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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, and public defender organizations gathered yesterday in the Bronx to share their vision of youth justice and community safety, 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 Adrienne Nicole Productions): <https://tinyurl.com/2mmhaxr6>

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 and public safety means to them. There were also remarks from advocates and elected officials including Assembly Member Amanda Septimo. The event also featured art activities including pumpkin decorating and face painting, games, free books and raffles.

The **#Right2RemainSilent legislation**, sponsored by New York State Senator Jamaal Bailey and Assembly Member Andrew Hevesi, would ensure all young New Yorkers consult with counsel 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 talked to a lawyer, 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.

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 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, 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 through 25;
- allow young people with a criminal record to petition the court to be retroactively "re-sentenced."

“Our city's future depends on our young people,” said **State Senator Zellnor Myrie, lead sponsor of the Youth Justice & Opportunities Act**. “This legislation expresses our confidence in them, and I look forward to continuing the fight for these bills when we return to session in January.”

“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.”

“Our state has an obligation to protect our children in all aspects of their lives, especially in the juvenile justice system. A false or coerced confession by a minor, without any legal representation present can alter the course of that young person's life forever, involving them in a broken, unjust, and discriminatory system. I look forward to passing this legislation to begin to right these wrongs and am thankful for the partnership of Senator Bailey, The Legal Aid Society, The Defenders Organizations, Children’s Defense Fund, and everyone involved with the #Right2RemainSilent coalition,” said **Assemblyman Andrew Hevesi, Children and Families Committee Chair and lead sponsor of the Right to Remain Silent Act**.

Reverend Wendy Calderón-Payne, Executive Director, Urban Youth Alliance (BronxConnect) said: “This month we bring awareness to youth justice. The protection of young people needs to be the staple of our 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.”

“As public defenders working in the family and criminal court systems, we bear witness to the particular barriers young people face. We see that children commonly lack the capacity to appreciate the significance – and the legal ramifications – of their right to remain silent. Alarming, children are three times more likely than adults to falsely confess,” said **Kirlyn Joseph, Director of Family Court Services, Queens Defenders**. “The #Right2RemainSilent Act would legally enshrine the right for young people under the age of 18 to speak with an attorney, safeguarding some of our community’s most vulnerable members against deceptive police interrogation. We urge the Legislature to pass this important bill in the 2025 session.”

“Young people from our community, predominantly Black and Latinx youth, are over-surveilled, over-policed, and over-arrested, leading to their overrepresentation in the criminal legal system. Young people benefit from diversion and alternatives to incarceration rather than punitive and draconian carceral sentences,” said **Lori Zeno, Executive Director of Queens Defenders**. “We urge the Legislature to pass the Youth Justice and Opportunities Act (YJ&O) Act, which would create a “Young Adult” status in criminal courts recognizing the particular needs of young people aged 19-25 and would also provide essential record-sealing relief.”

“In pursuit of racial equity and youth empowerment, we join in championing a brighter future for our children. The Youth Interrogation Bill serves as a standard of fairness ensuring all young people, especially Black and

Latinx youth from over-surveilled communities, have access to legal counsel before facing police questioning. Far too many youth throughout the state unknowingly waive their constitutional right to remain silent, and are consequently subjected to punitive discipline” says **Gabriella Nanna, Program & Policy Associate at the Westchester Children’s Association**. “We likewise gather in support of the Youth Justice and Opportunities Act, which would extend services to young people and ensure their access to education, housing, and employment opportunities beyond contact with the criminal legal system. Granting youth and families these safeguards is a commitment to a New York where justice knows no limitation of age, race, or economic status, and the opportunity for restoration is always within reach.”

“Based on my lived experience in the system as a teenager, I know that the Right to Remain Silent bill represents a lifeline for our youth. It is a crucial step in ensuring that no child is left to navigate the daunting interrogation process without a lawyer. In the same way, we need the Youth Justice & Opportunities Act to give more young people pathways away from incarceration and criminal records. We need to see our young people for who they truly are, not as mere accusations or labels. They are shaped by the communities they come from, facing challenges and traumas that too often go unseen. These two bills are a commitment to justice for all our young people, a promise that we will stand by them in their time of need. Together, we can create a future where our youth are treated with the respect and fairness they deserve,” said **José Pérez, Program Strategist at Children’s Defense Fund-New York**.

