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MEDIA ADVISORY

Youth, Parents, Advocates, Elected Officials, and Faith Leaders to Rally at the Capitol in Support of Critical Legislation to Serve 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 will hold a press conference during a lobby day in support of the #Right2RemainSilent Act ([S.1099/A.1963](#)), legislation that would codify young New Yorkers' right to counsel before a custodial police interrogation.

Who: Elected officials, The Legal Aid Society, BronxConnect, The Gathering for Justice, Children's Defense Fund-New York, The Deskovic Foundation, New York State Defenders Association, Westchester Children's Association, Youth Represent, Families Together in New York State, New York Civil Liberties Union, Good Call, New Hour LI, Good Shepherd Services, It Could Happen to You, Lawyers For Children, Coalition for Homeless Youth, The Bronx Defenders, Breaking the Chains of Your Mind, youth, parents, juvenile justice advocates, faith leaders and others from across New York State.

What: #Right2RemainSilent campaign press conference and rally

When: Tuesday, April 25, 2023, at 10:45 AM

Where: NYS Capitol, 4th floor overlooking Senate Chamber

Background:

The #Right2RemainSilent Act, sponsored by New York State Senator Jamaal Bailey and Assembly Member Latoya Joyner, would codify young New Yorkers' right to counsel before a police interrogation.

Specifically, this legislation modifies the Family Court Act and Criminal Procedure Law to ensure that a child under age 18 may be interrogated by law enforcement only after the young person has consulted with counsel, thereby ensuring any waiver of *Miranda* rights 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 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.

The #Right2RemainSilent Act is [supported](#) by at least 19 sitting and retired judges of the New York courts who have firsthand knowledge about children's inability to understand their rights. In addition, the bill is supported by the Law Enforcement Action Partnership as well as several individual members and retired members of law enforcement agencies.

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