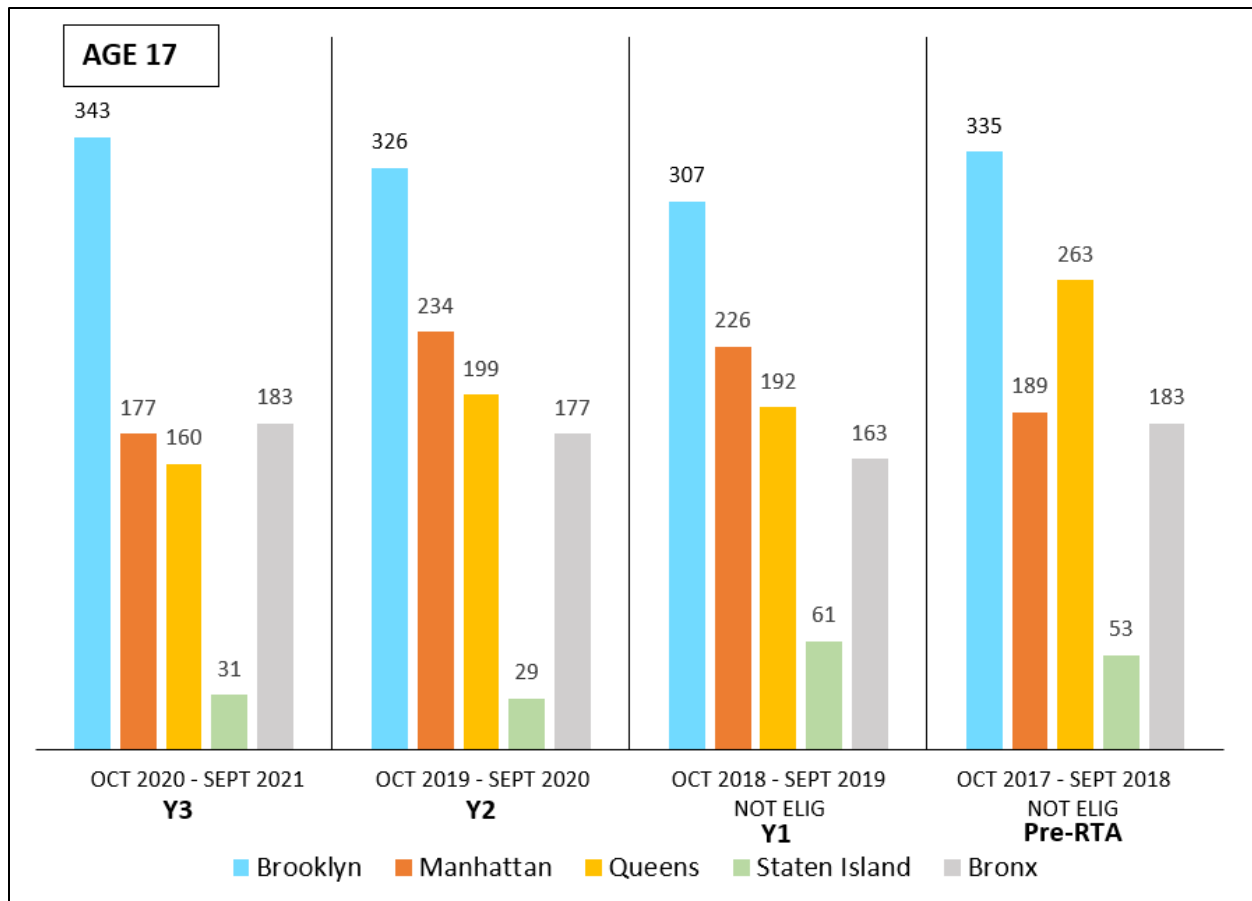
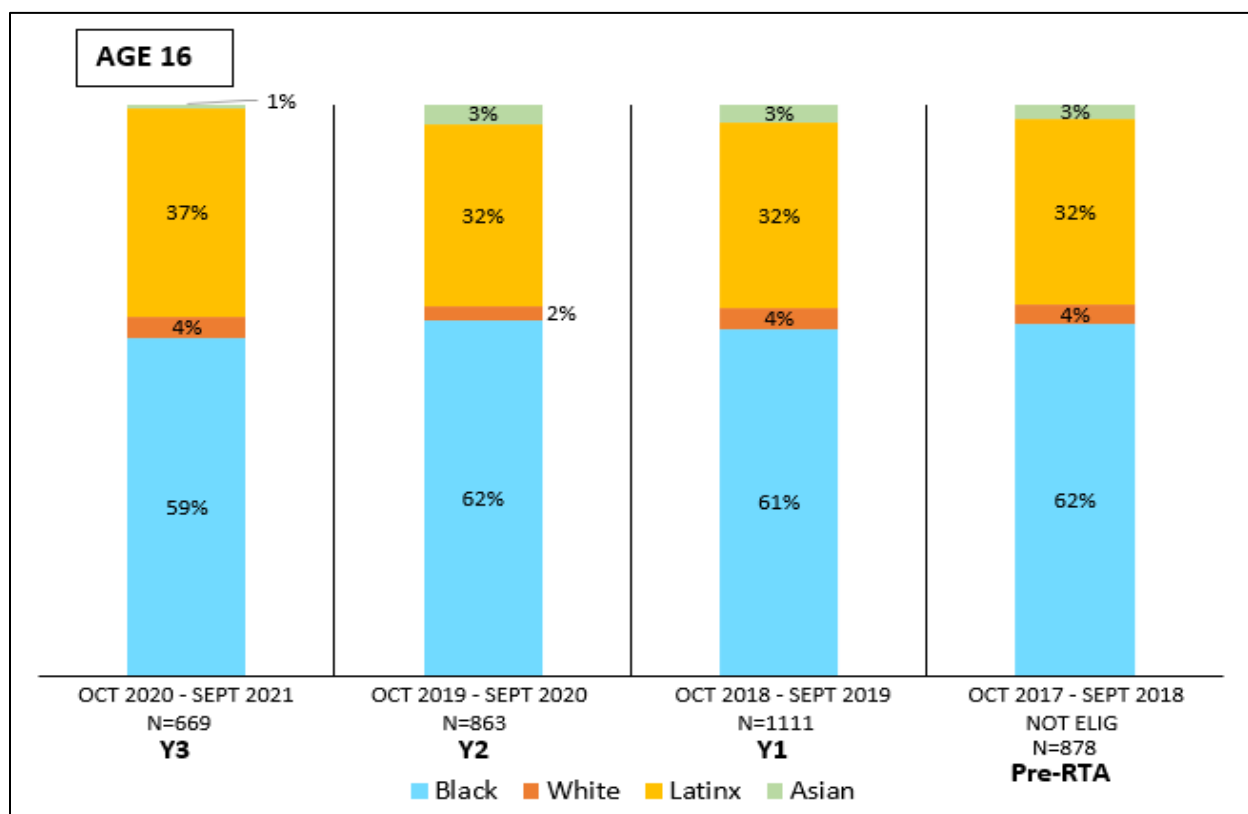
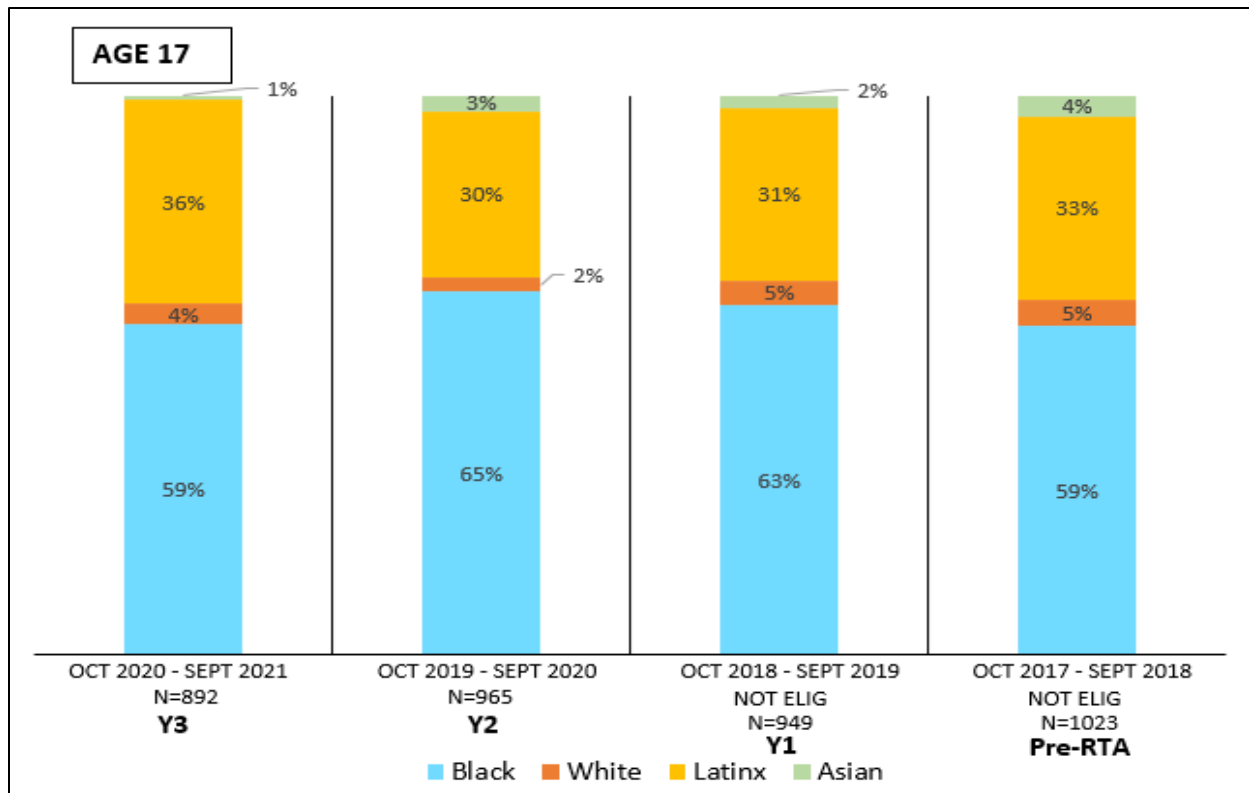


Exhibit IIC2 shows the percentage of the AO arraignments citywide accounted for by each borough for each age group across the years. For the most part, the boroughs account for about the same portion for 16- and 17-year-olds, varying by only three or four percentage points. Brooklyn accounted for the largest portion except for 16-year-olds in year 2 when the percentage from Brooklyn declined to 28% while the percent from Manhattan climbed to 28%. In year 3, however, the percentage of AO arraignments for 16-year-olds from Brooklyn returned to 35% while the percentage from Manhattan declined to 20%. The percentage from Queens declined across the years by seven percentage points to 15% of arraignments of 16-year-olds and by eight percentage points to 18% of arraignments for 17-year-olds. While the Bronx portion of AO arraignments varied little for 17-year-olds, accounting for 21% in year 3, the Bronx portion increased across the years for their 16-year-old counterparts reaching 26% in year 3 (from 18%, 19%, and 22% in the previous years).

Black and Latinx youth account for most cases for both 16-and 17-year-olds across all years (Exhibit IIC2). Nearly six of every ten arraigned AOs were black (59%) and 37% and 36% of arraigned 16- and 17-year-olds, respectively, were Latinx in year 3. Few arraigned AOs were white (4%) and even fewer were Asian (less than 1%). Black youths accounted for slightly higher portions of arraignments in year 2 (62% of those for 16-year-olds and 65% of those for 17-year-olds) while Latinx youths accounted for lower portions in year 2 (32% for 16-year-olds and 29% for 17-year-olds).

