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

***In Response to NYS Court of Appeals Decision Relating to Miranda Rights,  
Legal Aid Calls on Albany to Enact Legislation to Ensure that Young New  
Yorkers Have Counsel Prior to a Police Interrogation***

(NEW YORK, NY) – The Legal Aid Society called on Albany to pass and sign into law [S.2800/A.5891](#), legislation that would protect young New Yorkers’ constitutional [right to remain silent](#) by providing them counsel before a police interrogation.

The call comes in response to a terribly misguided New York State Court of Appeals [decision](#) which found that although a 19-year-old young man repeatedly indicated he wanted to call an attorney, his request was not sufficiently clear to invoke his constitutional right to remain silent. As the dissent noted, “Our Court has imposed a high and unrealistic linguistic burden on criminal defendants – where the intent is clear, but some better choice of words can be imagined....”

Even more troubling is the Court’s willingness to impose an uncompromising standard despite the young age of the person interrogated. It is well established that the adolescent brain is not fully developed until approximately age 25, and that as a result, youth cannot adequately weigh the long term consequences of their decisions.

“Due to their developmental stage, oftentimes, youth are unable to fully comprehend Miranda warnings, or the consequences of waiving their right to remain silent. As a result, studies show that young people make false confessions at a much higher rate than adults” said **Dawne Mitchell, Attorney-In-Charge of the Juvenile Rights Practice at The Legal Aid Society**. “However, pending legislation would address this statewide problem by ensuring that youth have access to counsel prior to a police interrogation. The Legal Aid Society calls on Albany to pass and enact this critical measure into law this session.”

**Background on S.2800/A.5891**

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.

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.

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>.

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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 145 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)*