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FACT SHEET ON THE ADULT COURT CASE PROCESSING OF JUVENILE OFFENDERS IN NEW YORK CITY, JANUARY THROUGH DECEMBER 2018

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 2018 (*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 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 263 arrests for JO offenses, far fewer than in 2017 (378), primarily for robbery. Forty-two percent were charged with first-degree robbery and an additional 32% were charged with second-degree robbery.
- Nearly a third of the arrests for JO offenses were in Brooklyn, while about 20% were in each of the other large boroughs.
- Nine of every ten youths arrested for JO offenses were male and two thirds were aged 15.
- Nearly eight of every ten JO arrests were arraigned in adult court (208 JO arraignments, down from 278 in 2017). The remaining cases were transferred to Family Court.
- The JO release recommendation reflects only two factors: school attendance and expecting someone to attend arraignment. More than eight of every ten JOs screened were recommended for ROR. The JO release 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 in the excluded categories are subtracted from the calculation base, then nearly nine of every ten remaining juveniles were recommended.
- More than half (55%) of JOs were released on recognizance (ROR) at arraignment and an additional 2% were released under supervision. 38% were held on bail or remanded with no bail set.

Dispositions

- Citywide, 234 JO cases reached disposition in 2018, including JO cases that were arraigned in previous years.
- More than four of every ten JO cases disposed in 2018 were convictions in Supreme Court, two of every ten were transfers to Family Court, and three of every ten were dismissals. The remaining 4 percent of cases were consolidated with or covered by the youth’s other cases.
- In two thirds of the JO cases that were continued at arraignment and reached disposition in 2018, the juveniles were released on recognizance at some time prior to disposition and nearly two of every ten were released on bail. 15% did not secure pretrial release.

Sentences

- The most frequent sentence in 2018 was a conditional or unconditional discharge (40 cases, 38%), followed by probation (36 cases, 34%). Three of every ten sentences for JO cases in 2018 were incarcerative.
- Nine of the 31 incarcerative sentences were for one year or less, five were for a minimum of one year to a maximum of three years, 12 were for a minimum of one year and four months to a maximum of four years, and five 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) 125.25 (3)***	A A	13, 14, 15 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

* Changed from “Sodomy” in November 2003 as part of the NYS Sexual Assault Reform Act.

** Added in November 1998, but only where the weapon is possessed on school grounds. 265.02 (4), possession of a weapon in the third degree, a D felony, was repealed effective November, 2006, and is now replaced by 265.03 (3).

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

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