State of New York
APR 9 2014
Department of State
Secretary of State

State of New York

Executive Chamber

No. 131

EXECUTIVE ORDER

ESTABLISHING THE COMMISSION ON YOUTH, PUBLIC SAFETY AND JUSTICE

WHEREAS, the State of New York has taken significant steps to strengthen rehabilitation and provide support for young people in the juvenile and adult justice systems, including the Close to Home initiative, Regional Youth Justice Teams, detention risk assessment, increasing community-based services and alternatives to incarceration; and

WHEREAS, as the State made those investments, juvenile crime, violence and incarceration rates have substantially decreased to historic lows; and

WHEREAS, the State, despite leading the nation in an array of youth justice reforms, is one of only two states that continue to prosecute 16- and 17-year-olds through the adult criminal justice system, the vast majority of whom are youth of color; and

WHEREAS, youth incarcerated with adults are less likely to receive the services they need to succeed and are at increased risk of violent or sexual assault, mental health issues, and suicide; and

WHEREAS, analysis by the U.S. Centers for Disease Control and Prevention showed that the felony recidivism rate in one state was 34 percent higher for youth whose cases were handled in adult court compared to youth whose cases were handled outside of adult court; and

WHEREAS, leading brain research indicates that the cognitive skills of youth are not fully developed, rendering them more susceptible to peer pressure, less capable of mature judgment and consequential thinking, though highly responsive to interventions; and

WHEREAS, the State is committed to further reducing crime by implementing policies that both promote public safety and improve outcomes for court-involved youth;

NOW THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and laws of the State of New York, do order as follows:

A. The Commission on Youth, Public Safety and Justice

1. There is hereby established the **Commission on Youth, Public Safety and Justice ("the Commission").** The Commission shall provide recommendations to the Governor pertaining to youth in New York's justice systems.

2. The Commission shall consist of voting members appointed by the Governor. In appointing members, the Governor shall make a reasonable effort to appoint members with a range of perspectives, interests, and specific knowledge concerning juvenile and criminal justice, including judges, law enforcement officials, probation administrators, child welfare professionals, advocates, service providers, local government officials and other critical stakeholders. The Governor shall also appoint the Commissioner of Children and Family Services; the Commissioner of Criminal Justice Services; the Director of Probation and Correctional Alternatives, and the Commissioner of Corrections and Community Supervision, who shall serve as ex officio non-voting members. All members of the Commission shall serve at the pleasure of the Governor.

3. The Governor shall designate the Chair or Co-Chairs of the Commission from among the members of the Commission. The Governor shall appoint an Executive Director of the Commission.

4. A majority of the total members of the Commission shall constitute a quorum, and all recommendations of the Commission shall require approval of a majority of the members.

5. Every agency, department, office, division or public authority of this State shall provide to the Commission such information, assistance and cooperation, including use of State facilities, which is reasonably necessary to accomplish the purposes of this Order. Staff support necessary for the conduct of the Commission's work may be furnished by state agencies and authorities (subject, as necessary, to the approval of the board of directors of such authorities).

6. The Commission may draw upon the human resources, expertise and funding of private institutions, as consistent with all statutes and regulations regarding such assistance. Such assistance shall be provided without financial remuneration and shall not be provided under any circumstances that would create an actual conflict of interest, or the appearance of such a conflict.

7. The Commission shall commence its work immediately. On or before December 31, 2014, or such other time as may be specified by the Governor, the Commission shall complete its duties and activities described herein and provide its recommendations to the Governor, at which time the Commission shall terminate its work and be relieved of all responsibilities and duties hereunder.

B. Duties and Purposes

1. The Commission shall (a) develop a plan to raise the age of juvenile jurisdiction, and (b) make other recommendations as to how New York's justice systems can improve outcomes for youth while promoting community safety. In carrying out this purpose, the Commission shall ensure that protecting communities and preventing victimization remains the top priority and shall:

    a. Develop a plan, structure, process and timeline to raise the age of juvenile jurisdiction;

    b. Identify any needed revisions to statutes, regulations, policies, programs and practices to achieve these goals, taking into account community safety, science, evidence, best practices most likely to reduce recidivism, cost-benefit analysis and other factors, including the service needs of court-served youth (including needs based on gender), and the implementation capacity and structure of the juvenile justice, criminal justice, child welfare and human services systems; and

    c. Make additional short-, mid- and long-term recommendations to better serve youth, improve outcomes, protect communities, prevent victimization, address harm reduction among the small percentage of youth who repeatedly commit serious violent crime, and ensure New York's place as a national leader in addressing youth justice and public safety.

2. In its report to the Governor, the Commission shall include a summary and explanation of its findings and recommendations. Each recommendation shall include an estimate of the fiscal impact, options

for cost savings to offset anticipated costs, and an analysis of current system capacity to accommodate the recommendation.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this ninth day of April in the year two thousand fourteen.

BY THE GOVERNOR

Secretary to the Governor