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*****FOR IMMEDIATE RELEASE*****

Youth, Parents, Advocates, Elected Officials, and Faith Leaders Rally in Support of Critical Legislation to Serve Young New Yorkers

#Right2RemainSilent Legislation Would Ensure that Young New Yorkers Have Access to an Attorney Prior to a Police Interrogation

The Youth Justice and Opportunities Act Would Expand Alternatives to Incarceration and Record Sealing for Young Adults

(NEW YORK, NY) – Youth, parents, juvenile justice advocates, elected officials, public defender organizations, faith leaders and others rallied earlier today to urge lawmakers to prioritize two pieces of critical legislation in the 2023 legislative session - The #Right2RemainSilent bill ([S.2800/A.5891](#)) and The Youth Justice and Opportunities Act ([S.5749/A3536](#)) - which would provide for age-appropriate responses to young New Yorkers entangled in the criminal legal system.

The #Right2RemainSilent legislation, sponsored by New York State Senator Jamaal Bailey and Assembly Member Latoya Joyner, would codify young New Yorkers' right to counsel before a custodial police interrogation.

Specifically, this legislation modifies the Family Court Act and Criminal Procedure Law to ensure that a child under age 18 may only be interrogated by law enforcement after the young person has consulted with counsel, thereby ensuring any waiver of rights under Miranda is genuinely knowing, voluntary, and intelligent. It also requires the police to notify a parent before transporting the child to the precinct when taking a child into custody.

The Exonerated Five were interrogated as youth and coerced into false confessions in New York City more than 30 years ago. That same year in Westchester County, Jeffrey Deskovic was also interrogated without counsel at age 16, resulting in a coerced false confession and wrongful conviction, despite exculpatory DNA evidence. In the decades since then, New York State has failed to curb deceptive interrogation tactics used by the police.

Instead, young people, who lack the capacity to fully understand Miranda warnings and fully appreciate the long term consequences of their decisions, continue to be subjected to coercive interrogations by law enforcement.

Video of a New York City Police Department officer violating a young New Yorker's Miranda rights during a police interrogation: <https://www.youtube.com/watch?v=oARbSQaw0uA>.

This bill would ensure that all children under 18, including the predominantly Black and Latinx youth who are too often the targets of police interrogation, have the benefit of an attorney protecting their right to remain silent.

The Youth Justice and Opportunities Act (YJ&O), sponsored by New York State Senator Zellnor Myrie and Assembly Member Daniel O'Donnell, would build on the success of Raise the Age legislation - which, for certain crimes, diverts 16- and 17-year-olds to Family Court rather than treating them as adults.

Youthful Offender (YO) status provides an opportunity for youth under 19 to receive age appropriate sentences, including diversion and alternatives to incarceration, and have their cases sealed so that they can pursue education, employment, housing, and other opportunities.

YJ&O would create a new "Young Adult" status to protect New Yorkers ages 19-25, consistent with the scientific consensus that a young person's decision making capabilities continue to develop into their mid-20s. It would also:

- create opportunities for judges to sentence young people to treatment and other programs instead of incarceration;
- expand judicial discretion to grant YO, including the option to grant YO more than once;
- expand the categories of cases where YO status is mandatory rather than discretionary;
- allow judges to waive fees and surcharges for all young people ages 18 - 25;
- allow young people with a criminal record to petition the court to be retroactively "re-sentenced."

"Supporting our youth means giving them every reasonable opportunity to better themselves and to not be defined by the worst mistakes in their young lives. That's why I'm proud to sponsor the Youth Justice & Opportunities Act," said **New York State Senator Zellnor Myrie**.

"Too often, our unfair criminal justice system imposes penalties on young people that are far harsher than they deserve. Even when we know the punishment does not fit the crime, restrictive guidelines prevent us from putting youthful offenders on a path to greater stability. On this, New York's laws are unjust, and out of touch. I am proud to carry the Youth Justice and Opportunities Act to fix these wrongs, and create new pathways for New York's young people to move forward," said **New York State Assembly Member Daniel O'Donnell**.

"Too often we see injustice in our midst and whether it is the Central Park 5 or one of the young people who have joined us today – the pain is great and damage is done as teenagers are convicted of felonies they have never committed," said **Assemblywoman Latoya Joyner (D-Bronx, 77th AD)**. "Enactment of the Justice for All Youth Act would ensure that such terrible miscarriages of justice never happen again by requiring that an attorney is present before a youth is interrogated by police and is present throughout an interrogation. It would ensure that the intent behind the Supreme Court's decision in the Miranda case bears fruit in the lives of our youth and justice is truly served."

