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**\*\*\*FOR IMMEDIATE RELEASE\*\*\***

***Youth, Parents, Juvenile Justice Advocates, Elected Officials, Legal and Faith Leaders Unveil Statewide #Right2RemainSilent Campaign to Pass Legislation Protecting Young New Yorkers' Rights During Police Interrogations***

***Legislation Will Finally Curb Same Deceptive Police Tactics That Ensnared Exonerated Five More Than 30 Years Ago***

(NEW YORK, NY) – Youth, parents, juvenile justice advocates, elected officials, public defender organizations, faith leaders and others announced the formation of the #Right2RemainSilent campaign, a statewide coalition to secure passage of legislation (S.2800/A.5891) that will codify young New Yorkers' right to counsel before a police interrogation.

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>.

The legislation, sponsored by Senator Jamaal Bailey and Assembly Member Latoya Joyner, modifies the Family Court Act and Criminal Procedure Law to ensure that a child under age 18 may only be interrogated by law enforcement after the young person has consulted with counsel, thereby ensuring any waiver of rights under Miranda is genuinely knowing, voluntary, and intelligent.

The statute already authorizes interrogations only when "necessary." The bill also clarifies that a custodial interrogation of a child may be deemed necessary only when there is a risk of harm to the child or others.

Ever since the Exonerated Five were interrogated as youth and coerced into false confessions more than 30 years ago, 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 fully appreciate the long term consequences of their decisions, continue to be subjected to coercive interrogations by law enforcement.

This bill would ensure that all youth, including the predominantly Black and Latinx youth who are too often the targets of police interrogation, have the benefit of an attorney protecting their right to remain silent.

Full list of participating organizations: <https://legalaidnyc.org/wp-content/uploads/2021/03/The-Right2RemainSilent-Coalition.pdf>

“Children and adolescents who are caught up in the criminal justice system oftentimes do not understand the gravity of their situation. Law enforcement officials often seek to interrogate young people while in their custody. Even when given Miranda warnings, young people in police custody may not understand that they have

a constitutional right to remain silent. Moreover, there is no incentive for police to fully explain that right to them - or the consequences of waiving that right. My bill would require that children under the age of eighteen consult with an attorney before they can be subjected to custodial interrogation by law enforcement, thus ensuring that any waiver of the right to remain silent under Miranda is genuinely knowing, voluntary, and intelligent. I would like to thank the Assembly sponsor, Latoya Joyner for her leadership in the Assembly, and the #Right2RemainSilent campaign for highlighting and bringing awareness to this issue,” said **Senator Jamaal Bailey**.

“In the three decades since the injustice of the Central Park 5 occurred – little has changed in our criminal justice system,” **Assemblywoman Latoya Joyner (D-Bronx, 77th AD)** said. “Our criminal justice system remains open to a repeat of the same horrible events that took place decades ago and the scales of justice continue to lean toward injustice – particularly when it comes to young men of color.

“That is why I have introduced the Justice for All Youth Act which requires that an attorney be present before a youth is interrogated and throughout a law enforcement interrogation,” **Assemblywoman Joyner** said. “This legislation recognizes that our criminal justice system can no longer be built upon the exploitation of youth in pursuit of outcomes that are unjust and ultimately punish the innocent for crimes they did not commit. And it does so by making sure that young people aren’t forced to waive their Miranda Rights without fully understanding just what that means.”

“Our state has an obligation to protect our children in all aspects of their lives, especially in the juvenile justice system. We must correct the injustices within this system that are rooted in racism, prejudice, and income discrimination. This legislation will go a long way in addressing these issues by ensuring that no child is taken into custody without their legal guardian being notified, defines the term ‘necessary’ in context of interrogation, and requires that juveniles consult with counsel before being allowed to waive their Miranda Rights,” said **New York State Assembly Member Andrew D. Hevesi**. We have seen young lives ruined by a broken, unjust, and discriminatory system and I look forward to fighting for and passing legislation to right these wrongs.”

**Senator Brad Hoylman, Chair of the New York State Senate Judiciary Committee**, said: “For our justice system to be truly just, we must ensure that we’re preserving the rights of our youngest New Yorkers. Children in police custody shouldn’t be subjected to interrogation without first consulting with an attorney who can help protect their rights. I am proud to support the #Right2RemainSilent campaign as a co-sponsor of S.2800, and I thank my colleagues Sen. Jamaal Bailey and Assembly Member Latoya Joyner for their work on behalf of the children of New York State.”

“The power dynamics between law enforcement and young people are deeply uneven. This necessary legislation will help level the playing field and discourage the use of unscrupulous tactics employed in the past. Thank you to the sponsors, Legal Aid, and faith leaders for standing up for young New Yorkers,” said **New York State Assembly Member Harvey Epstein**.

