



YOUTH JUSTICE & OPPORTUNITIES ACT

Because our voice matters.

**Become a part of the movement
to make sure young people are
protected in NY.**

YOUTHJUSTICENY 

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New York needs to pass the YOUTH JUSTICE AND OPPORTUNITIES ACT

S.3426 (Myrie) / A.4238 (O'Donnell)



The Youth Justice & Opportunities Act (“YJ&O”) expands alternatives to incarceration, diversion, and immediate record sealing for young people who are arrested in New York. It recognizes that emerging adults—young people ages 18 to 25—have unique needs and tremendous potential. Rather than punishing risk-taking and mistakes with harsh sentencing and the barriers that accompany a criminal conviction, YJ&O provides for effective, age-appropriate interventions to move young people out of the criminal legal system and into education, stability, and economic opportunity.



Each year, tens of thousands of young people—mostly Black and Brown youth—are arrested in New York and face adult prosecution and criminal records, with no protections based on age.



Photo by Johnny Perez

WHY NEW YORK NEEDS THE YOUTH JUSTICE AND OPPORTUNITIES ACT:

YOUTHFUL OFFENDER (“YO”) STATUS



Under current New York law, judges can grant YO status to young people under the age of 19, which allows for sentencing to a program or treatment instead of jail, and seals cases so they don’t show up on background checks. However, the current YO law has three key limitations.

3 LIMITATIONS OF “YO” STATUS



YO does not apply to adolescents and young adults, ages 19-25.



YO is only automatic in very limited cases, which means that whether a young person gets YO often depends on where they were arrested and how good their lawyer is.



Once a young person receives YO status for a felony, they can never get YO status again.

THE YOUTH JUSTICE AND OPPORTUNITIES ACT WOULD:



Create a new “Young Adult” (YA) status for young people ages 19-25.



Make YO mandatory for most low-level offenses like shoplifting and turnstile jumping.



Give judges more options to grant YO and YA, including the power to grant YO/YA more than once.



Allow judges to sentence young people to treatment or other programs, instead of jail or prison.



Allow people who were convicted when they were 25 or younger to apply to be “re-sentenced” and granted YO or YA status retroactively.



Allow judges to waive surcharges and fees for all young people up to age 25.



YJ&O protects the futures of young people up to age 25, by providing emerging adults the opportunity to move forward in their lives without the barrier of a criminal conviction.



YJ&O reduces State and local spending on youth incarceration—money that should be invested in communities to prevent violence and promote opportunities.



YJ&O increases community health and safety by stabilizing communities, promoting public health, furthering racial justice, and increasing safety for all.

Emerging Adulthood and the

YOUTH JUSTICE AND OPPORTUNITIES ACT

What is Emerging Adulthood?

Emerging adulthood is widely recognized as a distinct developmental phase, and should be treated differently under the law.

Psychologist Jeffrey Arnett first used the term “emerging adulthood” two decades ago to describe the distinct developmental period from age 18 to 25.¹ During this period young people explore adult roles, including those related to work, education, and relationships. Studies find that this period is longer now than in previous generations: emerging adults today stay in school longer, rely more on their parents for financial support, and wait longer to marry and have children.²

Emerging adulthood is a time of discovery, risk-taking, learning, and adapting. In that process, young people are learning to make responsible decisions, manage emotions, and create deeper connections with peers. They also build resilience and develop interests and meaningful goals that shape their adult lives.

Young people's developing brains are well suited to these tasks, but too often the systems they must navigate, including the criminal legal system, are not. In addition to having their basic needs met, emerging adults need safe ways to explore the world and test new ideas and experiences. They also need a measure of grace when that exploration pushes boundaries--and even when it causes harm.

Young people deserve an opportunity for course correction that is not imposed at the expense of their liberty, safety, and healthy development. This is especially true for young people who are moving into adulthood while overcoming trauma, poverty, family separation, substance use, mental health issues, or learning disabilities.

