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Contact:

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

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Youth, Parents, Advocates, Elected Officials 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 gathered yesterday to advance a broad vision of youth justice and call for passage of two pieces of critical legislation - 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.

Photos of the event (credit AN Productions): <https://tinyurl.com/bdhwv6mk>.

The Speak Out event, a celebration of [Youth Justice Action Month](#), included an open mic where youth leaders spoke about the importance of passing these bills, as well as what youth justice means to them. There were also speeches from advocates and elected officials including New York State Senator Luis Sepúlveda and Assembly Member Amanda Septimo. The event also featured art activities including pumpkin decorating and face painting, games, free books and music.

The **#Right2RemainSilent legislation**, sponsored by New York State Senator Jamaal Bailey and Assembly Member Latoya Joyner, would ensure all young New Yorkers consult with a lawyer before waiving their Miranda rights and being subjected to a custodial police interrogation.

Specifically, this legislation modifies the Family Court Act and Criminal Procedure Law to ensure that a child under 18 may be interrogated by law enforcement only after the young person has consulted with counsel, thereby ensuring any waiver of their constitutional right to remain silent 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 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 New York, nearly all of them Black and Latine. There are over 1,000 young people 25 and under held on Rikers Island today. Starting on their 18th birthdays, 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 (YO) 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 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 19 - 25;
- allow young people with a criminal record to petition the court to be retroactively "re-sentenced."

Assembly Member Daniel O'Donnell said, "National Youth Justice Action Month brings into sharp focus our collective duty towards our young citizens, who undoubtedly are the future of our society. As a state, it is our responsibility to ensure that every child and teenager, regardless of their background or circumstances, has access to a justice system that is equitable and respects their rights and dignity. It is with this belief that I am honored to sponsor the Youth Justice and Opportunities Act and co-sponsor the Right to Remain Silent Act. By advocating for these legislative measures, we are not only establishing the foundation for a more equitable society, but we

are also acknowledging our youth's potential for growth and transformation, providing them with a tangible pathway for a brighter future.”

“The Right to Remain Silent and Youth Justice and Opportunities Act are two incredibly important pieces of legislation that will help shape our juvenile justice system from one of punitive punishments to preventative supports. We’ve seen coerced, false confessions when children waive their rights without an attorney present as well as the barriers that follow a young person into adulthood excluding them from housing, jobs, and school which only further perpetuate cycles of poverty and imprisonment. I am grateful to Senators Bailey and Myrie as well as Assembly Members Joyner and O’Donnell for leading these efforts which I am proud to support,” said **Assemblyman Andrew Hevesi**.

“Young people throughout New York State routinely waive their constitutional right to remain silent without understanding the consequences, and are subjected to excessively harsh penalties at the hands of a criminal legal system that consistently prioritizes punishment over rehabilitation,” said **Dawne Mitchell, chief attorney of The Legal Aid Society’s Juvenile Rights Practice**. “The #Right2RemainSilent Act will ensure that all young New Yorkers, not just those who can afford a private attorney, will consult with an attorney prior to police interrogation. The Youth Justice and Opportunities Act will allow more youth and young adults access to alternatives to incarceration and critical record-sealing relief. We implore Albany lawmakers to prioritize these bills and the needs of young people.”

“For far too long, New York has had one of the most punitive criminal legal systems for young people in the country — targeting Black and Brown youth and trapping them in endless cycles of mass incarceration and poverty,” said **Jake Martinez, Deputy Director of the Education Policy Center at the New York Civil Liberties Union**. “By making it easier for young people to resolve criminal cases and bolstering legal protections for youth interrogated by the police, both the #Right2RemainSilent bill and the Youth Justice and Opportunities Act will expand critical protections for young people captured in New York’s unjust legal system. We must safeguard the futures of New York’s young people — Albany lawmakers need to pass both pieces of legislation this session.”

“There are over 1,300 25-years-old and under are on Rikers right now, in an environment where they are forced to fight for their lives,” said **Darren Mack, Co-Director at Freedom Agenda**. “Instead of discarding them and funneling them into a system that will only expose them to further violence, we need to protect young people from law enforcement abuse and offer them real opportunities to thrive. The time to pass these bills is now.”

“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 **Julia L. Davis, Director of Youth Justice & Child Welfare, Children’s Defense Fund-New York**.

“New York law is significantly out of line with scientific research and literature regarding the cognitive development of children and adolescents,” said **Justin Choi, Director of Youth Justice Project at Lawyers For Children**. “Science has conclusively determined that youth are unable to fully appreciate the implications of waiving the right to counsel during the course of a police custodial interrogation. Yet time and time again, our young clients are pressured to quickly make a decision, in an adversarial environment surrounded by law enforcement, without the support, aid and benefit of an attorney, on a subject matter that is not just simply important but is of constitutional magnitude. We urge the legislature to swiftly pass the Right to Remain Silent bill and the Youth Opportunities Act to bring the juvenile justice system a step closer toward becoming a more equitable justice system.”

“For far too long, our system has focused on punishment instead of prevention, on stigma instead of support, and on fear - largely based on racial bias - instead of facts. The fact is that young people under the age of 25 require and deserve developmentally appropriate interventions when they stray down the wrong path, not adult

prosecution and sentencing,” said **Rob DeLeon, Executive Vice President of The Fortune Society**. “Our young people have endless potential when afforded access to the programs and people that we know make a difference. In celebration of Youth Justice Action Month, and in celebration of our future leaders, I urge everyone to join us in supporting the Youth Justice & Opportunities Act.”

