



February 10, 2025

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

Youth, Parents, Advocates, Elected Officials to Hold Press Conference Calling on Lawmakers to Enact Critical Legislation to Serve Young New Yorkers

#Right2RemainSilent/Children's Early Access to Counsel 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

(ALBANY, NY) – Youth, parents, juvenile justice advocates, elected officials, and public defender organizations will hold a press conference the Million Dollar Staircase on February 11, 2025 at 12:00 PM calling on lawmakers to enact two pieces of critical legislation to help young New Yorkers - the #Right2RemainSilent Act ([S.878/A.2620](#)) and the Youth Justice and Opportunities Act ([S.4330](#)) - which would provide a developmentally appropriate response to young New Yorkers entangled in the criminal legal system.

What: Press conference calling on lawmakers to enact the #Right2RemainSilent/Children's Early Access to Counsel Act and the Youth Justice and Opportunities Act

Who: The Legal Aid Society, Children's Defense Fund-NY, Youth Represent, Brooklyn Defender Services, Center for Community Alternatives, exalt, The Fortune Society, New York Civil Liberties Union, Youth Justice Network, BronxConnect, The Gathering for Justice, The Jeffrey Deskovic Foundation for Justice, New York State Defenders Association, Westchester Children's Association, The Bronx Defenders, Good Call

When: Tuesday, February 11, 2025 at 12:00 PM

Where: NYS Capitol, Million Dollar Staircase

Background:

The **#Right2RemainSilent/Children's Early Access to Counsel** legislation, sponsored by New York State Senator Jamaal Bailey and Assembly Member Andrew Hevesi, would ensure that all young New Yorkers consult with a lawyer 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 in New York, nearly all of them Black and Latine. There are over 1,000 young people 25 and under at Rikers Island 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, 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 or other programs instead of incarceration;
- expand judicial discretion to grant YO, including the option to grant YO more than once for felonies;
- 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 some people who were convicted before they turned 26 to petition for resentencing. young people with a criminal record to petition the court to be retroactively “re-sentenced.”

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For nearly 150 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. <https://www.legalaidnyc.org>.