Exhibit IIC2. Race by Age*

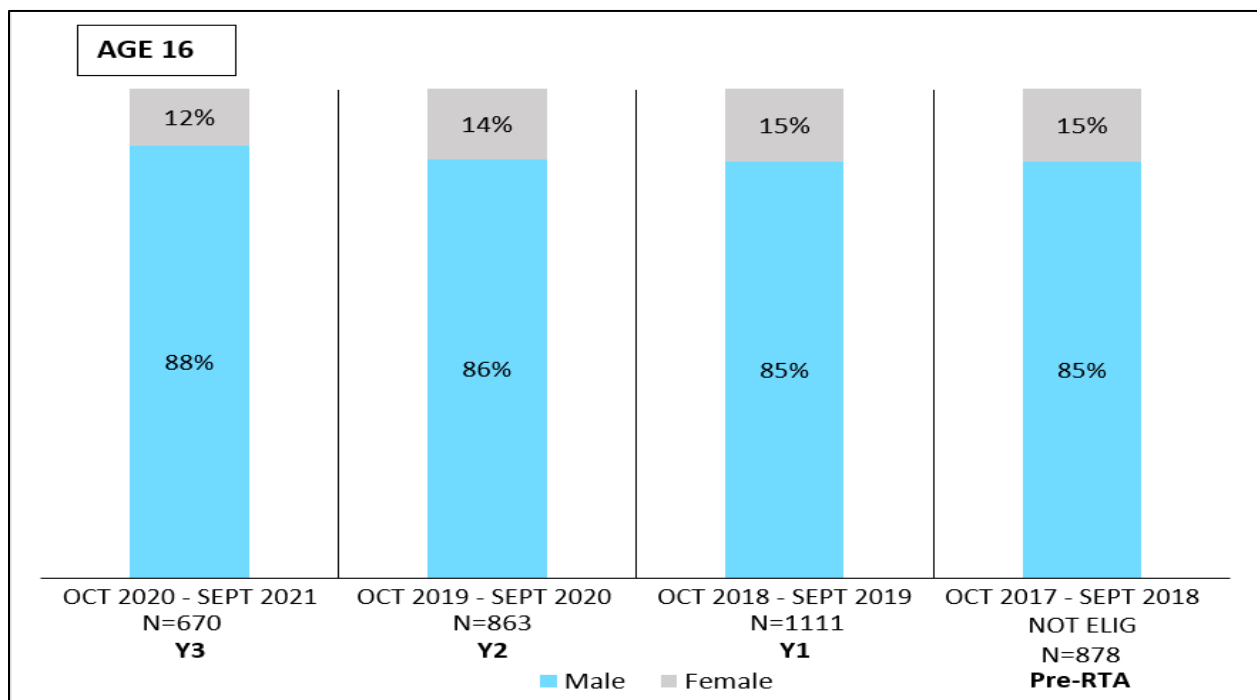


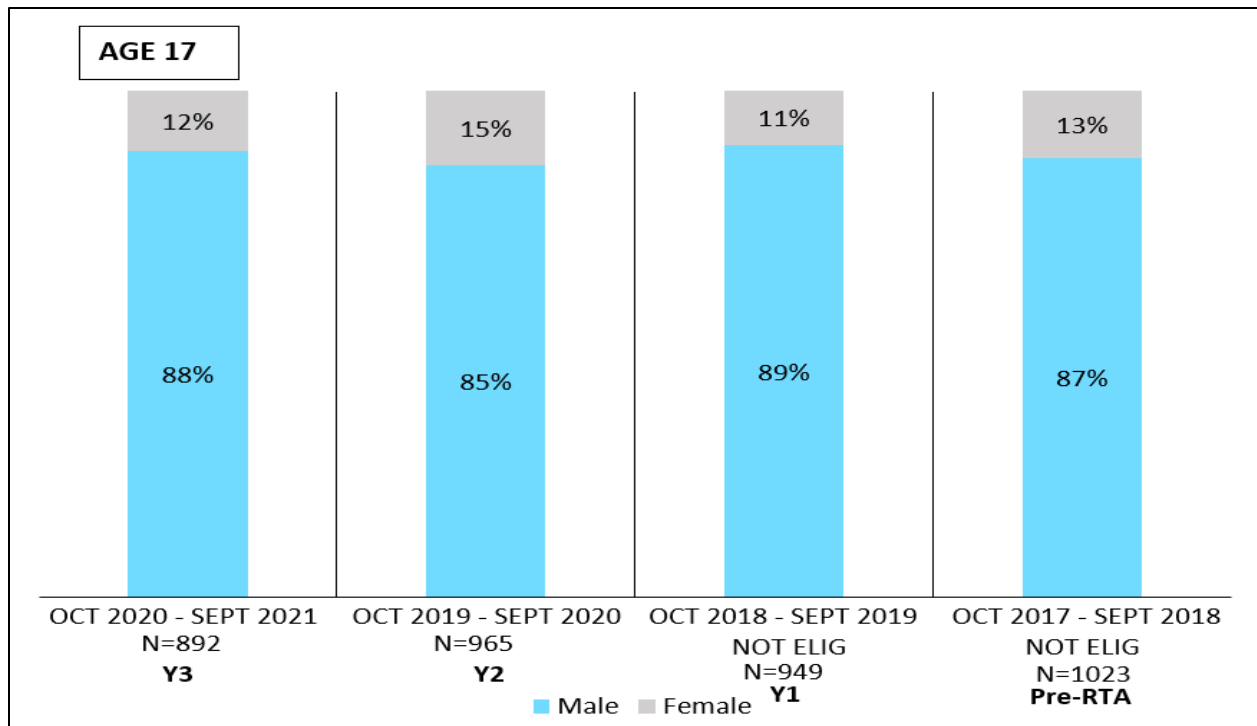


*May not sum to 100% due to rounding

As shown in Exhibit IIC3, males accounted for most of the arraignments for youths in both age groups and each time period, 88% in year 3.

Exhibit IIC3. Sex by Age*





*May not sum to 100% due to rounding

D. Arraignment Disposition and Release Status for Raise the Age Cases

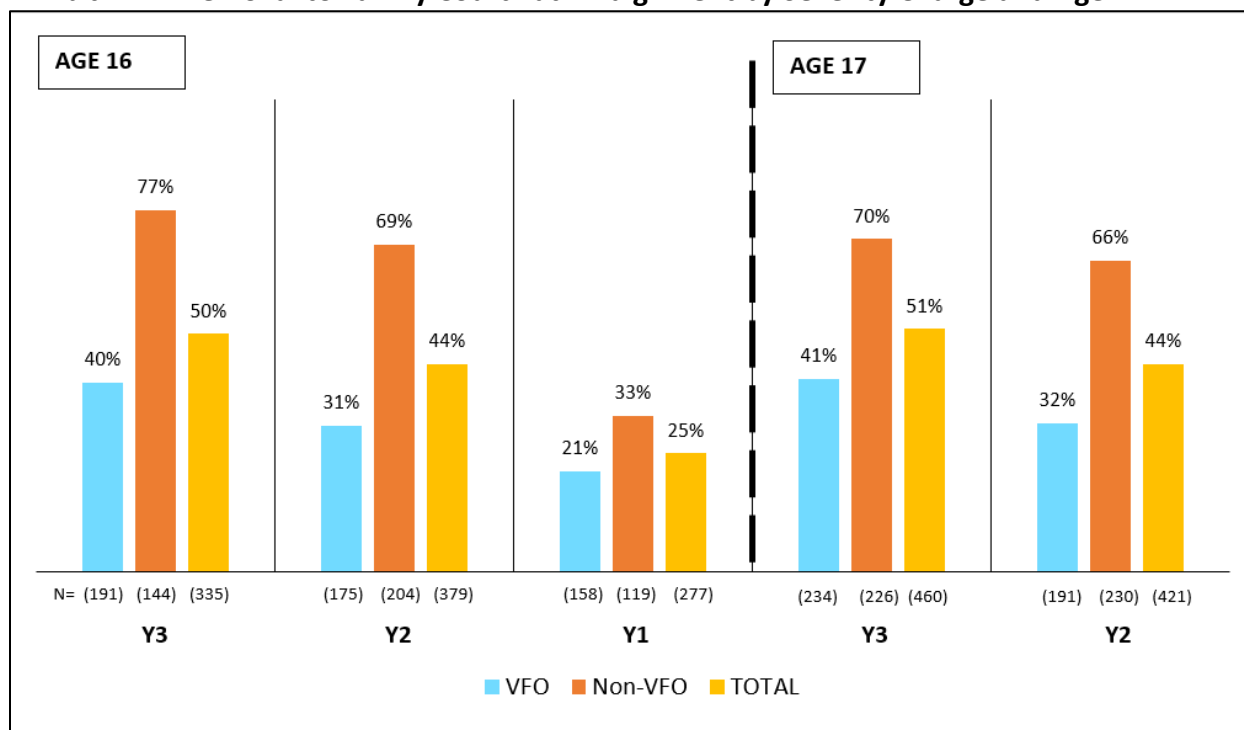
1. Disposition at Arraignment

About half of AO cases in the third year of RTA were removed to Family Court at arraignment (Exhibit IID1, 50% of arraignments for 16-year-olds and 51% of arraignments for 17-year-olds), up from 44% for both age groups in the second year and only 25% at arraignments for 16-year-olds in the first year of RTA (17-year-olds were not yet eligible for RTA). Most cases that were not sent to Family Court were continued in adult court although 15 cases were covered by or consolidated with another case, the youth pled guilty in four cases and one case was dismissed.

The rate of removal to Family Court at the first court appearance was higher for cases with non-VFO charges than for those with VFO charges. In the current report year, 77% and 70% of cases for 16- and 17-year-olds, respectively, with non-VFO felony charges and 40% and 41% of VFO cases for 16- and 17-year-olds, respectively, were removed at that early stage of processing. The rate of removal at arraignment was higher for both age groups in year 3 than year 2. In the second year, the rates of removal at arraignment were 69% and 66% of cases for

16- and 17-year-olds, respectively, with non-VFO felony charges, and 31% and 32% for those with VFO charges.

Exhibit IID1. Removal to Family Court* at Arraignment by Severity Charge and Age**



*Excludes 15 cases consolidated with or covered by another case, one dismissal and four cases in which the youth pled guilty at arraignment.

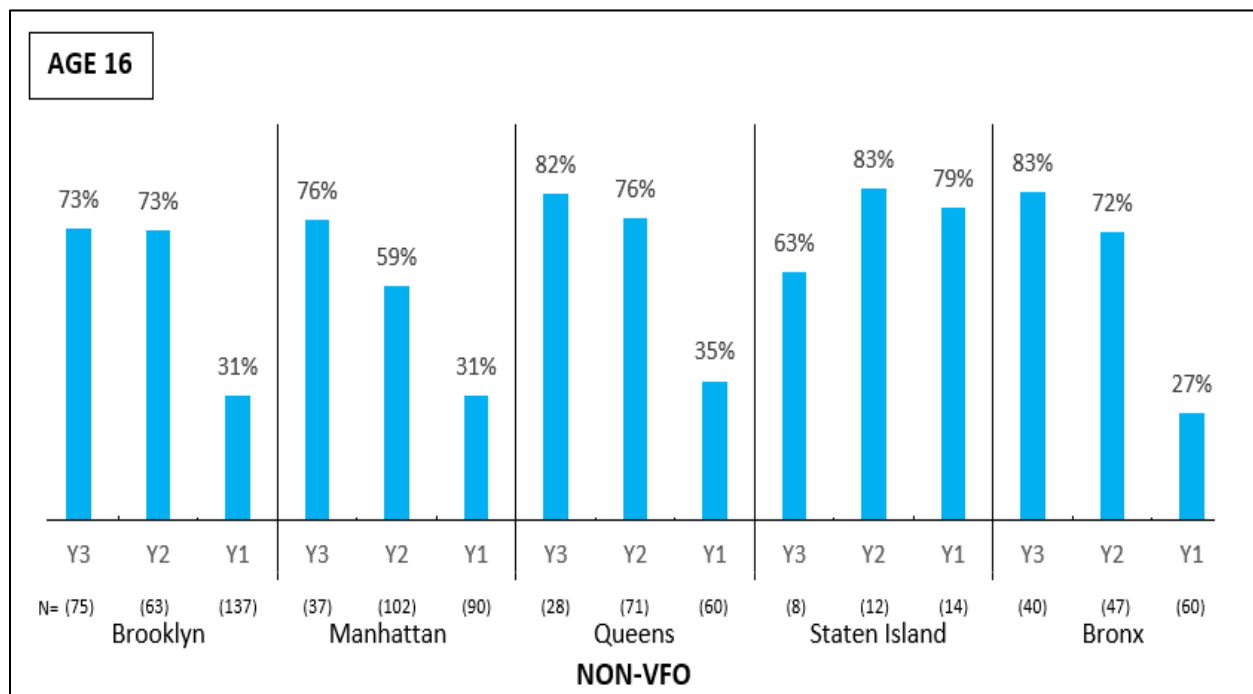
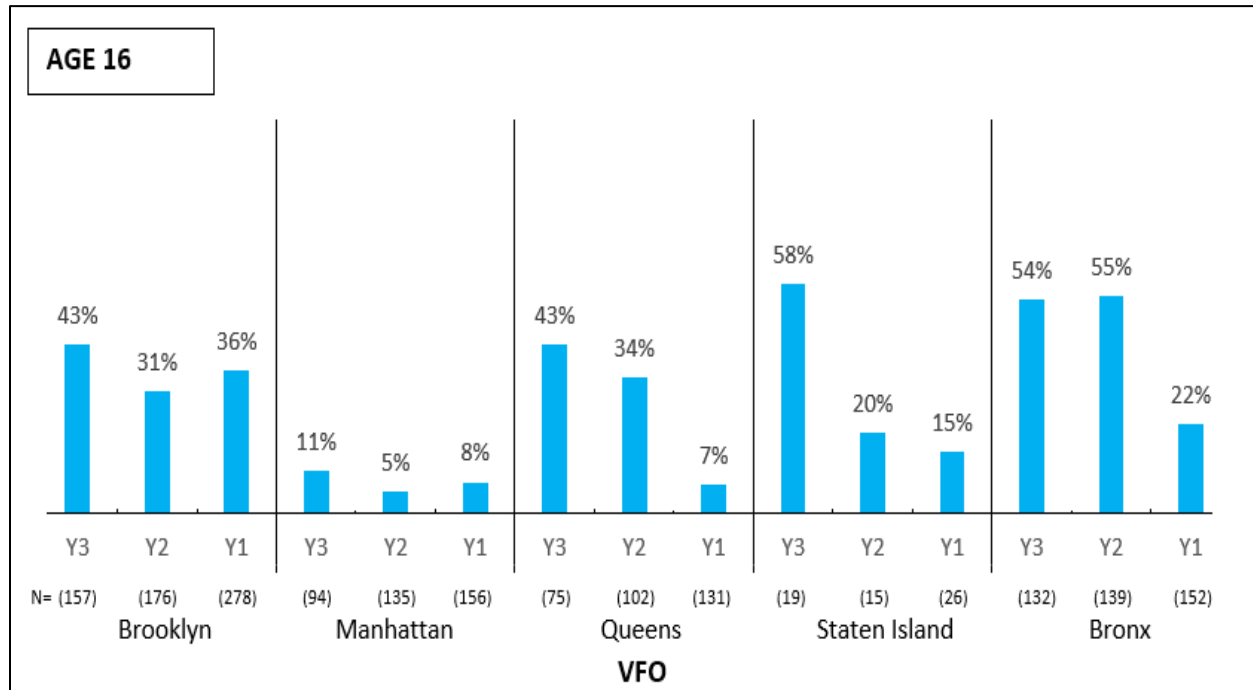
NOTE: Age 17 was ineligible for RTA in Year 1

