

# THE LEGAL AID SOCIETY

Justice in Every Borough.

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Contact:

Redmond Haskins  
The Legal Aid Society  
(929) 441-2384  
[rhaskins@legal-aid.org](mailto:rhaskins@legal-aid.org)

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

## ***Legal Aid and BronxConnect Applaud NYS Senate Committee Passage of #Right2RemainSilent Legislation, Urge Majority Leader Stewart-Cousins and Speaker Heastie to Pass Bill Immediately***

(NEW YORK, NY) – **The Legal Aid Society and BronxConnect** applauded the New York State Senate Children and Families Committee for voting in favor of critical legislation (S.2800/A.5891) that will codify young New Yorkers’ right to counsel before a police interrogation.

Last week, Legal Aid and BronxConnect, along with dozens of other organizations from across New York State, [launched](#) the #Right2RemainSilent campaign in support of this legislation.

Video of a New York City Police Department officer using coercive and deceptive tactics to induce a young New Yorker to waive his Miranda rights during a police interrogation was released as part of the campaign: <https://www.youtube.com/watch?v=oARbSQaw0uA>.

**The Legal Aid Society and BronxConnect** said, “This legislation would provide long overdue protections for the young people our organizations collectively serve - New Yorkers predominantly from Black and Latinx communities.

Because of their developmental stage, youth are not able to fully comprehend Miranda warnings, or the consequences of waiving their right to remain silent. 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. We thank the New York State Senate Children and Families Committee for voting in favor of this important legislation, and urge Senate Majority Leader Stewart-Cousins and Assembly Speaker Heastie to prioritize its passage through the full Legislature at once.”

### **Background:**

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 #Right2RemainSilent organizations: <https://legalaidnyc.org/wp-content/uploads/2021/03/TheRight2RemainSilent-Coalition.pdf>

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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 over 140 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. [www.legalaidnyc.org](http://www.legalaidnyc.org)*