

“Social justice should be the underlying goal of all humanity.”

-Alan V. Lowenstein, Institute Founder



TESTIMONY OF YANNICK WOOD  
NEW JERSEY INSTITUTE FOR SOCIAL JUSTICE  
IN SUPPORT OF A5169  
NEW JERSEY ASSEMBLY APPROPRIATIONS COMMITTEE  
DECEMBER 18, 2023

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**do social justice.**

Good afternoon, Chair Swain, Vice-Chair Mukherji, and members of the Assembly Appropriations Committee:

Thank you, Chair Mukherji for sponsoring such meaningful legislation and thank you for the opportunity to present this testimony on behalf of my organization.

My name is Yannick Wood, I am the director of the Criminal Justice Reform program at the New Jersey Institute for Social Justice (the “Institute”). The Institute’s advocacy empowers people of color by building reparative systems that create wealth, transform justice and harness democratic power – from the ground up – in New Jersey. Our youth justice work specifically seeks to transform youth justice in New Jersey by addressing its stark racial disparities, closing New Jersey’s youth prisons, establishing community-based systems of care, and empowering communities to develop alternatives to incarceration.

The Institute supports A5169, a bill that establishes a minimum age for juvenile delinquency of 14 years old.

### *Introduction*

The Institute supports A5169 for the following reasons: 1) A5169 reduces the risk of mischaracterizing developmentally appropriate misbehavior with criminality and will reduce the number of youth entering into New Jersey racially disparate youth incarceration system; 2) A5169 accords with brain science that recognizes that youth are more likely to engage in harmful behavior prior to full brain development; 3) A5169 will make New Jersey a leader among states and aligns with international standards for juvenile delinquency; and lastly, 4) A5169 will yield cost savings to New Jersey.

1) *A5169 reduces the risk of mischaracterizing developmentally appropriate misbehavior with criminality and will reduce the number of youth entering into New Jersey racially disparate youth incarceration system.*

Without setting a minimum age New Jersey runs the risk of occurrences like that of Kaia Rolle, a six-year-old arrested in a Florida school after having a tantrum<sup>1</sup> or Philip Roybal, who was arrested in Colorado at 12 years old for

stealing baseball cards at school<sup>2</sup> and a six-year-old North Carolina boy arrested for destruction of property for picking a flower.<sup>3</sup>

If New Jersey establishes an age of 14, it would reduce the number of elementary and middle school students who would be funneled into New Jersey's youth justice system which has the worst racial disparities in the nation.<sup>4</sup> In the Garden State, Black youth are 28.6 times more likely to be incarcerated than their white counterparts.<sup>5</sup>

2) *Establishing a minimum age of 14 accords with brain science that recognizes that youth are more likely to engage in harmful behavior prior to full brain development.*

It is an incontrovertible fact that the human brain undergoes an extraordinary journey of development throughout childhood and adolescence. Research in the fields of child psychology and neuroscience has attested to the limitations in the cognitive and emotional capacities of children.<sup>6</sup> Their emerging decision-making processes are fraught with immaturity, their impulse control is fragile and their understanding of long-term consequences is underdeveloped.<sup>7</sup>

It is imperative that New Jersey recognize the critical importance of allowing these young individuals the time and space to mature, evolve, and develop the necessary skills to make responsible choices.

The unequivocal body of research demonstrates that punitive measures in the case of minors fail to yield desired outcomes.<sup>8</sup> In stark contrast, interventions, counseling and support services designed specifically for their age group have proven to be vastly more effective.<sup>9</sup> By establishing 14 as the minimum age for arrest, the state can redirect our valuable resources toward these age-appropriate, evidence-based programs that address the root causes of delinquent behavior, promoting partnerships between schools, communities, law enforcement, and community-based organizations.<sup>10</sup>

Let us no longer be complicit in perpetuating a system that crushes their spirits and exacerbates recidivism but instead, forge a path towards a future where every child can reclaim their lives and contribute positively to society.