"These two bills are critical steps towards furthering justice for youth across our state by ensuring that young New Yorkers have an attorney prior to a police interrogation and that young adults can access alternatives to incarceration and record sealing relief," said **Dawne Mitchell, chief attorney of the Juvenile Rights Practice at The Legal Aid Society**. "Building on the success of other needed reforms, we implore Albany lawmakers to prioritize these two bills this upcoming session to reform New York's punitive juvenile legal system which too often unduly adultifies our clients, youth from communities of color."

"We are proud to help lead the fight for the Youth Justice and Opportunity Act," said **Patrick Stephens, youth services leadership fellow with the Center for Community Alternatives**. "This bill is rooted in clear science showing that young people's brains are not fully developed until they are 25. By protecting youth from lengthy prison sentences and life-long collateral consequences, the YJOA will help ensure that emerging adults have a real future."

"It is time to treat our children like children and give them opportunities to succeed instead of trapping them in the revolving door of the legal system and branding them as criminals at an early age. We must pass these youth justice bills now," said **Alice Fontier, managing director, Neighborhood Defender Service of Harlem**.

“The Youth Justice and Opportunities Act and #Right2RemainSilent bill advance an evidence-based framework that addresses the unique needs of young adults. This is why The Bronx Defenders is calling on the Legislature to lead the nation with the passage of this groundbreaking legislation,” said **Christine Rivera, policy counsel to the Criminal Defense Practice at The Bronx Defenders**. “It is time for the law to reflect what we have known for a long time: young adults have unique needs. The passage of these bills will transform the opportunities available to young New Yorkers who find themselves entangled in the legal system.”

“The Youth Justice & Opportunities Act and the Right 2 Remain Silent bill are essential steps toward protecting children, adolescents and young adults in New York, especially youth of color. When we invest in young people instead of criminalizing them, we create true community safety,” said **Kercena A. Dozier, executive director of Children’s Defense Fund-New York**.

“They look and see a messed up generation, I look and see a damaged society with no guidance or role models to look up too,” said **Khamel Terry, an exalt youth graduate and member of the YJ&O Youth Committee**. “As citizens of this era we hold the responsibility of fixing that and it starts with passing legislation such as the Youth Justice & Opportunities Act and Youth Interrogation Bill that will lead the youth to get what they've been missing and essentially gain that guidance.”

“Youth justice looks like giving young people the tools, guidance, education and power needed to judge themselves and effectively serve justice unto themselves,” said **Psyc Wilson, Youth Development Coordinator at Youth Represent**. That’s why we must pass the Youth Justice & Opportunities Act and Right2Remain Silent.”

“We believe that every young person has a right to be treated justly and fairly. Unfortunately, far too many youth of color have been treated unjustly and unfairly by the Criminal Legal System. Black and LatinX youth are disproportionately impacted by the legal punishment system in New York City. The *Youth Justice & Opportunity Act* and *the Right to Remain Silent* is crucial to addressing this systemic racism. We urge the passage of legislation to mitigate and ultimately end the systematic criminalization and incarceration of our youth and communities,” said **Darren Mack, co-director of Freedom Agenda**.

“Ever since the Exonerated Five were interrogated as youth and coerced into false confessions, the use of false interrogation techniques by the police continues to remain an issue in New York State. Far too often, youth under the age of 18 encounter law enforcement without proper representation and we know that African – American and Latinx children from underserved communities are more susceptible to these interactions. The Youth Interrogation Bill addresses racial inequities throughout our communities and justice system while ensuring that all youth have the benefit of an attorney present to protect their right to remain silent. The time is Now to make this a reality,” said **Angel Gray, program and policy manager, Westchester Children’s Association**.

“Little has changed in the criminal legal system since the wrongful conviction of the Exonerated 5, who will be marking the 20th anniversary of their exoneration this month. The false confession phenomenon overwhelmingly harms communities of color – 80% of the known false confessions in New York State were elicited from Black and brown people, many of them children. Right to counsel during interrogations is critical since innocent people rarely affirmatively seek legal protections, believing their innocence will carry the day. Each wrongful conviction predicated on a false confession says otherwise - we urge passage of the Right to Remain Silent bill,” said **Rebecca Brown, policy director, Innocence Project**.

“Our system criminalizes our young black and brown bodies. Many choose to ignore the voices of young adults and discredit their understanding of the issues that plague our society, while simultaneously blaming them and their lack of involvement for many of those issues, specifically youth of color, and surrounding issues of community safety. The only way to promote equity and safety in our communities, is to decrease the pathways to incarceration for our Black and brown youth, and create pathways for stability. That means investments in housing, investments in mental health resources, investments in workforce development, and most importantly, giving these young adults in precarious situations grace. Increasing YO status to 25 is a step in that direction.

