

# **Joint Legislative Hearing on Public Protection**

## *2019-2020 Executive Budget Proposal*

January 29, 2019

Kate Rubin, Youth Represent – Spoken Remarks

Good Afternoon. My name is Kate Rubin and I am the Director of Policy at Youth Represent.

We provide civil reentry legal representation to young people 24 and under who are or have been involved in the criminal justice system.

We also engage in policy advocacy and train the next generation of leaders through our Youth Speakers Institute.

Thank you to Chair Krueger, Chair Weinstein and members of the Finance and Ways and Means Committees and the Legislature for the opportunity to submit testimony today.

At Youth Represent we partner with dozens of organizations and schools around New York City that provide exceptional services for young people, but that don't have lawyers on staff to handle participants' legal problems. We go out to these community-based organizations and meet kids where they are. We do a Know Your Rights training and then for any participant who has ever been arrested we run a rap sheet so we can counsel them on exactly what, if anything, is on their public criminal record. Then we address any other legal issues that the young person may have. Recent examples include:

- A young man whose rap sheet showed two felony convictions, both of them were errors. Once we corrected the errors, this young man had no public criminal record.
- A young woman who was denied a lease on her public housing apartment after her mother passed away suddenly, even though she had lived in the apartment with her mother for 18 years. The denial was based on a single arrest for a fight—an arrest that had ended in a dismissal.
- A young man who applied for a job through an employment app and was kicked off the app after a background check turned up that he had 3 misdemeanor convictions from before he was 20 years old.

We are fighting for each of these young people and many others. We also file class action lawsuits against big employers. And we enforce New York City's Fair Chance Act. We recently won a settlement for client who was illegally denied a job because of a conviction from when he was 21 years old; he has used that money to start college classes.

I tell these stories not just to brag about Youth Represent, though of course I'm proud of our work and our participants. I tell them to highlight the ways that New York's laws put up barriers to young peoples' success.

The Governor's Executive Budget proposals include laudable provisions that would help reduce these barriers. We support many of them and appreciate the broad commitment to criminal justice reform that they reflect. My written testimony includes specific comments on the comprehensive reentry package in section II. We also strongly support the allocation of \$200 million for Raise the Age expenses.

Respectfully, we propose three additional provisions that were not included in the Governor's proposal:

- 1. Strengthening existing protections under the youthful offender law and creating a new "Young Adult Status" covering youth age 24 and under;**
- 2. Protecting people who were prosecuted at age 16 or 17 before Raise the Age went into effect by allowing them to apply immediately to have public criminal records sealed; and**
- 3. Ending juvenile prosecution of children under 12.**

New York has the opportunity to lead the nation by creating the most robust protections for both older youth and the youngest children in the justice system. I have included more detail about each of these proposals in my written testimony, and we strongly support the inclusion of all of them in the final budget. But I'd like to talk a little more here about the importance of the first one, expanding protections for emerging adults.

New York's youthful offender law is one of the strongest tools we have for promoting reentry for youth under 19 who are arrested and charged as adults. It allows cases to be sealed so that they won't show up on background checks in job,

college, or apartment applications. It also allows for shorter sentences, including sentences in the community rather than jail or prison.

These protections are life changing. But thousands of young people can't access them because of eligibility bars or because they were charged with an offense after their 19th birthday. We want to change that by allowing more youth under 19 to access youthful offender status and by allowing emerging adults—youth 19-24—to access a newly created “Young Adult Status” with parallel benefits.

I just want to pause here because I know that we youth justice advocates are always here talking about brain development. And I recognize that when a young person has done something that causes real harm, it can sound abstract at best when we talk about risk-reward systems and the prefrontal cortex. But I ask you to think about the young adults in your life—or think about yourself as a young adult, whichever is easier. The fact is that they are chemically more impulsive, more susceptible to peer pressure, and less able to delay gratification than they will be in just a few years. They are also more able to—and more likely to—change.

That doesn't mean they can't be held accountable for harmful actions—they have to be. But that accountability should be developmentally appropriate. It should also be effective—make them less likely, not more likely, to commit more harm.

We know what works—peer counseling, mental health services, restorative justice, family connections, violence intervention, high quality education and meaningful employment opportunities. And we know what doesn't—prison, jail, lifelong stigma and barriers to opportunity.

Our proposals to strengthen youthful offender protections and create a new “Young Adult Status” for emerging adults are grounded in best practices for youth development and public safety. We urge you to include them, along with our other proposals and suggestions, in the final adopted budget. We also welcome questions and further conversation.

Thank you for considering our testimony.