“Specifically, our Black and Brown youth have inherited a legacy of injustice through the repeated failures of an inequitable criminal justice system, directly impacting their lives, rights, and access to care. The #Right2RemainSilent and Youth Justice and Opportunities Acts are not just legislative mandates—they are urgent necessities for anyone who truly cares about equitable justice for our young people – our future,” said **Bobbie Brown, Executive Director of Young New Yorkers**. “These bills are a no-brainer. Passing this legislation means reducing the chances of another Central Park 5, and giving all young people a fighting chance to heal from a system that has failed them for generations.”

“As public defenders, we see firsthand the devastating impact when young people are subjected to police interrogations without legal counsel. Too often, youth—especially those from marginalized communities—are unaware of their rights or coerced into decisions that have lifelong consequences. This legislation is not just about protecting a constitutional right; it’s about ensuring that every young person has the chance to be heard and defended, preventing the irreversible harm that can follow when they face the justice system alone,” said **Michal Gross, Supervising Attorney of the Youth Law Team at Neighborhood Defender Services of Harlem**. “The Youth Justice and Opportunities Act also acknowledges that a young person’s future shouldn’t be defined by youthful mistakes, but rather by the opportunities we provide them to learn, grow, and contribute to their communities.”

“Equity and justice are non-negotiables. Our students need a system that empowers them, not one that traps them in failure. We will not stay silent as systemic racism and economic oppression undermines our Black, brown, and low-income students. It’s time to break cycles of disenfranchisement and pass the #Right2RemainSilent Act,” said **Zakiyah Shaakir-Ansari, Co Executive Director at Alliance for Quality Education**.

“New York law is significantly out of line with scientific research and literature regarding the cognitive development of children and adolescents. 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,” said **Justin Choi, Director of Youth Justice Project, Lawyers For Children**

“Safety is not and will not be achieved by sending youth and young adults to prisons. Safety is instead achieved through investment in communities by ensuring youth and young adults have a chance to learn, grow, and develop. The Youth Justice and Opportunity Act does this by expanding opportunities, programs, and alternatives to incarceration along with record sealing for youth up through the age of 25. Passing this act is the pivotal next step for New York’s pursuit of justice, enhancing community wellbeing, and providing emerging adults with the opportunity to move forward in their lives without the barrier of a criminal conviction. We as New Yorkers owe it to our youth to pass this bill and move closer to racial and class justice and equity,” said **Caitlyn Passaretti, Policy and Advocacy Associate, Citizens’ Committee for Children of New York**

“Due to their ongoing development and unique vulnerabilities, children rarely understand the adversarial nature of the court system nor the potentially harmful consequences of an adjudication. Requiring youth to consult with an attorney before waiving their rights is a critical step toward preventing the unnecessary criminalization of Black and Brown children in particular,” said **Tracey Tucker, Executive Director of the National Youth Justice Network**. “Additionally, youth and young adults do best when they are served in the community and when their records are sealed to ensure that they have future opportunities available to them. We urge the legislature to pass the #Right2RemainSilent bill and the Youth Justice and Opportunities Act to build a brighter tomorrow for our youth and young adults.”

“As public defenders, we see how the criminal legal system can disrupt young people’s lives, as they face insurmountable barriers to jobs, housing, and education that last long after a court case has concluded,” said **Jackie Gosdigian, supervising policy counsel of Brooklyn Defender Services’ Criminal Defense Practice**. “As young people emerge into adulthood, they deserve an opportunity to learn, grow and live, without perpetual punishment. This Youth Justice Action Month, New York must invest in young people’s futures and enact the Youth Justice and Opportunities Act and the Right 2 Remain Silent bill.”

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