



Orange County News

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District Attorney Hoovler and Sheriff DuBois Issue Joint Statement Opposing “Raise the Age” Legislation

*Legislation Eliminates Criminal Liability for Most
Offenders Between 16 and 18 Years Old*

Orange County District Attorney David M. Hoovler and Orange County Sheriff Carl E. DuBois, on March 27, 2017, issued a joint statement in opposition to the “raise the age” legislation that the New York State Legislature in Albany is currently considering.

The legislation would do away with criminal liability for most offenders over the age of 16, up to age 18, including offenders charged with many violent felonies, many felony drug sales, and vehicular homicides and assaults. Those offenders would no longer be prosecuted in adult criminal courts, but would be handled as juvenile delinquents in Family Court or diverted out of the courts by the Department of Probation. The legislation does not provide additional funding to the Family Court to handle the influx of new cases to be handled there. The legislation would also result in limiting the role of victims in the handling of their cases, providing victims with much less information and eliminating their right to be heard when offenders are sentenced.

The legislation would also adversely affect the ability of law enforcement to protect the public. The proposal reduces the ability of law enforcement to interview 16- and 17-year-old offenders without their parents present. In some cases, the “parent” is the head of the gang that recruited the teen and sent him out to rob or shoot someone, and who is likely to resist police interrogation. The legislation limits what potential witnesses the police can talk to in an investigation. Finally, the proposal seals records that often guide prosecutors in determining penalties, and substitutes a county attorney or probation officer for the district attorney as the prosecutor.

“The current system of handling young offenders works quite well,” said District Attorney Hoovler, “and the vast majority of youths who enter the adult criminal justice system do not come out with criminal records and do not end up in jail or prison. As a result, the current effort under way to ‘raise the age’ of criminal responsibility is a solution in search of a problem. We in law enforcement are always open to suggestions for improving the ways that we deal with young

offenders, but the proposals being considered in Albany would solve nothing, and would result in increased danger to our communities when youthful violent offenders and drugs sellers, and those who have injured people in motor vehicle collisions have their cases handled only in Family Court, and are not punished in the adult courts. Finally, the legislation being considered would result in yet another unfunded state mandate, requiring the Family Court to adjudicate many more cases, without providing the resources to do so.”

“The ‘raise the age’ law would task the Sheriff’s Office to spend countless hours transporting young offenders to secure facilities around the state,” said Sheriff DuBois. “None of those facilities is local to Orange County, and transporting those offenders would be done at the expense of Orange County taxpayers, when our County correctional facility is capable of and has the vacancy to house them. This would be another unfunded mandate to the already overburdened taxpayer.”

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