Several other areas of New York law have already recognized that emerging adults are distinct from adults:

- Young people are eligible to stay in foster care until age 21 and sometimes longer.
- Runaway and homeless youth can receive services up to the age of 24.
- Young people are allowed to stay on their parents' health insurance plan until age 29.

¹Arnett, JJ. Emerging adulthood. [A theory of development from the late teens through the twenties.](#) *The American psychologist*, 55(5), 469-480 (2000).

² Richard J. Bonnie, et. al., eds. [Investing in the Health and Well-Being of Young Adults.](#) Washington, DC: National Academies Press (2015).

Other states have begun to recognize emerging adulthood in their criminal legal systems by extending youth based protections. Today Michigan, Washington, DC, and South Carolina have all extended some protections to court-involved emerging adults up to their 25th or 26th birthdays.³

Racial Justice and Emerging Adulthood

Black and Latinx emerging adults experience the highest racial disparities of any age group in the adult criminal legal system.⁴

Young Black men aged 20 to 24 face an incarceration rate 8 times greater than for white men of the same age, while Latinx men in that age group face an incarceration rate 3 times higher than their white counterparts.⁵ While racial disparity permeates the criminal legal system, it is more pronounced for emerging adults than any other age group in the adult system. One factor driving the disparity is that emerging adults are disproportionately criminalized. In New York young people aged 18 to 25 make up approximately 10% of the population but over 20% of arrests statewide.⁶

The “law and order” policies that led to the over-incarceration of Black and Latinx youth were born of the later-recanted 1995 “superpredator” myth of the 1990’s. Influential political scientist John Dilulio argued at the time that the nation “will have little choice but to pursue genuine get-tough law-enforcement strategies” against children whom he referred to as “remorseless super-predators.”⁷ The term was not based on crime statistics, as juvenile crime had already begun to fall when the term was coined. Instead it simply furthered harmful, racist tropes by suggesting that poor youth of color were inherently more violent. As described by NYU law professor Kim Taylor-Thompson, “superpredator language began a process of allowing us to suspend our feelings of empathy towards young people of color.”⁸ In 2001 Dilulio publicly denounced his “superpredator” theory.⁹

The superpredator media myth allowed politicians to justify laws that toughened school discipline policies, increased police presence in schools, prevented the sealing of juvenile records, and transferred juveniles into adult court systems. Between 1991 and 1999, the number of children in youth prisons increased 42% and the number of young people held in adult jails quadrupled.¹⁰

³ Siringil Perker, Selen and Chester, Lael E.H. Time for Change: A National Scan and Analysis of Hybrid Justice Systems for Emerging Adults. New York, NY: Columbia University (2023).

⁴ Ibid.

⁵ Ibid, citing E. Ann Carson, Prisoners in 2019 (Bureau of Justice Statistics, 2020), <https://bjs.ojp.gov/content/pub/pdf/p19.pdf>.

⁶ Youth Represent and Children’s Defense Fund of NY, Expanding Youth Justice In New York (2020).

⁷ Rovner, Josh. Sentencing Project, Youth Justice: Lessons from the Last 50 Years (2023).

⁸ Bogert, Carroll and Hancock, LynNell. “Superpredator”: How Media Coverage Affected Juvenile Justice. The Marshall Project.

⁹ Becker, Elizabeth. “As Ex-Theorist on Young ‘Superpredators,’ Bush Aide Has Regrets.” The New York Times (2001).

¹⁰ Howard N. Snyder and Melissa Sickmund. Juvenile Offenders and Victims; 2006 National Report. Washington D.C.: U.S. Department of Justice, Office of Justice Programs, OJJDP (2006).

Brain Development in Emerging Adulthood

Young people who are still making the transition to adulthood -- socially, emotionally, and psychologically -- should not be sentenced as adults.

Emerging adults, like younger adolescents, are remarkably malleable. They are still developing impulse control, the ability to anticipate consequences of choices, and the ability to weigh risks and rewards, especially when they are under stress. Brain development during this period means that emerging adults have significant capacity to make positive changes but are also especially vulnerable to trauma.