“In our system, anyone accused of a crime has a constitutional right to remain silent. Unfortunately under current law, these rights alone do not adequately protect children if they are scared and alone in an interrogation room, without a lawyer or even a parent or legal guardian with them. Interrogating vulnerable children who might not be cognizant of the consequences of their words does not bring truth or justice: it only ruins lives. That is why this legislation by Assembly Member Joyner and Senator Bailey is so important to protecting some of the most vulnerable New Yorkers, and I will do whatever I can to make it become law,” said **New York State Assembly Member Daniel J. O’Donnell**.

“Ten years ago at 13-years old while playing outside at Webster Park in the Bronx I was taken by 6 police officers into a precinct and interrogated without a lawyer or my parents present. When I asked multiple times for my parents I was told “why do you need them”? They beat me up as well and I did not do anything. I was afraid, angry and didn’t know what would happen next. I didn’t get convicted of a crime and was held overnight. I do

not want another child to experience this. We have to pass this legislation and protect the youth of New York,” said **K’Juan Lancos, BronxConnect RTG.**

“This legislation would provide long overdue protections for our vulnerable Black and Latinx clients. Young people are not able to comprehend the Miranda warnings, or the consequences of waiving their right to remain silent. Because of their developmental stage, they also make false confessions at much higher rates than adults. By requiring consultation with counsel before a youth can be interrogated, this bill would ensure that a child’s right to remain silent is protected and that those without the means to hire a private attorney will not be disadvantaged. The Legal Aid Society thanks Senator Jamaal Bailey and Assembly Member Latoya Joyner for sponsoring this legislation and we urge Albany to enact these reforms immediately,” said **Dawne Mitchell, Attorney-in-Charge of the Juvenile Rights Practice at The Legal Aid Society.**

“Children and adolescents are not adults: They have a harder time understanding complex concepts, they are more easily swayed by authority figures, they more frequently act on impulse, and they make decisions by focusing only on the short-term consequences. Because of this, youth almost always waive their Miranda rights and then give confessions that are less reliable than adult confessions, because they are easily pressured to tell police what they think they want to hear. Because of their developmental immaturity, children and adolescents critically need the assistance of an attorney if they are going to be questioned by police,” said **Emily Haney-Caron, Department of Psychology Assistant Professor at John Jay College of Criminal Justice and the Graduate Center.**

“We need to pass legislation protecting young people like me from being interrogated by police without counsel, parents or protection present. I changed my major to Criminal Justice and am studying at CUNY John Jay at 17-years old due to working on issues related to youth and criminal justice after organizing with BronxConnect and learning about this issue,” said **Raphael Moreau, Trellis & BronxConnect Youth Voices 4 Justice.**

“Children and young people from New York’s Black and Brown communities are particularly vulnerable in an inequitable justice system. Centuries of wrongful incarcerations tell the story of young people whose lives have been discarded because of coerced or false confessions. It’s past due time that we confront this grave injustice and protect young New Yorkers’ right to remain silent,” said **Luis Jonathan Hernandez, Nat’l. Director of Youth Campaigns & Leadership, The Gathering for Justice.**

“New York law fails to protect children during police interrogations, with over 90% of children waiving their right to remain silent. We have a moral obligation to protect this constitutional right by passing legislation (S.2800 / A.5891), which would require that youth under the age of 18 speak to a lawyer before a police interrogation. This is an issue of youth justice just as much as it is an issue of racial justice. We know that policing and criminalization disproportionately impact youth of color. New York must not delay any longer. We must protect youth’s #Right2RemainSilent now,” said **Rev. Wendy Calderón-Payne, Executive Director of Urban Youth Alliance/BronxConnect.**

“The Central Park 5 case demonstrated what happens when youth (even with a parent present) are left alone to deal with police who are determined to obtain a confession. Thirty-two years have passed since that injustice occurred and the state has done little to address the problems inherent in the custodial interrogation of juveniles. By ensuring that no youth in police custody could ever waive his right to remain silent without first consulting with an attorney, Senate Bill S2800 would finally provide the kind of protection that common sense, experience and science tell us is necessary to ensure their rights under the New York and United States Constitutions,” said **Martin Feinman, Director of Juvenile Justice Training with the Juvenile Rights Practice at The Legal Aid Society of New York.**

“Even the rich and powerful are terrified of police interrogation. Imagine being a 14-year-old Black/Latino child from Brownsville? I’m counting on the legislature to do right by our kids and pass this crucial piece of legislation,” said **Jim St. Germain, President of PLOT (Preparing Leaders of Tomorrow).**

“Our Black youth are our future, unfortunately our children of melanin descent are targets of police injustice. We speak of change as if words are the only things that will suffice in our strive for change. BUT organizing to change laws is how I fight for change!” said **Youth Rapper BossDog Wreck**

“As a public defender who has seen firsthand the destructive way our criminal legal system punishes kids for being kids, I wholeheartedly support the #Right2RemainSilent Campaign. Young people in Manhattan — like they do across the country — deserve more, and as district attorney I will work with activists and legal experts to reform a punitive system that does nothing to keep our city safe, rips families apart, and traumatizes children,” said **Eliza Orlins, candidate for Manhattan DA.**

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