“Young people know what they need to be safe, and we have a responsibility to provide it - to ALL young people across New York State,” said **Kate Rubin, Director of Policy at Youth Represent**. “For far too long we've underinvested in children, families, and communities, and then harshly punished young people - especially Black youth and other youth of color - for youthful mis-steps. We are holding this Youth Justice Speak Out because it's time to listen to young people, meet their needs, and to transform our legal system so that it is focused on accountability, rehabilitation, and genuine safety.”

“This Youth Justice Action Month, New York must invest in young people’s futures,” said **Jackie Goddigan, supervising policy counsel of Brooklyn Defender Services’ Criminal Defense Practice**. “As public defenders, we understand how criminal convictions create devastating barriers that have lifelong consequences for young people—from employment discrimination to impeding access to stable housing. The Youth Justice and Opportunities Act and the Right 2 Remain Silent bill would create critical protections for young people ensnared in the criminal legal system, and we urge lawmakers to enact these two bills next session.”

“The Youth Justice and Opportunity Act is a crucial step in protecting the future of our young people ages 19 to 25,” said **Nickesha Francis, Policy and Advocacy Manager at Good Shepherd Services**. “Our youth have rights too! They deserve the right to an attorney before police interrogation. Our young people are not just the future, but they are the present. What is done now will decide their trajectory for the future. New York must act now and make these changes to ensure our emerging adults are not held back by the barriers of criminal conviction, but that they can move forward with every opportunity to succeed and thrive.”

“The Youth Justice and Opportunity Act and the Youth Interrogation Bill are both critical pieces of legislation dedicated to promoting the well-being and equitable treatment of our youth. The Youth Justice and Opportunity Act recognizes the potential in every young person, providing them with the tools to thrive and foster a more just and compassionate society. Conversely, the Youth Interrogation Bill safeguards the rights and well-being of our youth, addressing their unique vulnerabilities and emphasizing care during police interrogations. Together, these bills signify our dedication to fostering a fair, compassionate, and opportunity-rich environment for our youth within the justice system. New York must take action now to safeguard our most vulnerable youth and pave the path to a successful future” said **Angel Gray, Program and Policy Manager at Westchester Children’s Association**.

“The Youth Justice and Opportunity Act and the Right to Remain Silent bills are critical next steps in achieving youth justice in New York State. These bills collectively will expand protections for young people through the age of 25 and ensure that children under the age of 18 speak to a lawyer prior to police interrogation. Too often, Black and Latine youth are targeted by over-policing and criminalization, and these bills will begin to address the legacy of harm and strengthen protections for young people. CCC is excited to stand with our partner coalitions, youth, advocates, and bill champions to call for a youth justice system that focuses on investments in care, communities, and preventive services” said **Caitlyn Passaretti, Policy and Advocacy Associate at Citizens’ Committee for Children of New York**.

“During Youth Justice Action Month, we are calling on the Legislature to enact two critical pieces of legislation, The Right to Remain Silent Act and the Youth Justice and Opportunities Act,” said **Susan C. Bryant, Executive Director of the New York State Defenders Association**. “While New York has taken some steps to incorporate what we have learned over the years about adolescent brain development into our criminal laws, we have more to do to provide a developmentally appropriate response to young people in the criminal legal system, which will ultimately improve public safety for all New Yorkers. We must also enact legislation to ensure that, before the police interrogate a child, that child speaks to a lawyer about their constitutional rights and what a waiver of those

rights actually means. Today's event is one of many planned for this month to give young people the chance to share their experiences and the importance of this legislation.”

“We stand with youth, parents, advocates, and elected officials in support of the #Right2RemainSilent Act and the Youth Justice and Opportunities Act, both of which safeguard the well-being of New York's most vulnerable young people,” said **Sandeep Kandhari, Director of the Center for Family Representation's (CFR) Youth Defense Practice**. “The #Right2RemainSilent Act would ensure that every child in New York consults with an attorney prior to an interrogation, no matter how much money their family makes. This is especially important for poor Black and Latine youth, who are targeted, surveilled, and investigated by systems of policing far more often than their white counterparts. Meanwhile, the Youth Justice and Opportunities Act would promote age-appropriate sentences, expand alternatives to incarceration, and enable record sealing, all of which will ensure that children aren't perpetually punished for decisions they make as their brains are still in development.”

Reverend Wendy Calderón-Payne, Executive Director, Urban Youth Alliance (BronxConnect) said: “This month we bring awareness to youth justice. The protection of young people is the staple of an enlightened society. The current system targets the underprivileged, smothering potential with overly punitive practices. Research shows that adolescents and young adults are still developing until the age of 25 and our justice system fails to represent that reality. The #Right2RemainSilent bill and the Youth Justice and Opportunities Act will expand critical protections for young people. Let's make youth justice more than a slogan or a month of remembrance. We need to put real solutions in place and that starts now.

“Both the Youth Justice and Opportunity Act and the Youth Interrogation Bill represent pieces of legislation that would ensure a more fair justice system for young people in New York City” said **Alex Griffith, Senior Director of Programs at exalt**. “The Youth Justice and Opportunity Act acknowledges not just the realities of dealing with a complex criminal justice system for anyone but especially when those realities are faced by a young person. The Youth Interrogation Bill better safeguards the rights of young people, recognizing their capacity for more further growth and development. Together, these bills would underscore New York City's commitment to cultivating a more fair justice system for young people across the city and for all New Yorkers.”

‘As a one of a kind alternative to incarceration program in NYS, we here at the Youth Shelter Program of Westchester a huge supporters of the YJ&O Act. We firmly believe that this bill would allow our youth the opportunity to live a life fulfilled and have a brighter future, as without this bill they are held hostage to the collateral consequences of their criminal record or a decision they made as an emerging adult for decades and it barricades them from finding stable housing, locating employment, etc. We are delighted to help champion the YJ&O Act bill to change the lives of so many,” said **Joanne Dunn, Executive Director of the Youth Shelter Program of Westchester**.

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