**May not sum to 100% due to rounding

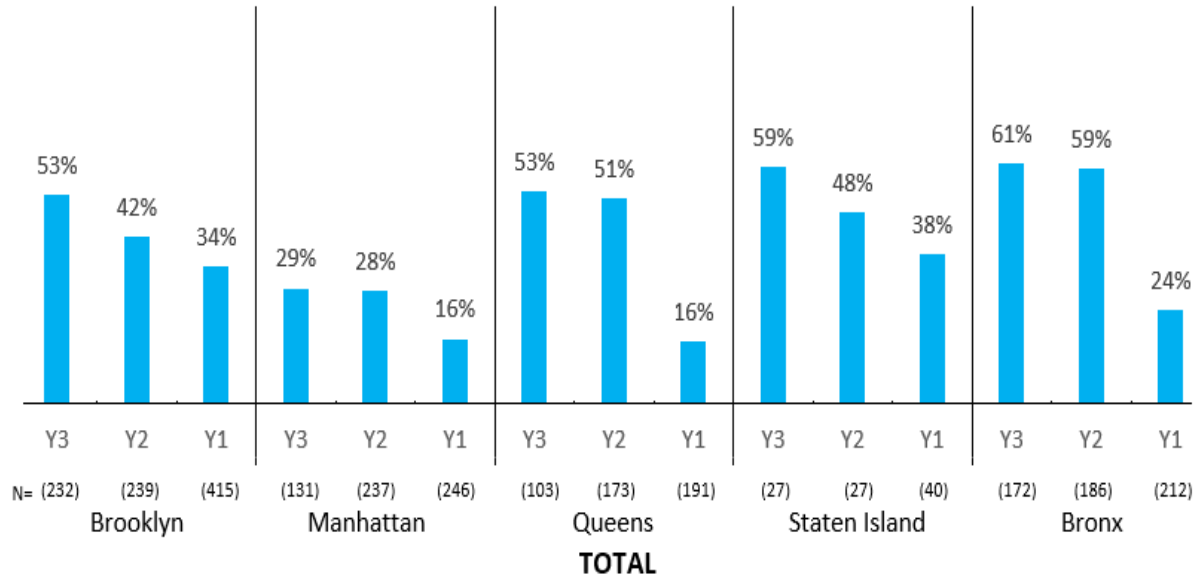
The rate of removal to Family Court at arraignment varied widely by borough for both age groups (Exhibit IID2). In the third year of RTA, six of every ten cases for 16-year-olds were removed to Family Court in the Bronx and Staten Island compared to just over half of cases in Brooklyn and Queens (both 53%) but only 29% in Manhattan. Among cases for 17-year-olds in year 3, the highest rate of removal was in Queens (64%), followed by the Bronx (60%) and Brooklyn (53%) and the lowest rate was in Manhattan (31%). Removal rates were generally higher in year 3 than in year 2, much higher in some boroughs, but did not change in Manhattan.

Of course, removal rates at arraignment were much higher for non-VFO felony cases than for VFO cases, but the rates still varied by borough. More than eight of every ten non-VFO felony cases for 16-year-olds in the Bronx and Queens (both 82%) were removed at arraignment compared to 76% and 73% in Manhattan and Brooklyn, respectively. The highest rate of removal for VFO cases for 16-year-olds was in Staten Island (58%, but there were only 19 16-year-olds with VFO charges and only 8 with non-VFO charges) and the Bronx (54%), followed by Queens and Brooklyn (both 43%) but only 11% in Manhattan. The removal rates were very similar for VFO and non-VFO felony cases for 17-year-olds.

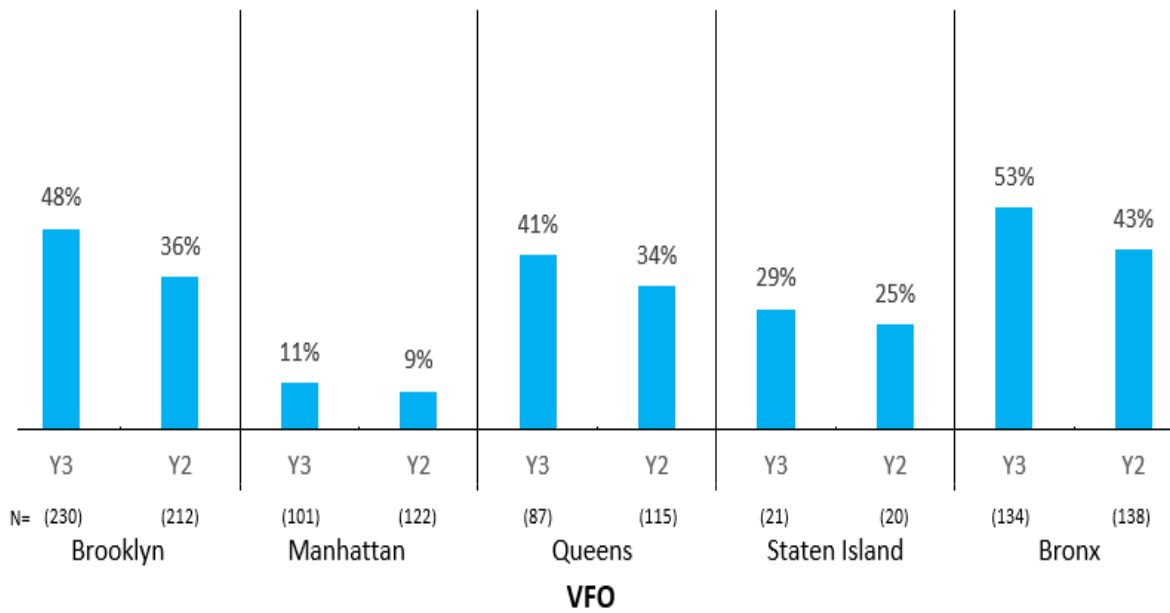
**Exhibit IID2. Removal to Family Court* at Arraignment by Severity of Charge,
Borough and Age****

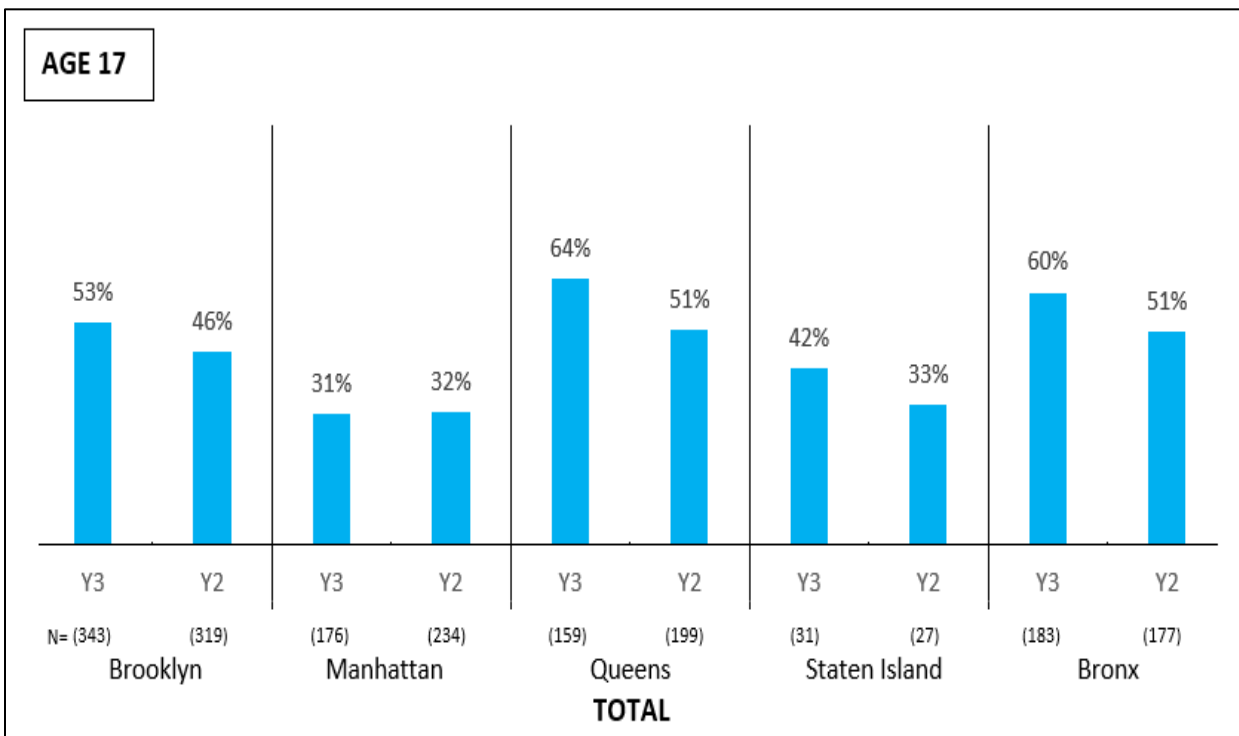
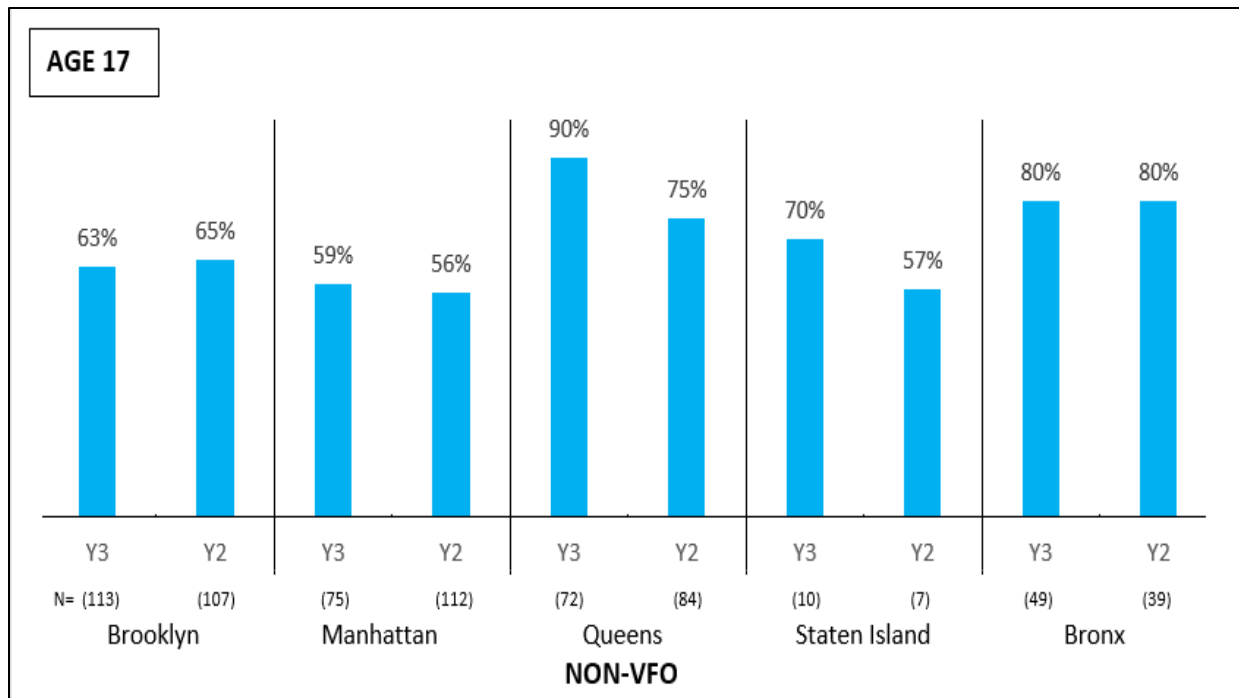