We've all made mistakes. The difference is some of us our given chances at redemption, and some of us are not," said **Obi Afriyie, organizer, Red Hook Initiative.**

"New York has traditionally had one of the harshest penal systems for children in the country. This focus on punishment instead of rehabilitation does not make communities safer, rather it condemns children to cycles of reincarceration and poverty. Passing the Youth Justice and Opportunities Act and the #RightToRemainSilent is an essential step for New York to recognize that young people are redeemable, and they deserve community investment," said **Jared Trujillo, senior policy counsel at the New York Civil Liberties Union.**

"Criminalizing the youth is not the solution to community problems. The passage of The Youth Justice Opportunity Act and the Right to Remain Silent Bill will stop the criminalization of the youth, especially black, brown, and queer community members who are disproportionately targeted by the criminal justice system," said **Alisha Kohn, director of Queers for Justice at The Newburgh LGBTQ+ Center.**

"Children often lack the access to resources and voice to advocate for themselves in the justice system. We need to acknowledge this and take up the fight for equity and fairness for juveniles on their behalf," said **Lt. Diane Goldstein (Ret.), current executive director of the Law Enforcement Action Partnership (LEAP).** "Nobody is any safer when our justice system is labeling people as criminals from a young age and our society casts them aside. We need these bills to protect young people from unjust practices and unnecessary lifelong consequences."

"Any parent knows, and science continuously affirms, that children are not mini-adults. Yet our nation's policies simply copy and paste adult legal responses and apply them to children. The #Right2RemainSilent bill and The Youth Justice and Opportunities Act are critical changes needed to align New York's responses to youth behavior with age appropriate, research backed policies that ensure all kids are treated as kids," said **Alyson Clements, co-executive director at the National Juvenile Justice Network.**

"We must invest in the future of New York's young people, not burden them with a criminal record for life," said **Jackie Gosdigian, senior policy counsel of Brooklyn Defender Services' Criminal Defense Practice.** "As defenders, we understand how criminal convictions create undue barriers that have lifelong consequences for young people—from difficulties in finding stable housing to employment discrimination. The Youth Justice and Opportunities Act and the Right 2 Remain Silent bill would establish critical protections for young people ensnared in the criminal legal system, and we urge lawmakers to enact this legislation next session."

"Black and LatinX youth represent the vast majority of youth experiencing homelessness in New York State, and upwards of 50% have had some form of involvement in the Criminal Legal System. The Youth Justice & Opportunity Act and the Right to Remain Silent are crucial pieces of legislation that will provide young people, including those that are homeless, long overdue protections and opportunities. The Coalition for Homeless Youth proudly stands with our allies, and directly impacted young people to urge the passage of this legislation," said **Lauren Galloway, advocacy coordinator at The Coalition for Homeless Youth.**

"Young people are our future," said **Rob De Leon, executive vice president of The Fortune Society.** "We should ensure our legal system acknowledges their potential for transformation, instead of subjecting them to the lifetime stigma of adult sentences and convictions. The Fortune Society supports the Youth Justice & Opportunities Act because we know what works to keep young people, and all of us, safe; that is not lengthy, traumatizing periods of incarceration and permanent criminal records. Young people thrive when they have access to developmentally-appropriate programs and community-based resources. We are proud to stand with young leaders and other advocates to champion this important legislation."

"The Youth Justice and Opportunities Act and the Right to Remain Silent Act are crucial next steps to advancing youth justice in New York State," said **Paige Piece, CEO of Families Together in New York State.** "For too long, BIPOC and economically disadvantaged young people and their families have endured a youth justice system that fails to recognize modern understandings of youth development and is anything but just! Our state

network of families and young people with lived experience navigating child-serving systems proudly supports these bills and stands in solidarity with the movements behind them.”

We live in a time in which access to data and knowledge is higher than ever before. Given the science surrounding youth brain development, we cannot afford to treat youth in custody like adults. The Youth Interrogation Bill (#Right2RemainSilent) and the Youth Justice and Opportunities Act give us the ability to address the lessons learned from a system that has been used to weaponize poverty, racial disparity, and adolescent brain development. For too long, we have prioritized senseless punishment over accountability and rehabilitation. A responsible enlightened society would require legal counsel is provided to youth prior to interrogation by police. BronxConnect urges the passage of these two important bills now,” said **Reverend Wendy Calderon-Payne executive director, Urban Youth Alliance (BronxConnect)**.

“For far too long in America, we have allowed a system that furthers the harm done and has reproducing effects of incarceration to be the beacon of despair for troubled youth. The young people who plague our system are people we, as a society, failed and who suffer from the reoccurring effects of disenfranchisement in America. In this age, we must be the halt in this cycle and break the chains of captivity in this generation by providing to the roots of unmet needs that cause the incarceration of our young people. The time to provide opportunities to a better future is now!” said **Monet Smith, executive director of S.J.I, Societal Justice Interventions**.

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