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Contact:

Audrey Martin
The Legal Aid Society
(774) 266-5233
amartin@legal-aid.org

*****MEDIA ADVISORY*****

Youth, Parents, Advocates, Elected Officials to Gather 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 will gather at St. Mary’s Park in the Bronx on Wednesday, October 18, 2023 at 2:30 PM for a speak out in celebration of [Youth Justice Action Month](#). Young people from across New York City will advance a broad vision of youth justice, including calling for two pieces of critical legislation to help young New Yorkers - the #Right2RemainSilent Act ([S.1099/A.1963](#)) and the Youth Justice and Opportunities Act ([S.3426/A.4238](#)) - which would provide a developmentally appropriate response to young New Yorkers entangled in the criminal legal system.

The speak out will include: An open mic where young people will share what youth justice means to them and highlight the importance of these two bills, speeches from youth justice advocates and elected officials, pumpkin decorating, face painting, games, free books, raffle and a DJ.

What: #Right2RemainSilent Act and Youth Justice and Opportunities Act Speak Out

Who: The Legal Aid Society, BronxConnect, Youth Represent, Children’s Defense Fund-New York, The Gathering for Justice, Brooklyn Defender Services, Westchester Children’s Association, NYS Defenders Association, The Deskovic Foundation, Center for Community Alternatives, Exalt, Youth Justice Network, NYCLU, The Fortune Society, Elected Officials.

When: Wednesday, October 18 from 2:30 PM - 5:30 PM

Where: St. Mary’s Park (450 St Ann's Ave, Bronx, NY 10455) on St. Ann’s Avenue near East 148th Street

Background:

The **#Right2RemainSilent** legislation, sponsored by New York State Senator Jamaal Bailey and Assembly Member Latoya Joyner, would ensure that all young New Yorkers have legal counsel before they can waive their right to remain silent and be interrogated by police.

Specifically, this legislation modifies the Family Court Act and Criminal Procedure Law to ensure that a child under age 18 may be interrogated by law enforcement only 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.

Adolescent brain science has established what everyone knows – that young people lack the capacity to fully understand *Miranda* warnings and appreciate the long term consequences of their decisions.

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.

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 Latine youth who are too often the targets of police interrogation, have the benefit of an attorney protecting their right to remain silent.

Every year, tens of thousands of young people ages 18-25 are arrested each year in NY, nearly all of them Black and Latine. There are over 1,000 young people 25 and under at Rikers today. Starting on their 18th birthday, young people are charged as adults and face adult sentencing and criminal records, even though a growing consensus in the field of adolescent brain development shows us that young people are still developing and maturing well into their 20's.

The barriers created by adult convictions and sentencing make it harder for young people to finish school, get good jobs, and find stable housing. The **Youth Justice and Opportunities Act (YJ&O)**, sponsored by New York State Senator Zellnor Myrie and Assembly Member Daniel O'Donnell, would expand alternatives to incarceration and immediate record sealing for young people age 25 and younger, creating opportunities for release and successful reentry.

YJ&O would build on New York's decades-old youthful offender law, which 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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