AGE 16



AGE 17



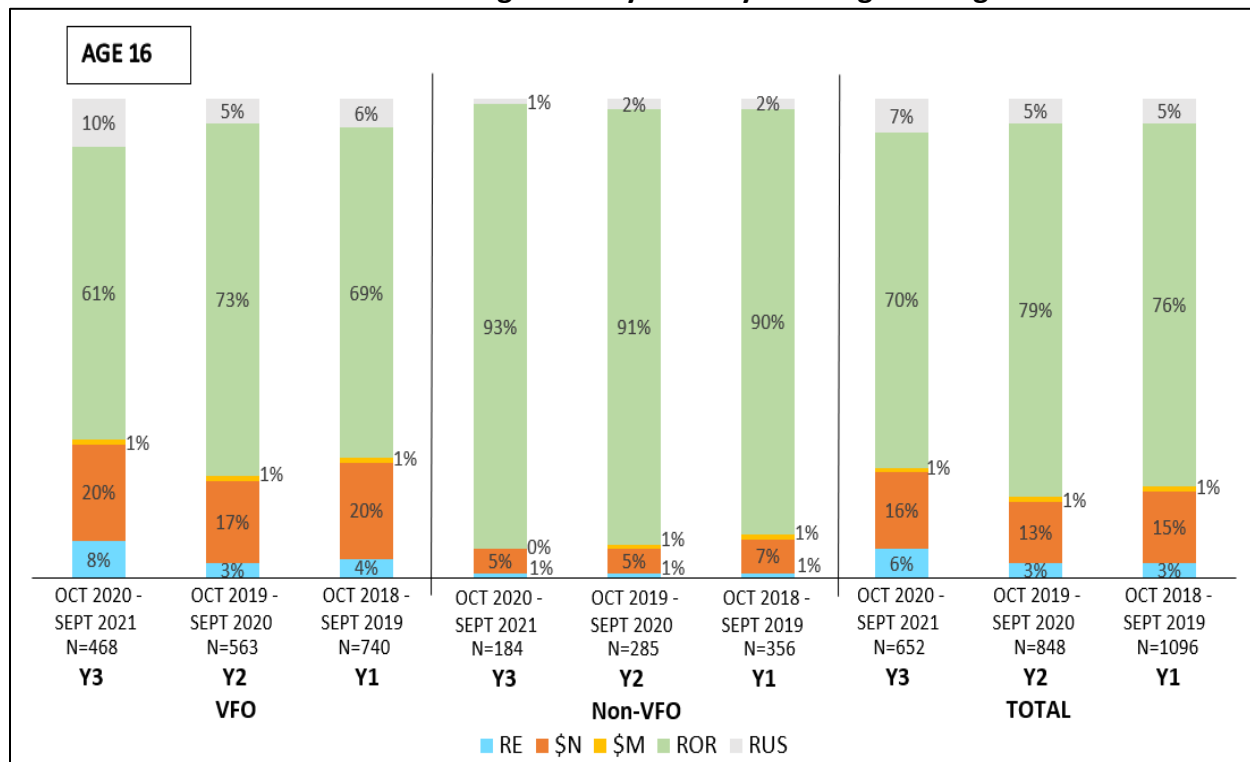


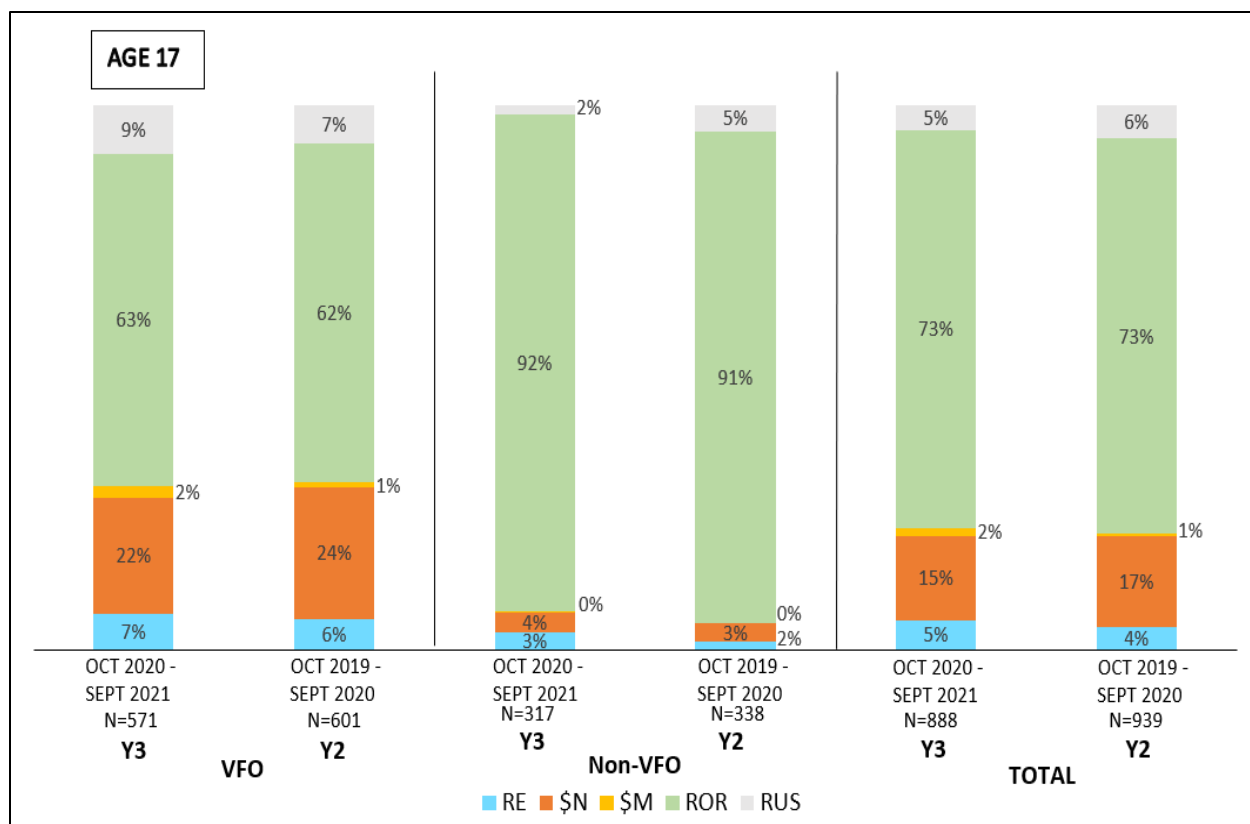
* Excludes 15 cases consolidated with or covered by another case, one dismissal and four cases in which the youth pled guilty at arraignment.
 NOTE: Age 17 was ineligible for RTA in Year 1 **May not sum to 100% due to rounding

2. Release Status at Arraignment for Pending Cases

The release status set at the initial hearing was much more favorable for youths charged with non-VFO felonies than for those with VFO charges. (Exhibit IID.3). In each time period and for both age groups, youths were released on their own recognizance (ROR), under supervision (RUS) or secured other non-monetary release in more than nine of every ten non-VFO felony cases and only 5% to 7% were held on bail or remanded with no bail set across the years. In contrast, in the current report period, youths were held on bail or remanded with no bail set in nearly three of every ten cases. The rate of pretrial detention at arraignment was about the same for 17-year-olds in year 3 as year 2, their first year of eligibility for RTA. However, for cases for 16-year-olds with VFO charges, the rate of detention in the third year of RTA (28%) was higher than in the first (24%) or second year (21%).

Exhibit IID3. Release Status* at Arraignment by Severity of Charge and Age**





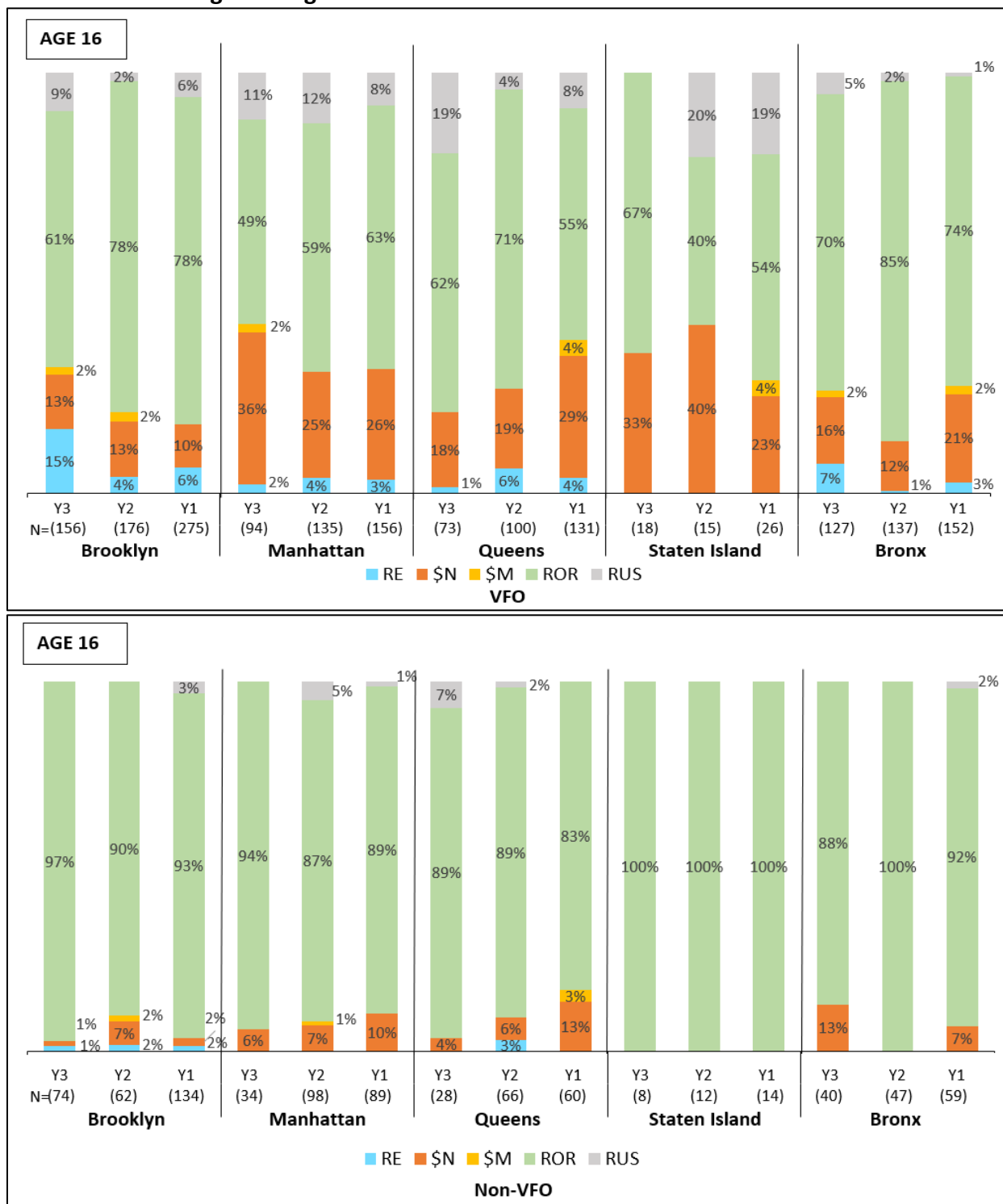
NOTE: Age 17 was ineligible for RTA in Year 1 *Release status for cases continued at arraignment. **May not sum to 100% due to rounding