3) *Establishing an age of 14 will make New Jersey a leader among states, match international standards for juvenile delinquency.*

The United Nations Convention on the Rights of the Child requires countries to establish a minimum age of criminal responsibility,<sup>11</sup> prioritizing the best interests of the child<sup>12</sup> and the right to life,<sup>11</sup> and survival and development.<sup>13</sup> The United Nations High Commission on Human Rights has subsequently interpreted the treaty to require a minimum age of 14 or higher.<sup>14</sup> Stateside, the American Bar Association<sup>15</sup> and the American Academy of Child and Adolescent Psychiatry<sup>16</sup> also recommend the age be set at 14. However, while 24 states in the United States have a minimum age for juvenile delinquency, none have a minimum age set at 14. Therefore, setting the minimum age of delinquency to 14 would position New Jersey as a leader in the country.

4) *A5169 will yield cost savings to New Jersey.*

Lastly, the passage of A5169 will also result in cost savings for the state, according to the fiscal estimate.<sup>17</sup> As a result of this bill, no longer will the youngest children enter a system of youth incarceration that in 2024, was estimated to cost approximately \$531,000 a year to incarcerate a single youth.<sup>18</sup> Establishing the minimum age of criminal responsibility as 14, would serve as a mechanism to move money away from incarceration. We urge the legislature to reallocate savings towards community-based resources.

*Conclusion*

Chair Swain and fellow committee members, I encourage you to release A5169 from your committee for the reasons mentioned. Doing so signifies New Jersey's unwavering commitment to protecting our children's rights, preserving their well-being and nurturing their boundless potential. It is our moral obligation to provide them with every opportunity for growth, education and rehabilitation, sparing no effort in empowering them to become thriving, productive members of our community.

Thank you.

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<sup>1</sup> Cheryl Corley, *In some states, your 6-year-old child can be arrested. Advocates want that changed*, NPR (May 2, 2022, 5:55 PM ET), <https://www.npr.org/2022/05/02/1093313589/states-juvenile-minimum-age-arrested-advocates-change>.

<sup>2</sup> Phillip Roybal, *Colorado, don't break your promise to lock up fewer kids*, C.O.NEWSLINE (Feb. 28, 2023, 3:30 AM), <https://coloradonewsline.com/2023/02/28/colorado-dont-break-promise-to-lock-up-fewer-kids/>.

<sup>3</sup> Trace William Cowen, *6-Year-Old Boy Sent to Court in North Carolina for Picking a Tulip*, Yahoo!news (Mar. 24, 2021), [https://news.yahoo.com/6-old-boy-sent-court-204227370.html?guccounter=1&guce\\_referrer=aHR0cHM6Ly93d3cuYmluZy5jb20v&guce\\_referrer\\_sig=AQAAAKxs0j\\_fP12JmeQ2sq\\_NpbrtL2ff5NnWmq2MQMLkdnq1-\\_nao9X7Pe7drTZlfWp9b3trH9M-U5f9bKU8ZUqfiNq9nNXTWAefdMsBCjfxYFstxncLz7apRm3XXQl\\_myN-Pbvbo9mFVnaYrbflzG6dtl84KIUTKZS3K636VC8vOEP](https://news.yahoo.com/6-old-boy-sent-court-204227370.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuYmluZy5jb20v&guce_referrer_sig=AQAAAKxs0j_fP12JmeQ2sq_NpbrtL2ff5NnWmq2MQMLkdnq1-_nao9X7Pe7drTZlfWp9b3trH9M-U5f9bKU8ZUqfiNq9nNXTWAefdMsBCjfxYFstxncLz7apRm3XXQl_myN-Pbvbo9mFVnaYrbflzG6dtl84KIUTKZS3K636VC8vOEP).

<sup>4</sup> 5 Easy Access to the Census of Juveniles in Residential Placement: 1997-2021, Race/Ethnicity by State 2021 (Rate per 100,000 Juveniles), OJJDP (July 19, 2021), [https://www.ojjdp.gov/ojstatbb/ezacjrp/asp/State\\_Race.asp?state=58&topic=State\\_Race&year=2019&percent=rate&maps=no](https://www.ojjdp.gov/ojstatbb/ezacjrp/asp/State_Race.asp?state=58&topic=State_Race&year=2019&percent=rate&maps=no)

<sup>5</sup> *Id.*

<sup>6</sup> April Frazier-Camara, Report to the House of Delegates, 5 AM. BAR ASS'N. (2021), [https://www.njcn.org/uploads/digital-library/Resolution%20505%20\(Ann-2021\)--Age%20of%2014.pdf](https://www.njcn.org/uploads/digital-library/Resolution%20505%20(Ann-2021)--Age%20of%2014.pdf).

