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Contact:

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

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

***Youth, Parents, Advocates, Elected Officials, and Faith Leaders Rally at the Capitol in Support of Critical Legislation to Protect Young New Yorkers***

***#Right2RemainSilent Legislation Would Ensure that Young New Yorkers Have Access to an Attorney Prior to a Police Interrogation***

(NEW YORK, NY) – Youth, parents, juvenile justice advocates, elected officials, public defender organizations, faith leaders and others rallied earlier today at the New York State Capitol to urge lawmakers to prioritize the #Right2RemainSilent bill ([S.1099/A.1963](#)), critical legislation that would codify young New Yorkers’ right to counsel before a custodial police interrogation.

[The #Right2RemainSilent Act](#), sponsored by New York State Senator Jamaal Bailey and Assembly Member Latoya Joyner, would protect the constitutional rights of children who have been taken into custody when police seek to question them.

Specifically, this legislation 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. It also requires the police to notify a parent before transporting the child to the precinct when taking a child into custody.

The Exonerated Five were interrogated as youth and coerced into false confessions in New York City more than 30 years ago. That same year in Westchester County, [Jeffrey Deskovic](#) was also interrogated without counsel at age 16, resulting in a coerced false confession and wrongful conviction, despite exculpatory DNA evidence. In the decades since then, 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.

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>.

This bill would ensure that all children under 18, 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.

“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, 77<sup>th</sup> 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. The Right2RemainSilent Act ensures that a youth

talks to an attorney before being interrogated by law enforcement. 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. It does so by making sure that young people aren't forced to waive their Miranda Rights without fully understanding just what that means."

"The tragic injustice suffered by the Exonerated Five serves as a painful reminder of our justice system failing to protect our most vulnerable," said **State Senator Jamaal T. Bailey**. "False confessions are at the heart of countless wrongful convictions and too often, we have seen the injustice of a two-tiered system that unfairly treats Black and brown children as guilty until proven innocent. Young people are not able to comprehend Miranda warnings or the consequences of waiving their right to remain silent. Black and brown children are disproportionately targeted by police interrogations and more vulnerable to coerced false confessions and the devastating consequences of a wrongful conviction. With our proposed legislation, we aim to ensure that no minor is interrogated without receiving proper legal counsel, so that the horrors faced by the Exonerated Five and their families are never repeated again. Mandating legal representation for minors prior to interrogations is a crucial step to end the harmful practices that allowed their wrongful convictions to occur. Access to legal representation could have changed their lives, and this law has the potential to change the lives of countless others who are wrongly accused. This bill is a necessary reform that will provide long overdue protections to ensure that every child's right to remain silent is protected."

"Ensuring that children have access to an attorney during interrogations should reduce the number of false confessions and wrongful convictions, and ensure that children of limited means fully understand their rights and have the same protections as their wealthier peers," **State Senator Brian Kavanagh** said. "Our commitment to justice requires that we pass this essential legislation. I am pleased to be a co-sponsor and I thank Senator Jamaal Bailey and Assemblymember Latoya Joyner for their leadership in bringing this bill forward and the Legal Aid Society and the many advocates who are working with us to get it enacted."

"New York State's failure to change the law surrounding youths' right to remain silent, in the more than 30 years since I and the rest of the Exonerated Five were wrongfully convicted, is appalling," stated **Yusef Salaam of the Exonerated Central Park Five**. "This bill must be passed now so that this constitutional right is made meaningful for all youth, and not just those who can afford a private attorney."

"I never understood my rights despite them being read to me many times," said **exoneree Jeffrey Deskovic, founder of the Deskovic Foundation**. "As a result, the police were able to take advantage of my lack of understanding and a false confession was coerced out of me which ultimately cost me 16 years before I was exonerated by DNA."

"The #Right2RemainSilent Act would provide long overdue protections for our vulnerable Black and Latinx clients. Due to their developmental stage, young people are not able to comprehend the 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 child under 18 can be interrogated, the 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. It is high time that our lawmakers enacted this necessary reform," said **Dawne Mitchell, chief attorney of the Juvenile Rights Practice at The Legal Aid Society**.

"Our focus needs to be on protecting our youth, revitalizing our communities, and providing options for our young people. Our current system victimizes children 18 and younger by taking advantage of their lack of understanding due to their brain still developing, as studies have shown. This is not justice, justice is providing equity in interrogations. The only right choice is to provide legal counsel to our young people. We know that the interrogation system is set up for people who understand their rights. Statistics show that a large number of our minority youth from our less affluent communities are waiving their rights. New York has paid over \$77 million to victims of this current system who have falsely confessed to crimes they did not commit since 2011. BronxConnect urges the legislature to pass the Youth Interrogation bill this session. Our youth need you to be

responsive to their needs,” said **Rev. Wendy Payne, Executive Director, Urban Youth Alliance (BronxConnect)**.