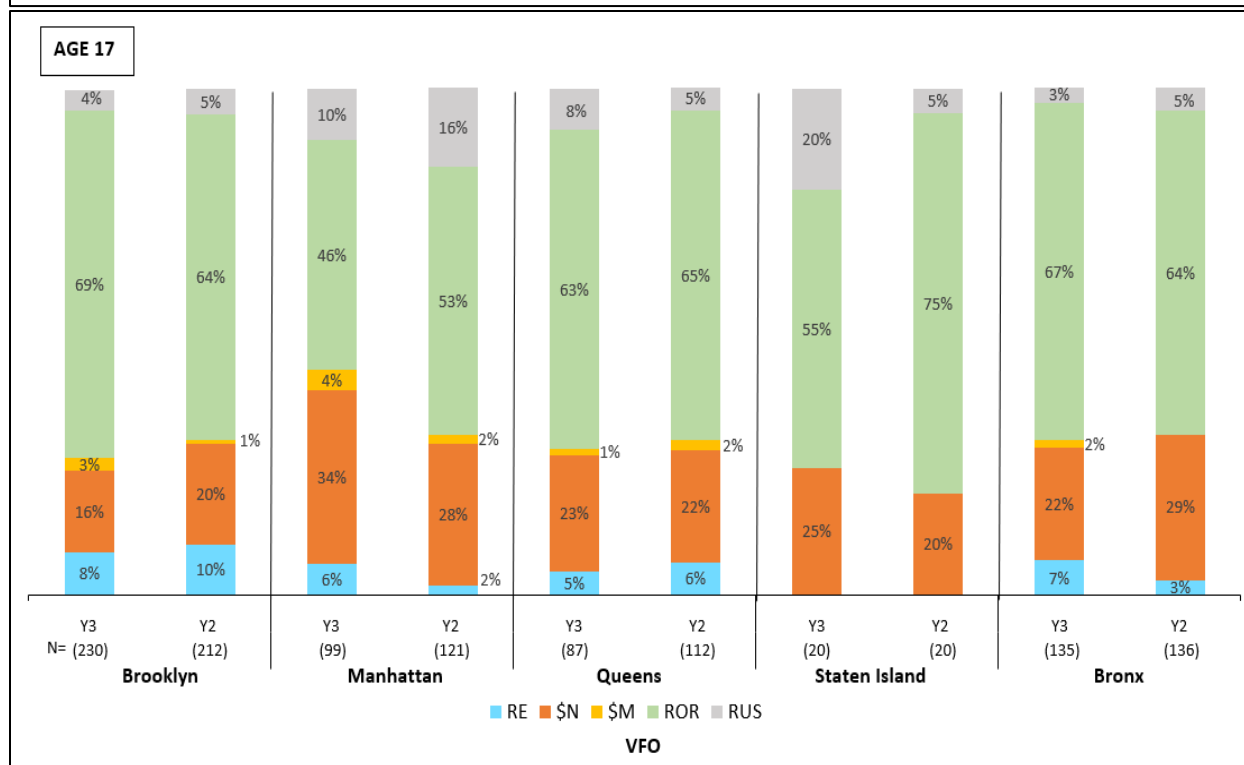
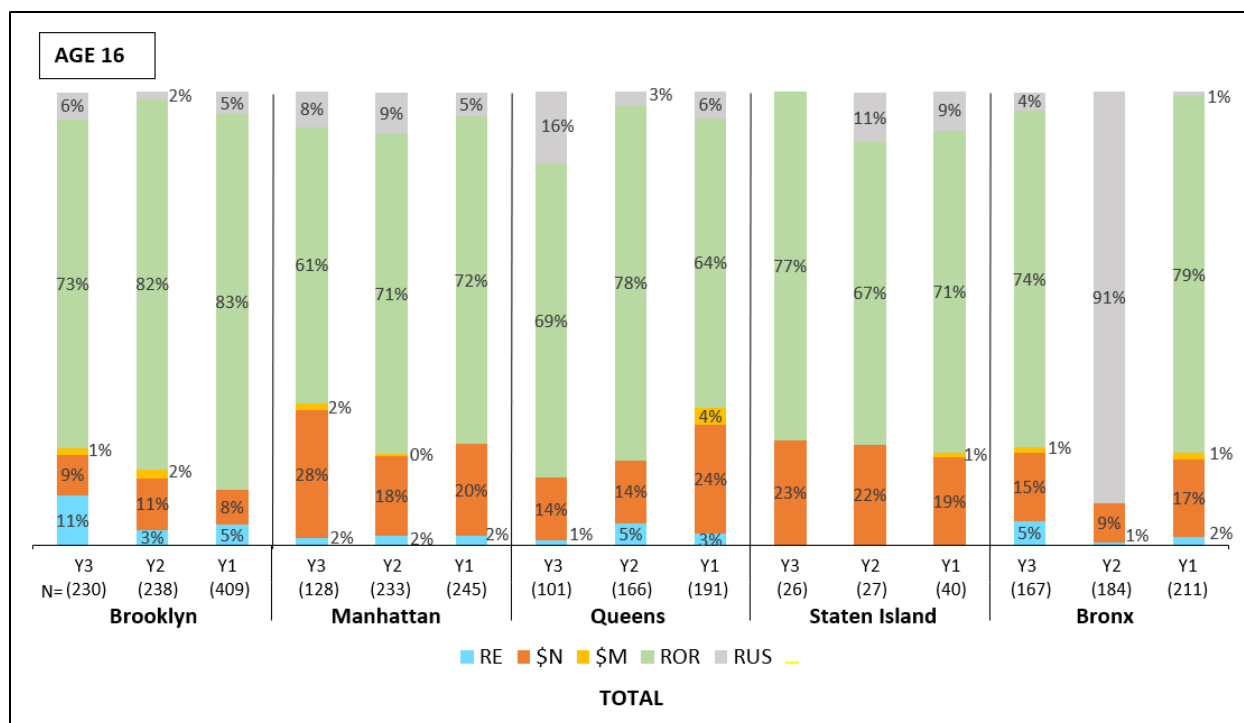
Since so few cases with non-VFO felony charges result in pretrial detention at arraignment, the focus here is on borough differences in release status for youths who faced VFO charges at arraignment. In the third year of RTA, youths aged 16 in VFO cases in Manhattan were more likely to be held on bail or remanded with no bail set (38%) than those in Queens (20%), the Bronx (23%), Brooklyn (28%) or Staten Island (33%) (Exhibit IID4). Manhattan also showed the highest rate of detention for 17-year-olds with VFO charges (40%) compared to 24% to 28% in the other boroughs. In Brooklyn, Manhattan and the Bronx, the rate of detention for 16-year-olds in VFO cases was roughly 10 percentage points higher in year 3 than in year 2. Among VFO cases for 17-year-olds, the rate of detention was 10 percentage points higher in year 3 than in year 2 only in Manhattan.

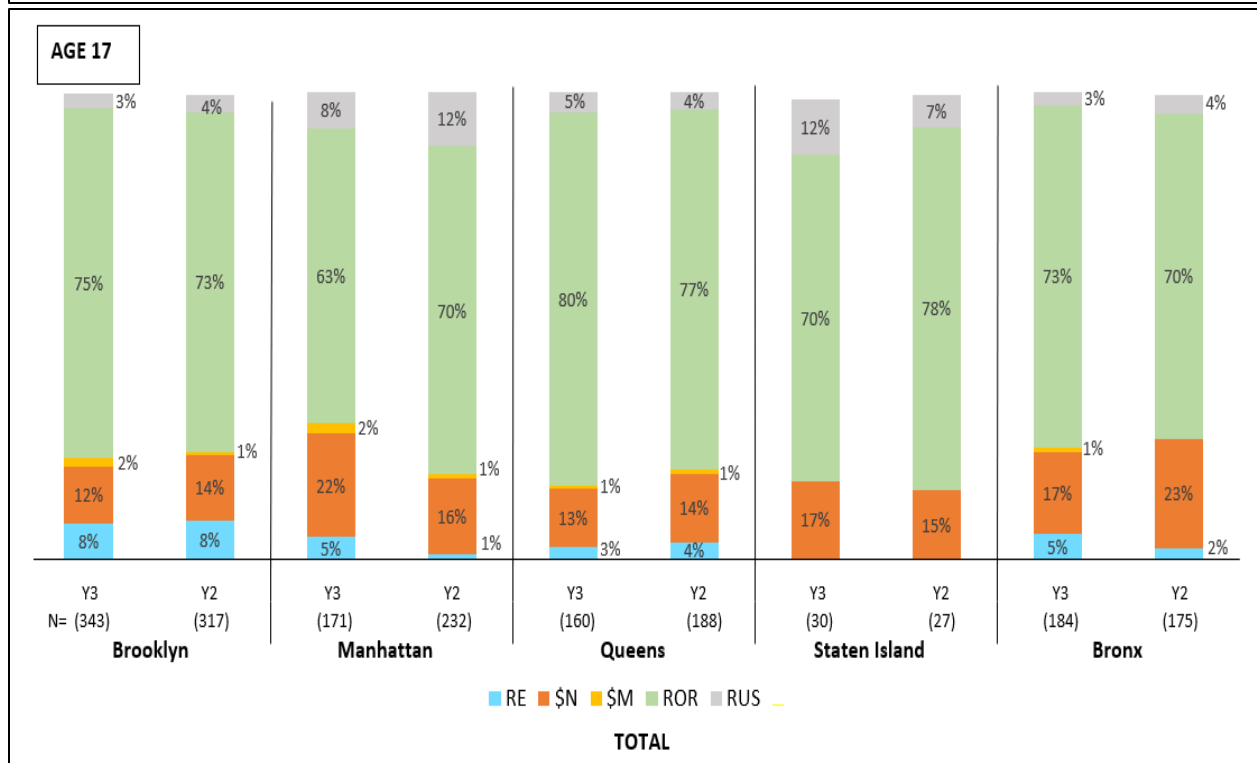
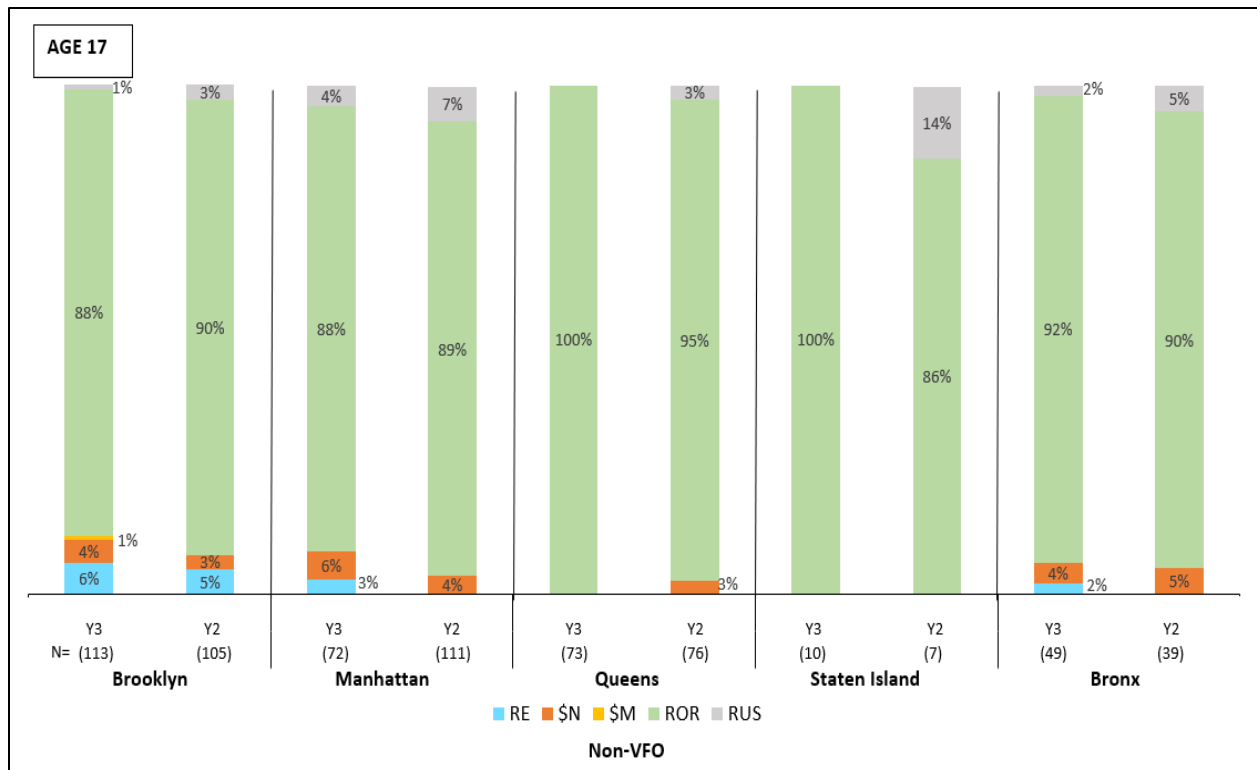
Exhibit IID4. also shows the very low percentages of youths who are released under supervision (RUS). In the third year of RTA, 16-year-olds youths were released under supervision in only 47 cases and 17-year-olds were released under supervision in only 40 cases.

In the previous year, RUS accounted for 36 cases for 16-year-olds and 58 for their 17-year-old counterparts.