We can see this unique developmental stage in research. Dr. Laurence Steinberg, Ph.D, a nationally recognized expert on adolescent and young adult brain development, has described how the intellectual, emotional, and social dimensions of brain function develop at different rates and according to different timetables. Using driving simulation games, studies have found that the presence of peers significantly increased risk taking among adolescents and emerging adults, but not among adults in their 30s.¹¹ Similarly, while logical reasoning typically develops by around age 15, “hot cognition,” which includes impulse control and emotional regulation in a stressful situation, continues to develop into the mid-20s.¹²

Age Appropriate Treatment for Emerging Adults

Passing the Youth Justice & Opportunities Act will update New York law to recognize emerging adulthood, allowing for age-appropriate sentences and interventions to move young people out of the criminal legal system and into education, stability, and economic opportunities.

An adult conviction and prison sentence hinders a young person’s ability to obtain and keep employment, housing, professional licensing, higher education, and other necessities of life. This can interfere with the achievement of crucial developmental milestones like finishing school, building a career, or establishing a home. These interferences **increase** the likelihood of re-incarceration.

By expanding alternatives to incarceration and immediate record sealing, YJ&O creates pathways for emerging adults to move forward with their lives, rather than creating barriers at a critical moment of social growth and opportunity, benefiting young people, their families and communities.

¹¹ Chein, Jason et al. “Peers increase adolescent risk taking by enhancing activity in the brain’s reward circuitry.” *Developmental science* vol. 14,2 (2011)

¹² Barkin, Rachel. “Hot and Cold Cognition: Understanding Emerging Adults’ Cognitive Reasoning.” Columbia Justice Lab (2021).



YOUTH JUSTICE & OPPORTUNITIES ACT

ENDORISING ORGANIZATIONS

After Incarceration, Inc.
BronxConnect
Brooklyn Defender Services*
CASES
Center for Community Alternatives*
Center for Family Representation
Children's Defense Fund-New York*
Citizens' Committee for Children of New York
Coalition for Homeless Youth
Committee of Interns and Residents SEIU
Common Justice
Community Connections for Youth
Community Service Society of New York
Covenant House New York
Drive Change
Exalt Youth*
Exodus Transitional Community
Families Together in New York State
Federation of Protestant Welfare Agencies
Forum for Youth Investment
Free to Be Youth Project
Freedom Agenda
Girl Vow
Girls for Gender Equity
Good Shepherd Services
Human Rights for Kids
IntegrateNYC
John Jay Institute for Justice & Opportunity
Justice for Families
Kings Against Violence Initiative (KAVI)
Labor-Religion Coalition of NYS
Legal Action Center

Legal Aid Bureau of Buffalo, Inc.
Legal Aid Society*
NAN NYC Second Chance Committee
NAACP Legal Defense and Educational Fund, Inc.
National Juvenile Justice Network
Neighborhood Benches, Inc.
Neighborhood Defender Service of Harlem
New York Civil Liberties Union (ACLU of NY)*
New York County Defender Services
NYS Association of Criminal Defense Attorneys
New York State Defenders Association, Inc.
NYC Together (We Build the Block)
Osborne Association
Societal Justice Interventions
The Bronx Defenders
The Brotherhood Sister Sol
The Door - A Center of Alternatives, Inc.
The Fortune Society*
The Gathering for Justice*
The Legal Aid Society of Rochester, Inc.
The Newburgh LGBTQ+ Center
Unchained
Visionary V Ministries
WCJA
Westchester Children's Association
Year Up New York | New Jersey
Young New Yorkers
Youth Justice Network*
Youth Represent*
Youth Services - Osborne Association
Youth Shelter Program of Westchester, Inc.

Opinion: Expanding NY's Youth Justice Laws is an Investment in the Future of Our Communities

By Zellnor Myrie and Daniel O'Donnell.

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“The Youth Justice & Opportunities Act would expand existing protections and limit the lifelong negative consequences that stem from prosecution for actions young people take before they reach full maturity. It would also reduce youth incarceration by increasing access to alternative programs and services, and provide more young people through age 25 the chance to move on without a permanent criminal record.”



