



MEMORANDUM IN SUPPORT

A.6769 (Hyndman)/S.282 (Myrie)

Provides a new opportunity for consideration for youthful offender adjudication for those who were eligible but denied in the past

Covenant House New York (CHNY) has served young people experiencing homelessness in New York City since our formation in 1972. During this past year, CHNY served over 1,600 young people in our residential programs, as well as through our aftercare and outreach efforts. On a nightly basis, we provide shelter to approximately 300 young people, including, LGBTQ youth and pregnant women and mothers with their children as well as survivors of human trafficking/commercial sexual exploitation. Many of our young people have had previous experiences with the child welfare and criminal justice systems. Our internal Legal and Advocacy Department, Workforce Development team, along with our Social Service and Residential programs, directly serve our homeless youth to help them create stable environments with the goal of ensuring that their homelessness will not dictate a future path of powerlessness. Rather, our services, programming and staff motivate and inspire youth to find their place in society and to thrive within it. Unfortunately, previous experience with the criminal justice system can leave our young people with criminal records, thereby creating additional obstacles in their journey to overcome poverty and homelessness.

Summary of Provisions:

This legislation adds a new subdivision 5 to Criminal Procedure Law section 720.20, providing that an individual who was an eligible youth but denied youthful offender by the sentencing court may apply for a new determination after at least five years have passed provided that the individual has not been convicted of a new crime since the original sentence was imposed. The court shall consider factors including any mitigating circumstances at the time of the crime,



and whether relief from the onus of a criminal record would facilitate the individual's rehabilitation and successful reintegration into society.

Why Covenant House New York Supports A.6769/S.282

One of the most significant effects of a criminal conviction is exposure to the civil consequences which can permanently impair one's future, even if the young person never reoffends. The Council of State Governments has found 1,052 civil consequences of conviction in New York.¹ These legal and regulatory sanctions and restrictions attach to both felony and misdemeanor convictions and affect a wide range of life issues including the ability to access and keep jobs, housing, loans, credit, education and, for non-citizens, the right to remain in the country. This creates substantial obstacles for Covenant House youth with criminal justice experience who are working to overcome poverty and homelessness. These consequences ensure that punishments meted out in our Criminal Courts last far beyond the life of any sentence, essentially becoming a life sentence of stigma and lost opportunity for those prosecuted as teenagers. CHNY youth frequently contact our legal services department explaining how a previous criminal conviction has completely negated a potential employment opportunity, leaving them dejected and without hope for their future.

It is important to consider that people with criminal convictions suffer from societal biases, apart from the legal impediments, in their efforts to obtain and maintain employment. A Harvard study found that people with criminal records are less likely to receive callbacks for job interviews if they had a criminal conviction than those without. This result held true for white applicants, who were 50 percent less likely to receive a callback for a job interview if they had a criminal conviction, and black applicants, who were 65 percent less likely to receive a callback for a job interview if they had a criminal conviction.²

¹https://niccc.csgjusticecenter.org/database/results/?jurisdiction=204&consequence_category=&narrow_category=&triggering_offense_category=&consequence_type=&duration_category=&page_number=1

² Pager, D. (20017) *Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration*. Chicago, IL: University of Chicago Press.



Youthful offender adjudication is a critical protection against the lifelong negative consequences that stem from prosecution for actions of a young person before they reach full maturity. Recent advances in science, which have been incorporated in both federal and state jurisprudence demonstrates that the adolescent brain is not fully developed until age 25 or 26. Our youthful offender law recognizes the immaturity of youth under 19 and provides avenues to mitigate the long-term burden that criminal records pose. Moreover, given the well-documented issue of disproportionate impact of the criminal justice system on Black and Latinx youth, youthful offender adjudication offers a policy remedy to help decrease the obstacles to their success.

Creating lifelong barriers for behavior that has been shown, for the most part, to be time-limited is an unnecessarily harsh consequence for young people and fails to support true community safety and may leave young people languishing in poverty and facing homelessness. This bill provides a remedy by codifying an opportunity for those who were eligible to be adjudicated a youthful offender, but instead were convicted of a crime, to apply to the court for a “second look” five years after the sentenced was imposed or the person was released from prison or jail. A Judge will make the decision whether a criminal conviction should continue to burden an individual for life after their sentence is served. Relieving the civil consequences of a conviction will allow many young people, including many young people experiencing homelessness at CHNY, to meaningfully join the workforce and reach their full potential as contributing members of our communities.

Covenant House New York strongly supports A.6769/S.282 as a significant measure to further strengthen the concept that no individual should be interminably judged for the worst thing they have done during their teenage years. This bill provides an important opportunity for a court to assess the harms of the conviction and review the accomplishments and achievements of an individual after completing their sentence and make a new determination as to providing relief from the civil consequences of a criminal conviction imposed during adolescence.



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