Exhibit IID4. Release Status* at Arraignment by Severity of Arraignment Charge, Borough and Age**





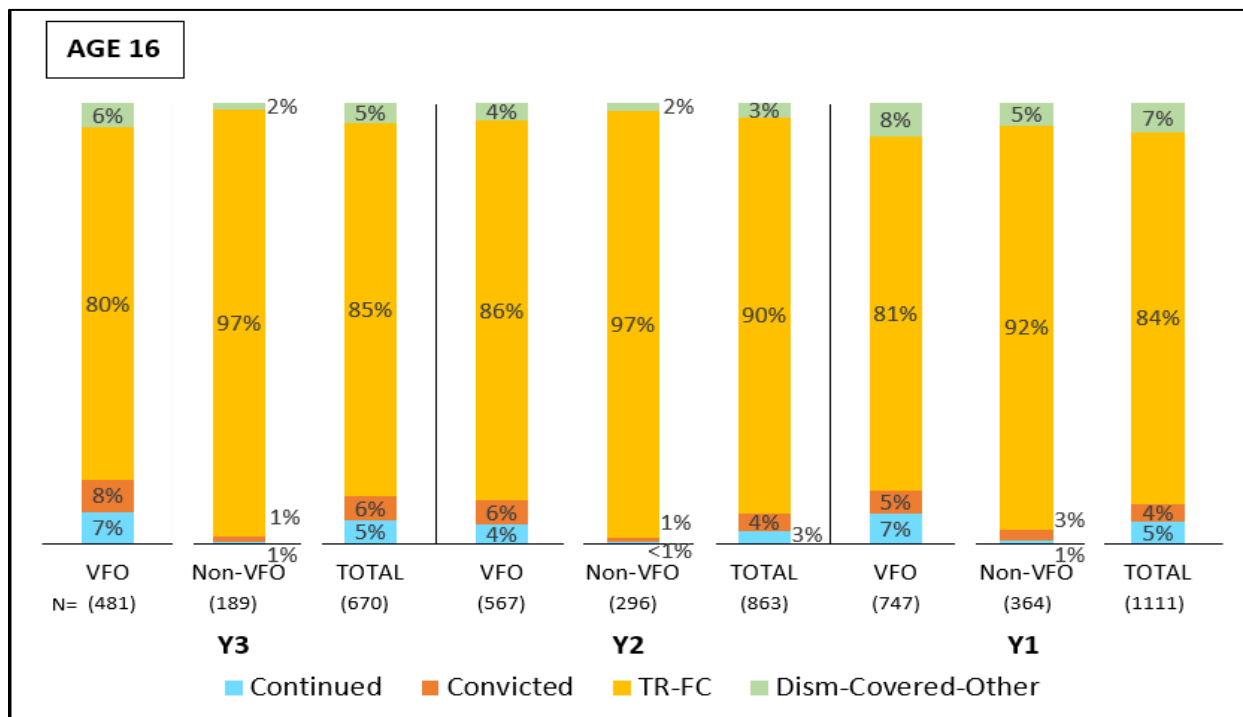


NOTE: Age 17 was ineligible for RTA in Year 1 *Release status for cases continued at arraignment **May not sum to 100% due to rounding

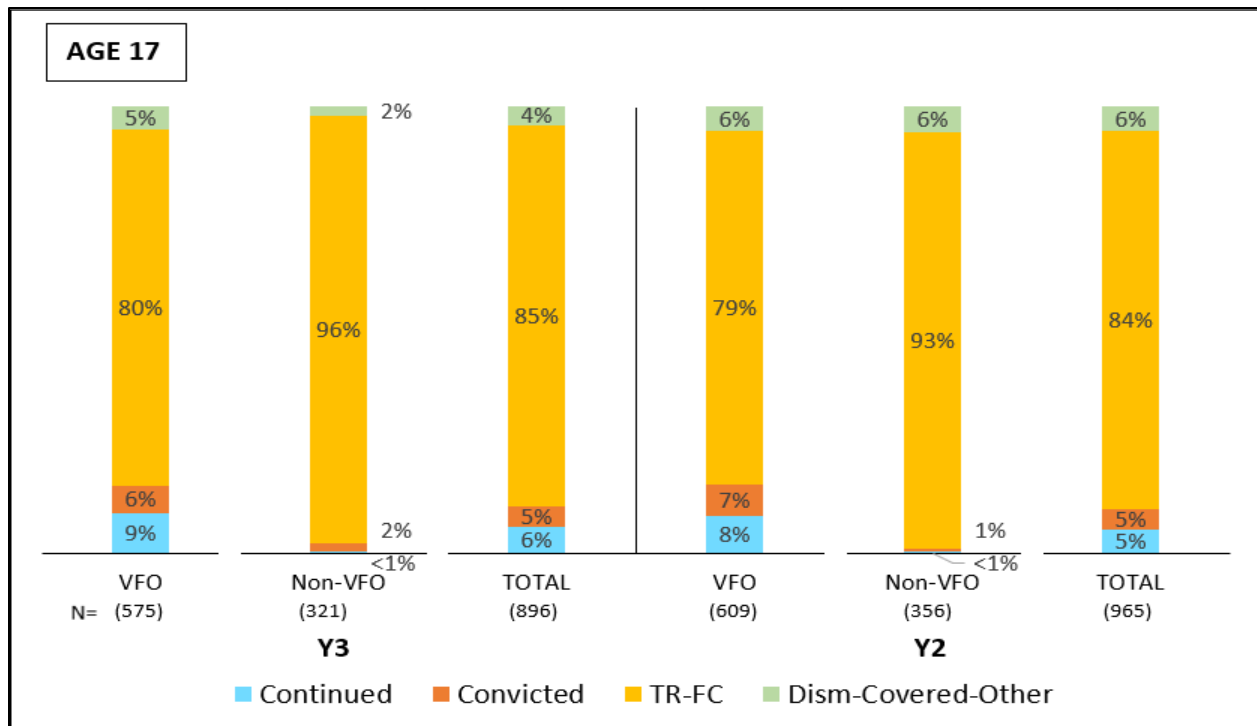
III. ADULT COURT OUTCOMES FOR RAISE THE AGE CASES

Adult court outcomes were tracked through June 30 of the year after the end of the RTA year. For example, RTA cases in year 3, October 2020 through September 2021, were tracked through June 30, 2022. As shown in Exhibit IIIA, most RTA cases for both ages were removed to Family Court (84% to 90% across the ages and time periods). As expected, the rate of removal to Family Court was higher for non-VFO cases (92% to 97%) than for the more serious cases (79% to 86%). In the third year of RTA, the removal rate was nearly identical for 16-year-olds and 17-year-olds: eight of every ten VFO cases for both ages were removed compared to 97% and 96% of non-VFO cases for 16- and 17-year-olds, respectively. Few cases resulted in conviction (by plea or, rarely, by trial). The rate of conviction in adult court was also about the same for 16- and 17-year-olds but was higher for VFO cases than for non-VFOs (7% compared to 1% for cases for 16-year-olds and 6% and 2% for cases for 17-year-olds, respectively for VFO and non-VFO cases). Of course, pending (continued) cases may ultimately result in conviction, dismissal or removal to Family Court.

Exhibit IIIA. Adult Court Outcomes⁶ by Severity of Arraignment Charge and Age*



⁶ These numbers differ slightly from those in The Mayor's Office of Criminal Justice (MOCJ) report, although OCA provided both the CJA and MOCJ data.



NOTE: Age 17 was ineligible for RTA in Year 1 *Excludes two cases abated by death. May not sum to 100% due to rounding.

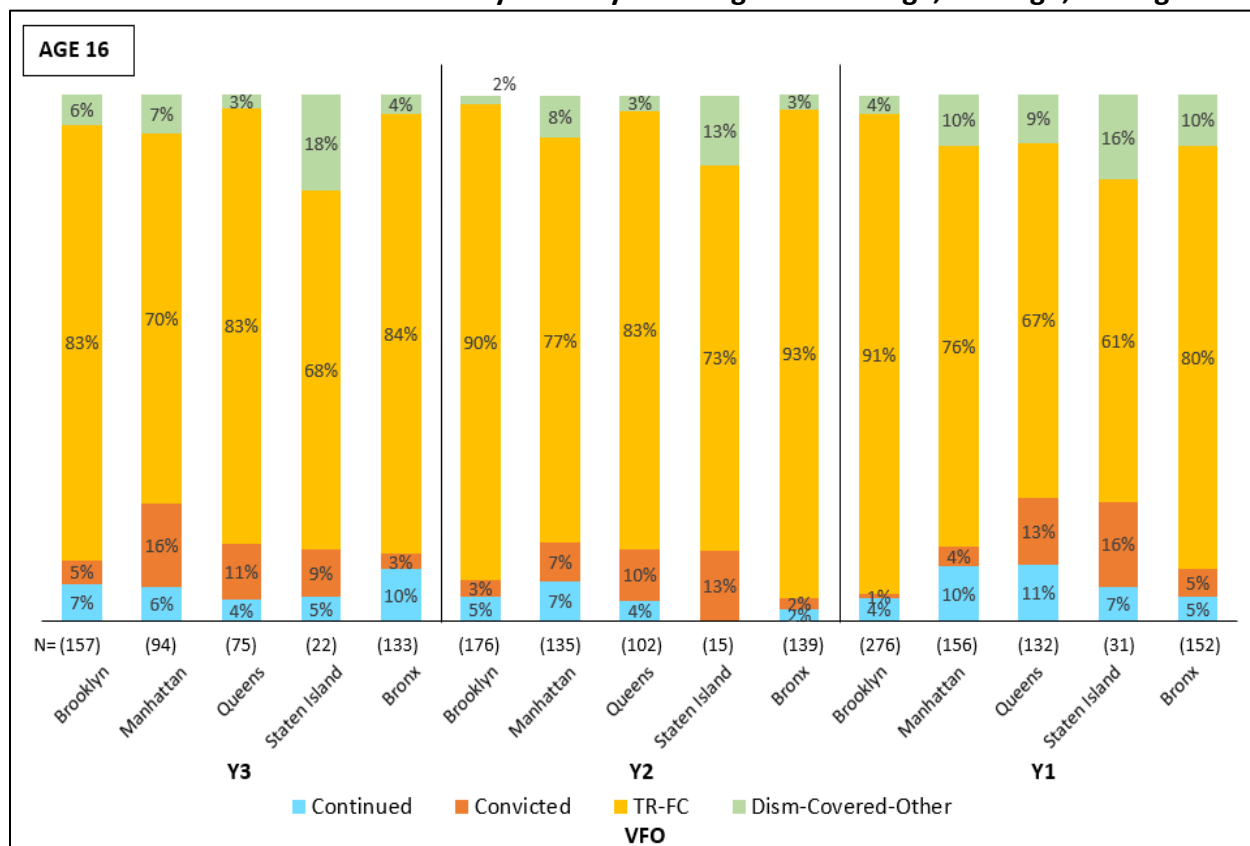
Borough differences in court outcomes for RTA cases differed by the age of the AO and time period, even when outcomes are examined separately for VFO and non-VFO cases (Exhibit IIIB). In the third year of RTA, the portion of VFO cases for 16-year-olds that were still pending as of June 30 of the year after each RTA year ranged from only 5% in Queens and Staten Island, to 7% in Brooklyn, and 9% and 10% in Manhattan and the Bronx respectively. In that year, the conviction rate was only 3% of VFO cases for 16-year-olds in the Bronx and 4% of those in Brooklyn but 9%, 11% and 16% in Staten Island, Queens and Manhattan. The removal rate for VFO cases for 16-year-olds in year 3 was over 80% in Queens, Brooklyn and the Bronx but only 70% in Manhattan and 68% in Staten Island. The removal rate declined from year 2 to year 3 in the four largest boroughs, with the biggest decline in the Bronx (10 percentage points).

