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MEDIA ADVISORY

Youth, Parents, Advocates, Elected Officials, and Faith Leaders to 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 will gather in front of Adam Clayton Powell, Jr. State Office Building in Harlem on Thursday, December 15, 2022 at 11:00 AM 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/A.3536) - which would provide a developmentally appropriate response to young New Yorkers entangled in the criminal legal system.

What: #Right2RemainSilent and Youth Justice and Opportunities Act campaign rally

Who: Elected officials, BronxConnect, The Legal Aid Society, The Jeffrey Deskovic Foundation for Justice, Children's Defense Fund-New York, Youth Represent, Exalt, Brooklyn Defender Services, NYCLU, Center for Community Alternatives, Youth Justice Network, Fortune Society, youth, parents, juvenile justice advocates, faith leaders and others from across New York State.

When: Thursday, December 15, 2022 at 11:00 AM

Where: Adam Clayton Powell, Jr. State Office Building, 163 West 125th Street, New York, NY 10027

Background:

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 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 *Miranda* rights 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 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 or 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."

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