“The #Right2RemainSilent Act is an important and critical bill to ensure children under the age of 18 fully understand their right to remain silent during police interrogations. Black and Brown youth are often not afforded legal representation and are interrogated by the police without parental consent. Young people do not comprehend Miranda warnings and the potential negative implications of waiving their rights. As an organization committed to ending child incarceration and eliminating the racial inequities that permeate the justice system, The Gathering for Justice implores the Legislature to pass this legislation this session. We must ensure young people’s rights are protected,” said **Carmen Perez-Jordan, president and CEO of The Gathering for Justice**.

“Coercive and deceptive police interrogation techniques can result in false confessions. This is particularly true for young people and children of color, who are cognitively more susceptible to pressure, and often do not know their rights,” said **Jared Trujillo, senior policy counsel at the New York Civil Liberties Union**. “Three decades after the Central Park 5 spent their youth in cages due to coercive police interrogations, it is past time for New York to pass this critical reform to increase accountability of law enforcement officers and minimize false confessions.”

“Kids are terrified and vulnerable when they are arrested in connection to a crime,” said **Lt. Diane Goldstein (Ret.), current executive director of the Law Enforcement Action Partnership**. “For their protection and to ensure that police investigations are not compromised by false confessions given under pressure, we should not allow interrogation of kids until they have spoken to an attorney and had their parents notified of an arrest.”

“Far too often, we see children convicted on the basis of a false confession,” said **Amanda Wallwin, state policy advocate with the Innocence Project**. “This bill would put into place strong protections for children against the pressure of an adult authority figure. Every wrongful conviction is a misfortune, but the wrongful conviction of a child is a true tragedy. The Legislature must pass this bill this session to protect vulnerable youth.”

“Given what we know about adolescent brain development, everyone should appreciate how difficult it is for a teenager to navigate the complex landscape of the criminal justice system. The proposed changes would safeguard the rights of young people while accounting for the developmental limitations youth have when making life-altering decisions under high stress situations. Studies have repeatedly revealed that adolescents waive their Miranda rights at a much higher rate than adults and are also more likely to falsely confess. This is not surprising. This reform would protect vulnerable young people while promoting fairness and confidence in our criminal punishment system,” said **Nicole Tarangelo, forensic social worker at the New York County Defender Services**.

“The #Right2RemainSilent Bill is needed to ensure the constitutional rights of children and adolescents facing police interrogation are a reality in New York,” said **Susan C. Bryant, executive director of the New York State Defenders Association**. “An extensive body of research shows that children lack the capacity to fully understand their *Miranda* rights, particularly when they are facing the high-stress environment of a custodial interrogation. A disproportionate number of Black and brown youth are interrogated by police without an attorney to help them decide whether to waive *Miranda* rights while their more affluent peers and families are able to hire an attorney to provide critical advice. New York must enact this bill to ensure that all children’s *Miranda* rights are protected and to minimize the risk of harm to children, victims, and the community arising from false confessions.”

“In order to truly serve justice, New York law must recognize both the limitations and capabilities of children and youth. Research on child and adolescent brain development and our experience representing youth demonstrate that most children cannot fully comprehend the implications of waiving the right to counsel and the devastating impact such waiver can have on the ultimate disposition of their case. We urge the legislature to pass the Right to Remain Silent bill and improve outcomes for children by treating them as children,” said **Karen Freedman, president, Lawyers For Children**.

“This is an opportunity for the law to catch up to what we have learned from decades of social science research; that the normal course of adolescent development is such that youth under the age of 18 lack the wherewithal to fully appreciate the complexity of the 5th Amendment Right to Remain Silent and are unable to exercise a valid waiver of that right. That means for those who most need the protection of this critical constitutional right it has been reduced to an illusion. The result is a multitude of miscarriages of justice that we can no longer tolerate,” said **Martin Feinman, attorney with The Legal Aid Society.**

“Our children have a right to be protected from incriminating themselves by premature and unprotected questioning at the hands of law enforcement. We want our kids to be afforded the same rights and support as you would expect for your own. You love your child. We love ours too!” said **Carole Eady-Porcher, Executive Board Member: Women’s Community Justice Ass’n (WCJA) & The Center for Community Alternatives (CCA).**

“Young people need to be taught their rights at the age of up to 17 so that if they ever do end up in a situation where they are being interrogated by the police they would have a better understanding of what to do and what not to do,” said **Latasha Martinez, Youth Committee member with Youth Represent.** “Most times in black and brown communities they are not taught their rights...which then leaves them in bad situations. We need to change that by making sure the people who have the power to get this bill passed do the right thing and make the youth interrogation bill a law.”

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