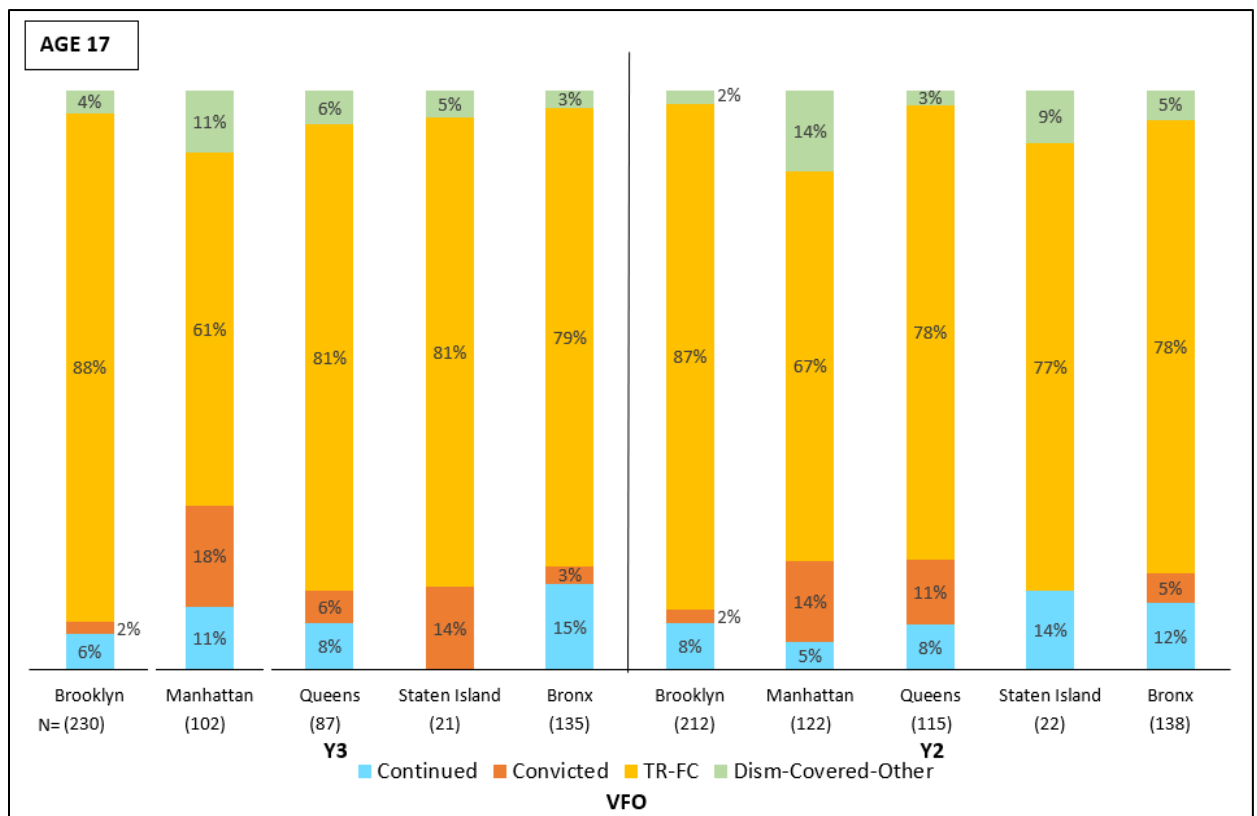
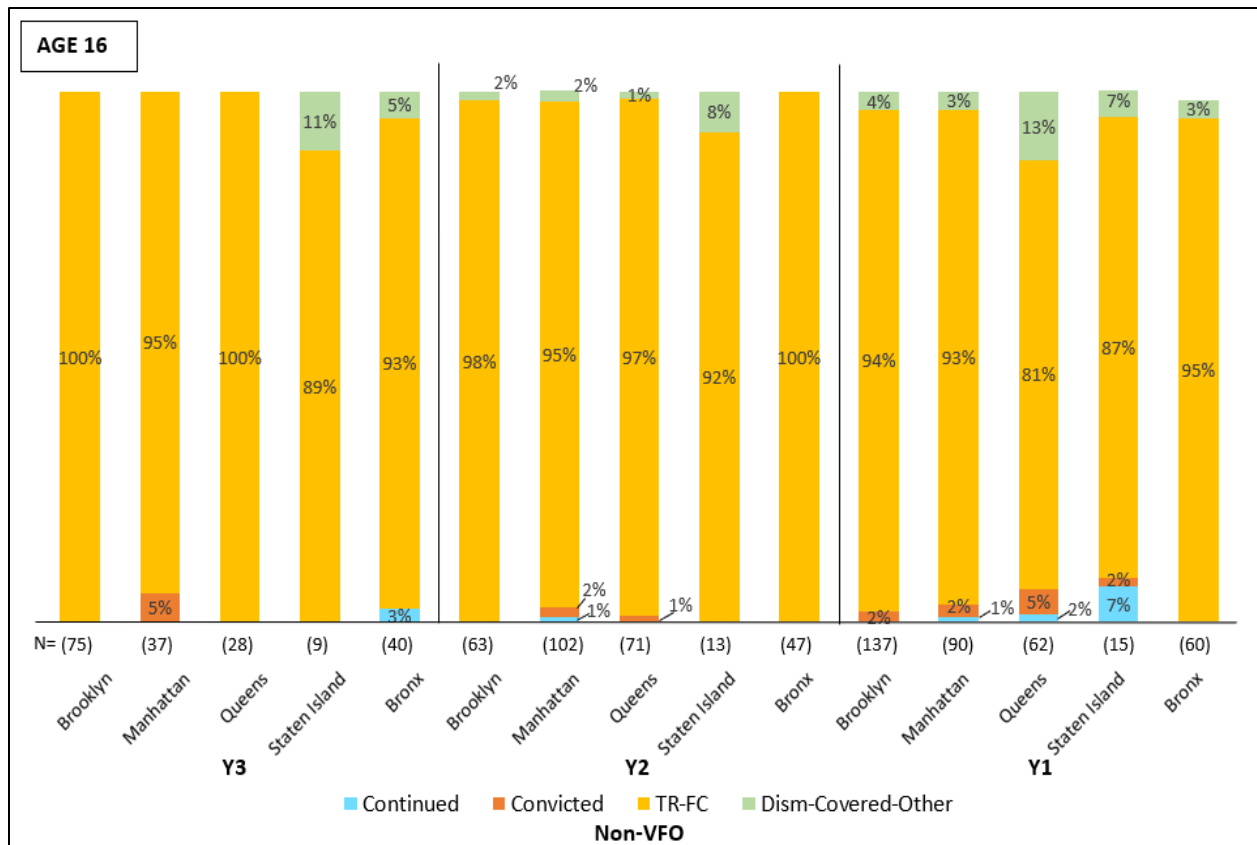
The pattern was different for VFO cases for 17-year-olds. In the third year of RTA, the portion of VFO cases for 17-year-olds that were still pending as of the cutoff date ranged from zero in Staten Island to 7% in Brooklyn, 8% in Queens and 14% and 15% in the Bronx and Manhattan. The conviction rate was highest for cases in Manhattan (18%) as it was for VFO cases for 16-year-olds. The rate of removal was slightly higher for VFO cases for 17-year-olds in Brooklyn (87%, compared to 83% for 16-year-olds), about the same for both age groups in

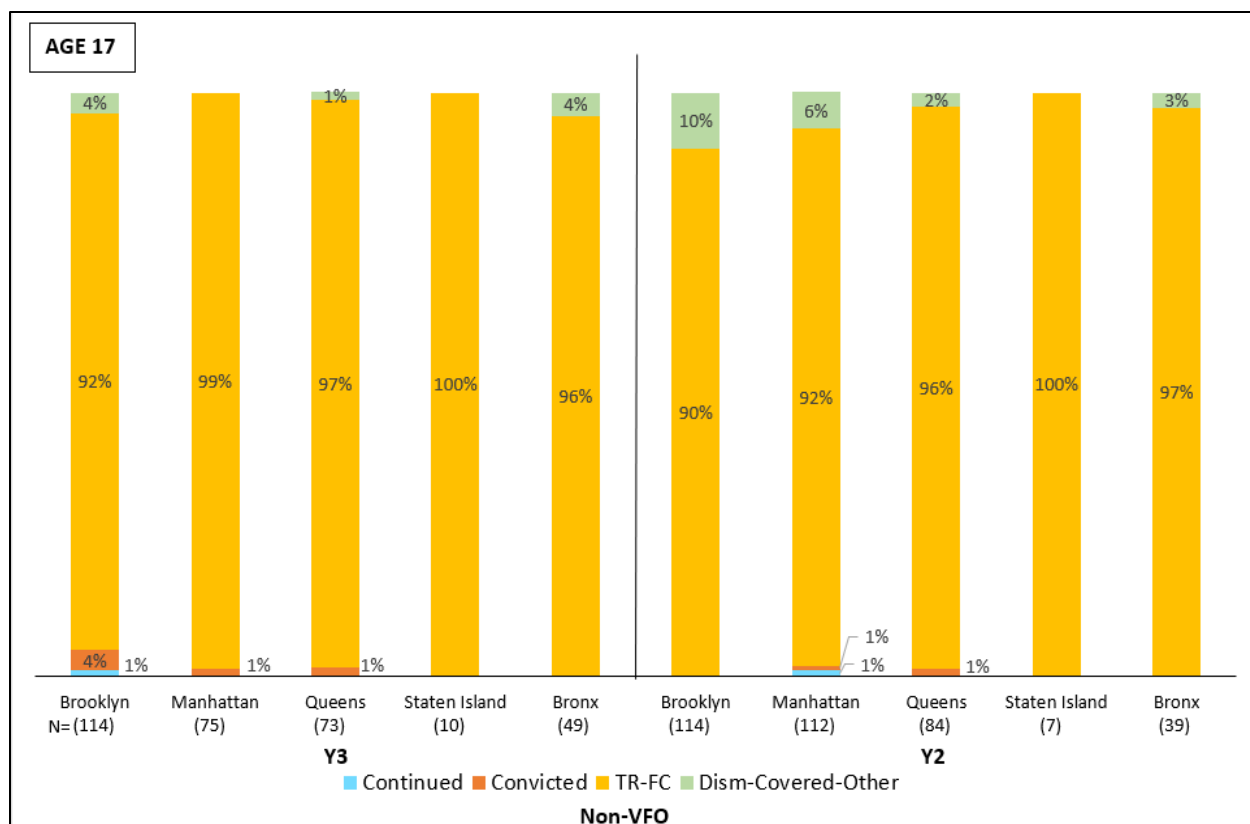
Queens and the Bronx (80% to 83%), but far lower for 17-year-olds than 16-year-olds in Manhattan (only 61% for VFO cases for 17-year-olds compared to 70% for 16-year-olds).

The adult court outcomes for non-VFO cases are also displayed in Exhibit IIIB but are not discussed here because the outcomes vary little by borough or time period and the numbers of AO cases with non-VFO charges is far lower than the numbers arraigned on more serious felony charges.

Exhibit IIIB. Adult Court Outcomes by Severity of Arraignment Charge, Borough, and Age*