Adi Talwar

Basketball courts at a juvenile detention facility in Brooklyn.

Learning from mistakes is an integral part of growing into adulthood. Recent advances in science affirm what we know intuitively, that adolescent brains continue to develop and mature until age 25 or 26. But New York's legal system does not reflect this understanding, instead punishing adolescents and young adults for their mistakes with harsh sentences that can blemish their records for a lifetime. That is why we are proud to sponsor the Youth Justice and Opportunities Act and to stand with young people, community leaders and advocates across our state calling for its passage.

According to a [recent report by the Children's Defense Fund-NY and Youth Represent](#), tens of thousands of emerging adults ages 18 to 25 are arrested and charged each year. These young people make up only 10 percent of the state's population but represent a quarter of arrests statewide. There are stark racial disparities both among the emerging adults who enter the system and in the outcomes they face. In 2018, only 16 percent of youth 15 to 24 living in New York were Black, but Black youth accounted for 42 percent of those arrested and 55 percent of those sentenced to prison. These numbers are driven by under-investment worsened by the pandemic: a report by the City's Disconnected Youth Task Force found that in 2018, one in eight city residents ages 18-24 were both out of school and out of work; in 2020 it was one in four.

One of the most significant effects of a criminal conviction is exposure to the civil consequences which can permanently impair one's future. These sanctions and restrictions attach to both felony and misdemeanor convictions and affect many areas of young people's lives, including the ability to access and keep employment, housing, loans, credit, and education. These consequences ensure that punishments meted out last far beyond the term of any court-imposed sanctions.

For some prosecuted as teenagers and young adults, they become life sentences of stigma and lost opportunity.

By contrast, limiting the far-reaching consequences of a conviction by passing the Youth Justice & Opportunities Act will allow many young people to meaningfully join the workforce, attend school, live in stable housing, care for their families and contribute to our communities. The Youth Justice & Opportunities Act would expand existing protections under New York law and limit the lifelong negative consequences that stem from prosecution for actions young people take before they reach full maturity. It would also reduce youth incarceration by increasing access to alternative programs and services, and provide more young people through age 25 the chance to move on without a permanent criminal record.

Here in New York City, we are fortunate to have a wide network of alternatives to incarceration and diversion programs that work with young people who have been arrested. These programs provide education, counseling, internships and job training as well as problem-solving and conflict resolution skills. They can incorporate substance abuse treatment, mental health services, arts, sports, and mindfulness activities. Many employ credible messengers—adults with relevant life experiences. These interventions are far less costly and far more humane than incarceration, and they work. We owe it to young people to expand access to them by enacting the Youth Justice & Opportunities Act.

We must expand protections for young people up to age 25. It has been almost two decades since psychologists first coined the term “emerging adulthood” to describe the period from age 18 to 25 during which young people explore adult roles, including those related to work, education, and relationships, as part of their

transition to independence. Brain development during this period means that young people have significant capacity to make positive changes, but are also especially vulnerable to trauma. They must be held accountable for harm and other mistakes, but they must receive consequences that are individualized and age-appropriate, not lifelong punishments that cut their futures short.

When New York enacted Raise the Age legislation in 2017, we were in the shameful position of being one of the last two states in the country still automatically prosecuting all 16 and 17 year olds as adults. The Youth Justice & Opportunities Act is a chance for New York to be a national leader by updating our laws to reflect the legal and scientific consensus about adolescent development.

There has never been a more important moment for New York's young people, families and neighborhoods. The Youth Justice & Opportunities Act, whose campaign is led by young people and their allies, is an opportunity to make real investments in their futures, and the futures of our communities—especially those hardest hit by the pandemic. We look forward to moving this critical legislation in Albany next year as part of our commitment to community safety and young people's well-being.

Zellnor Myrie is a state senator representing the 20th District in Brooklyn. Daniel O'Donnell is a state assemblymember representing the 69th District in Manhattan.

CITYLIMITS



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