<sup>7</sup> A. MADDUX, QUESTIONS FOR PSYCHOLOGISTS REGARDING THE CLOSURE OF YOUTH PRISONS: A LITERATURE REVIEW 5 (2021), [https://](https://d3n8a8pro7vhmx.cloudfront.net/njsj/pages/691/attachments/original/1621953821/Maddux_Final_LitRev.pdf?1621953821)

[d3n8a8pro7vhmx.cloudfront.net/njsj/pages/691/attachments/original/1621953821/Maddux\\_Final\\_LitRev.pdf?1621953821](https://d3n8a8pro7vhmx.cloudfront.net/njsj/pages/691/attachments/original/1621953821/Maddux_Final_LitRev.pdf?1621953821).

<sup>8</sup> ACLU Fact Sheet on the Juvenile Justice System, ACLU <https://www.aclu.org/other/aclu-fact-sheet-juvenile-justice-system> (last visited May 17, 2023).

<sup>9</sup> Maddux *supra* note 5 at 8.

<sup>10</sup> Press Release, OFF. OF THE GOVERNOR, Acting Governor Oliver Signs Legislation Establishing Juvenile Justice Pilot Program (Aug. 11, 2021), <https://www.nj.gov/governor/news/news/562021/20210811a.shtml>.

<sup>11</sup> Convention on the Rights of the Child art. 40 ¶ 3(a), 20 Nov. 1989, 1577 U.N.T.S. 3., <https://www.ohchr.org/sites/default/files/crc.pdf>.

<sup>12</sup> *Id.* at art. 3 ¶ 1.

<sup>13</sup> *Id.* at art. 6 ¶ 1.

<sup>14</sup> U.N. High Commission on Human Rights, General comment No. 24 (2019) on children's rights in the child justice system, (September 18, 2019), <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsqlkirKQZLK2M58RF%2F5F0vEnG3QGKUXfivhToQfjGxYjV05tUAlgpOwHQjsFPdJXCiixFSrDRwow8HeKLLh8cgOw1SN6vJ%2Bf0RPR9UMtGkA4>.

<sup>15</sup> Amanda Robert, *ABA House addresses treatment of children and youths in pair of resolutions*, ABA (Aug. 10, 2021, 12:22 PM CDT), <https://www.abajournal.com/news/article/resolutions-505-and-506-aba-house-addresses-treatment-of-children-and-youth-in-pair-of-resolutions>.

<sup>16</sup> *Policy Statement on the Jurisdiction of the Juvenile Court System*, Am. Acad. Child & Adolescent Psychiatry (May 2023) [https://www.aacap.org/AACAP/Policy\\_Statements/2023/Policy\\_Statement\\_Policy\\_Statement\\_Jurisdiction\\_Juvenile\\_Court\\_System.aspx](https://www.aacap.org/AACAP/Policy_Statements/2023/Policy_Statement_Policy_Statement_Jurisdiction_Juvenile_Court_System.aspx).

<sup>17</sup> OFF. LEGIS. SERV., LEGISLATIVE FISCAL ESTIMATE [FIRST REPRINT] ASSEMBLY, NO. 5169 1 (2023), [https://pub.njleg.state.nj.us/Bills/2022/A5500/5169\\_E1.PDF](https://pub.njleg.state.nj.us/Bills/2022/A5500/5169_E1.PDF).

<sup>18</sup> N.J. Dep't of the Treasury Off. of Mgmt. & Budget, Governor's FY 2023 Detailed Budget D-276 (2023), <https://www.nj.gov/treasury/omb/publications/24budget/FY2024BudgetDetail-Full.pdf>.