NOTE: Age 17 was ineligible for RTA in Year 1

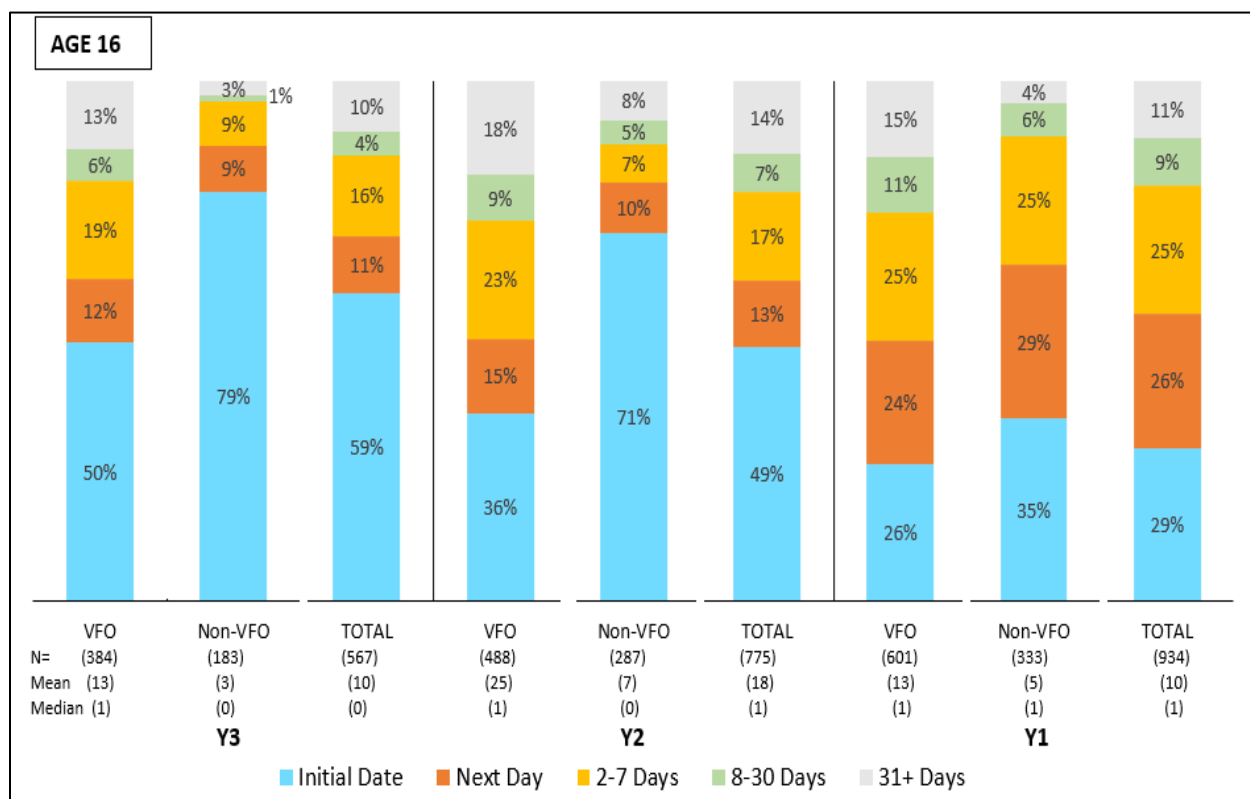
*May not sum to 100% due to rounding

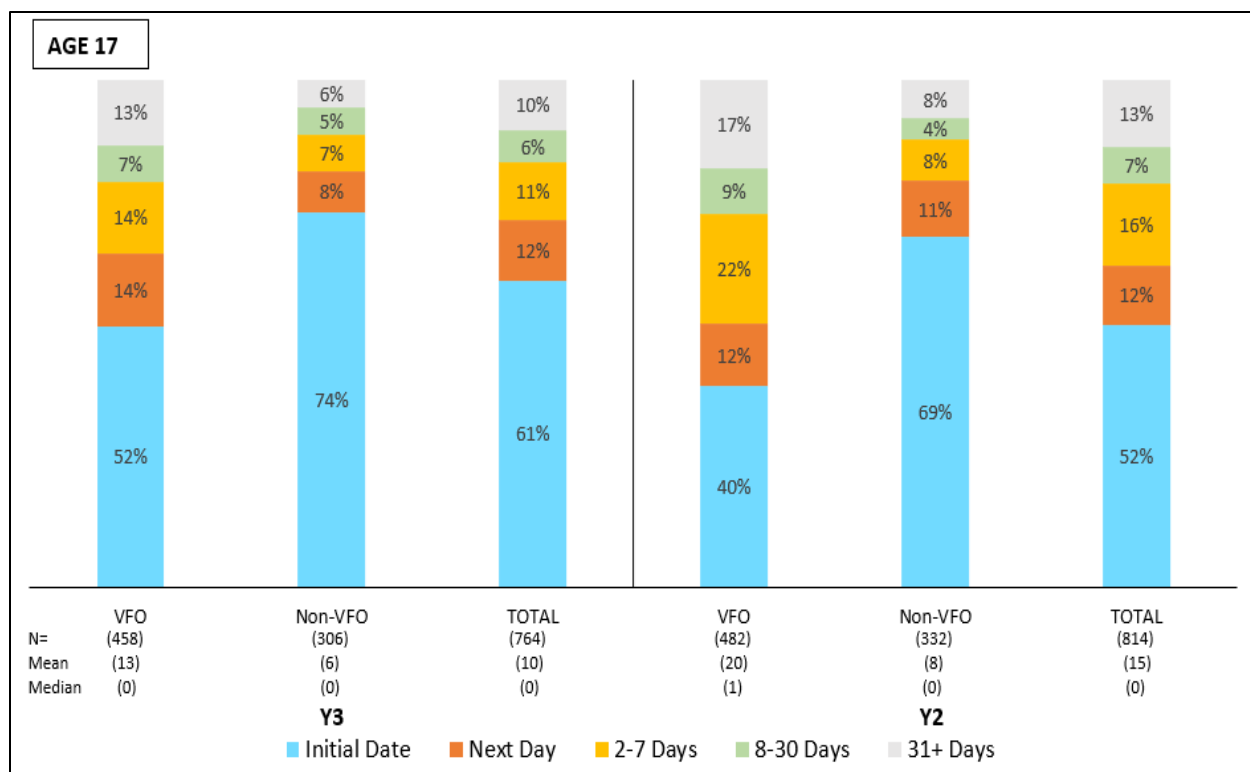
Exhibit IIIC1 shows the number of days from arraignment to removal to Family Court by the severity of the charge at arraignment, as well as the mean and median numbers of days. Day zero denotes removal at arraignment, including arraignments in the Youth Parts and arraignments by Accessible Magistrates. Adult court outcomes were tracked through June 30 of the year after the end of the RTA year so that time to removal can be compared equitably across the years. The high portions of cases removed day zero and the median number of days of zero reflect the high rates of removal at arraignment discussed earlier in this report. We also see that the rates of removal are again higher for non-VFO cases than for their more severe counterparts. The markedly lower rates of removal at arraignment in year one (16-year-olds only) reflect the initial restriction placed on Accessible Magistrates who were mandated solely to set release statuses but could not dispose of cases until the RTA law was revised at the end of the first year. In the third year of RTA seven of every ten AO cases that were removed to Family Court were removed at arraignment or within a day, including more than six of every ten

AO cases with VFO charges. At the same time, one in every ten AO cases that were removed to Family Court was not removed until a month or more after arraignment.

The mean and median numbers of days from arraignment to removal were smaller in year 3 (mean of 10 days, median of 0) for both 16- and 17-year-olds compared to year 2 (mean of 18 days, median of 1 for 16-year-olds and 15 days and 0 days for 17-year-olds).

Exhibit IIIC1. Days from Arraignment to Removal to Family Court by Charge Severity and Age*





NOTE: Age 17 was ineligible for RTA in Year 1

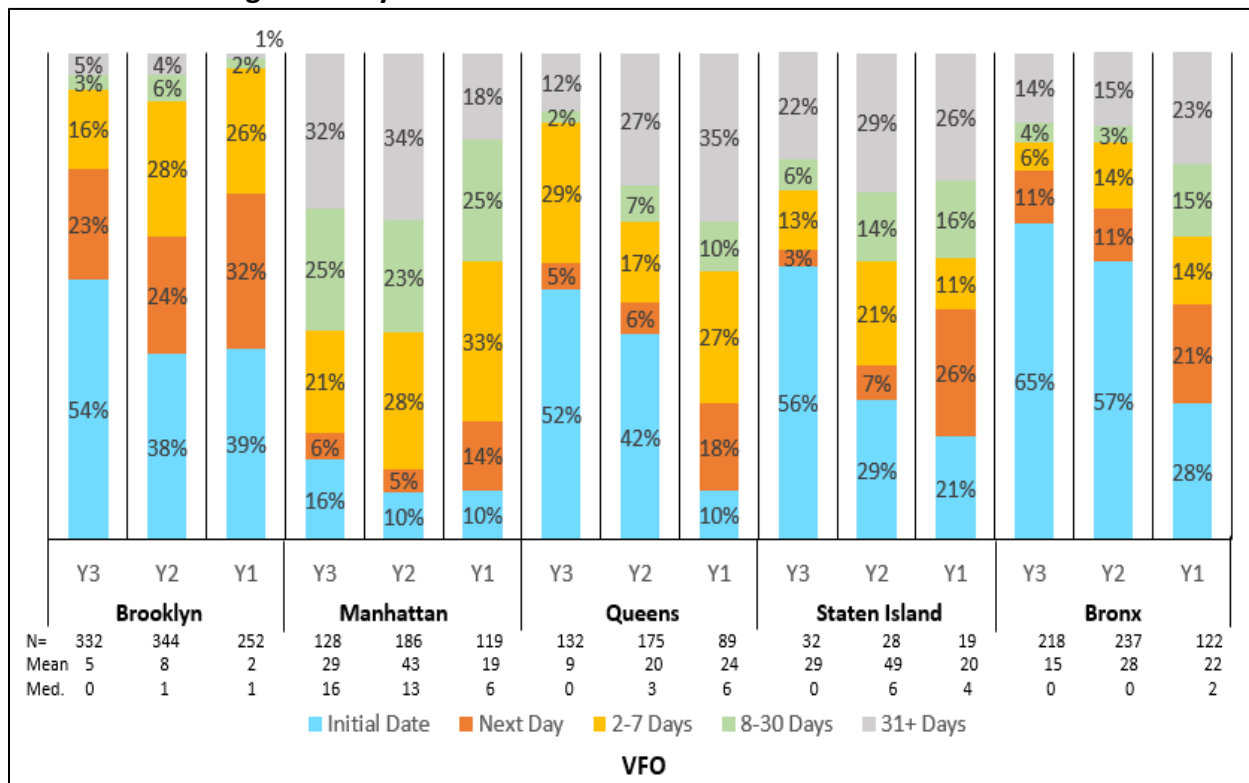
*May not sum to 100% due to rounding

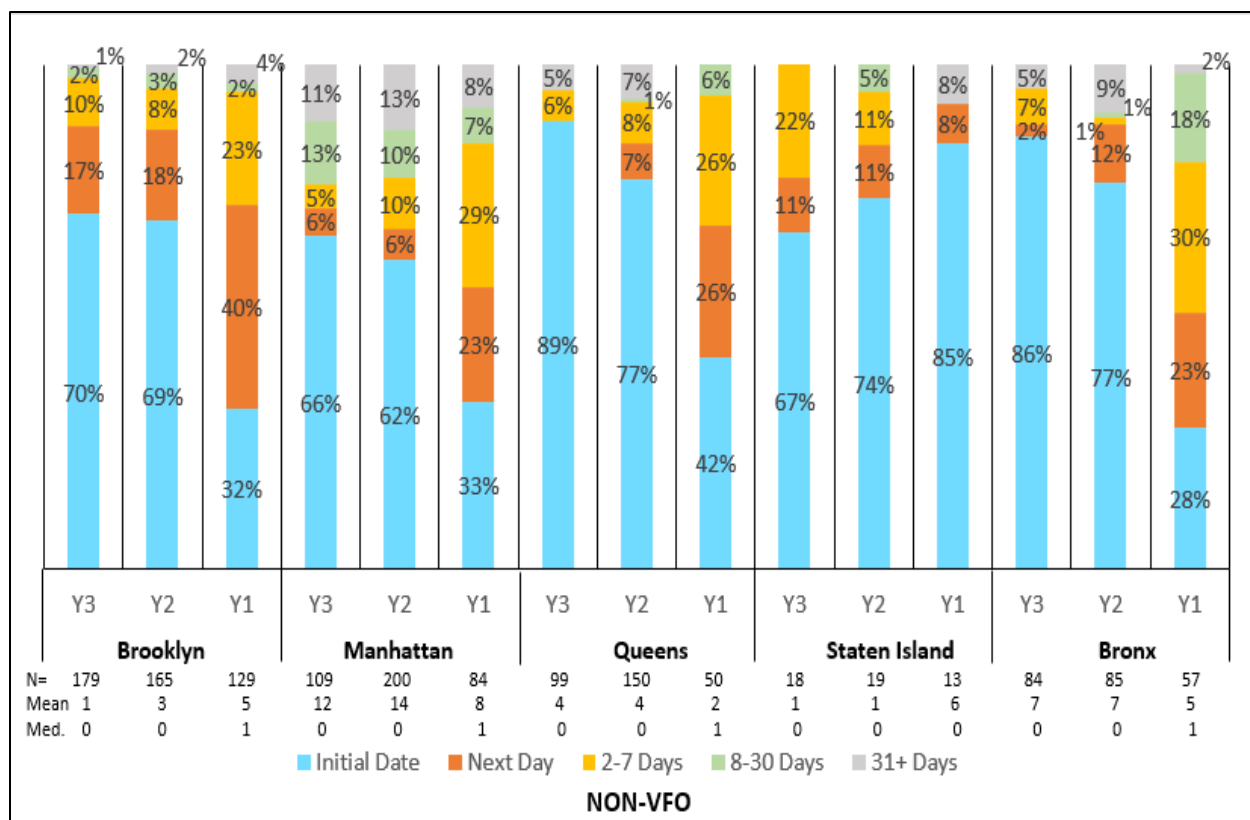
Since there is very little difference between cases for 16-year-olds and those for 17-year-olds in the number of days from arraignment to removal to Family Court, borough data is combined across the two age groups. As shown in Exhibit IIIC2, in year 3, removals to Family Court took a month or more for nearly a third of AO cases with VFO charges in Manhattan compared to 22% in Staten Island but only 14% in the Bronx, 12% in Queens and barely 5% in Brooklyn. The pattern was similar for non-VFO cases where 11% took a month or more in Manhattan compared to 5% in the Bronx and Queens and less than one percent in Brooklyn and Staten Island (0). More than half of removals (57%) for VFO cases took more than a week in Manhattan compared to 28% in Staten Island, 18% in the Bronx, 14% in Queens and barely 8% in Brooklyn. Similarly, for non-VFO cases, removal took a month or more for nearly a quarter (23%) in Manhattan compared to only 5% in the Bronx and Queens, only 3% in Brooklyn and for no cases removed in Staten Island.

The mean and median days to removal show the same pattern. The median number of days to removal for VFO cases for AOs in year 3 in Manhattan was more than two weeks compared to zero for VFO cases in Brooklyn, Bronx or Queens. The median number of days to

removal did not vary by borough for non-VFO cases. In Manhattan, the median number of days increased from year 2 to year 3 for VFO cases but decreased in the other boroughs. There was little change in median time to removal among non-VFO cases.

Exhibit IIIC2. Days from Arraignment to Removal to Family Court by Borough and Charge Severity*





*May not sum to 100% due to rounding

Thus far, the NYC Criminal Justice Agency reports on RTA have not explored the sentences AOs have received because so few AO cases reached sentencing. Only 199 AO cases that resulted in conviction in adult court as of June 30 of the year after the specific RTA year reached sentencing, including 15 that reached sentencing after June 30, 2022. If all AO cases that resulted in conviction are included, even those that reached conviction after June 30 of the original RTA year, then 286 cases have resulted in conviction, including 26 convictions after June 30, 2022, although four of the convicted cases have not yet reach sentencing. Of course, cases that are pending may also result in conviction and the serious cases that are retained in adult court frequently take a long time to reach disposition. (Cases that originated in year 1 took a median of over three and a half years to reach conviction compared to a median two and a half years for year 2 cases and over one and a half years for year 3 cases, data not shown). Exhibit IIID presents the sentences for the 282 AO cases from the first three years of RTA that resulted in conviction and sentencing in adult court prior to June 30, 2023.

More than half of the sentences in AO cases were carceral (55%), nearly a quarter (23%) were sentences of conditional discharge, unconditional discharge or fine and 22% were sentences to probation.

The carceral sentences ranged from time already served (6% of all sentences) and 365 days or less (12%) to prison terms of a year or more. One in ten sentences for AOs were for four years or more prison time.

EXHIBIT IIID. Sentences for AOs Convicted in Adult Court

Imprisonment/Imprisonment and Probation)	N	%
Time served	18	6
365 days or less	33	12
1 year or 1-3 years	13	5
1 year 4 months to 1 year 8 months	43	15
2 years to under 4 years	20	7
4 years or more	27	10
Subtotal Imprisonment	154	55
Conditional/Unconditional Discharge/Fine	65	23
Probation	63	22
TOTAL Sentences	282	100

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