



December 13, 2023

Contact:

Redmond Haskins
Director of Media Relations
The Legal Aid Society
929.441.2384
rhaskins@legal-aid.org

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

85 Organizations from Throughout New York State Call on the Legislature to Pass Legislation to Ensure that Young New Yorkers Have Access to an Attorney Prior to a Police Interrogation

Former City Agency Commissioners Join Coalition in Calling for Passage of #Right2RemainSilent

(NEW YORK, NY) – **85 organizations from throughout New York State** issued a [letter](#) today to Senate Majority Leader Andrea Stewart-Cousins and Assembly Speaker Carl Heastie [urging](#) the Legislature to pass [#Right2RemainSilent](#), legislation to ensure that young New Yorkers have access to an attorney before waiving their *Miranda* rights and being subjected to a custodial police interrogation.

This outpouring of support for #Right2RemainSilent adds to the [diverse](#) group of organizations, and former and [current juvenile legal system stakeholders](#), including [law enforcement](#), calling for its passage.

[Former New York City Department of Probations Commissioner Ana M. Bermudez](#), [former Deputy Commissioner for Juvenile Operations at the New York City Department of Probation Gineen Gray](#) and [former New York State Supreme Court Judge Michael A. Corriero](#) all recently provided letters of support for #Right2RemainSilent, joining former New York City Administration for Children’s Services Commissioner Ron Richter and 18 other current and former Family Court and Criminal Court judges.

The #Right2RemainSilent Coalition includes attorneys for children providers, policy advocates, researchers, former law enforcement and court personnel, youth-led and youth-serving organizations.

The legislation is sponsored by Senator Jamaal Bailey and Assembly Member Latoya Joyner, and it has 30 sponsors in the Senate and 48 sponsors in the Assembly.

The #Right2RemainSilent legislation modifies the Family Court Act and Criminal Procedure Law to ensure that a child under 18 may be interrogated by law enforcement only after the young person has consulted with counsel, thereby ensuring any waiver of their constitutional right to remain silent 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 Latine youth who are too often the targets of police interrogation, have the benefit of an attorney protecting their right to remain silent.

The letter states:

The legislation is also an important step toward racial and economic equity. We know that the children most likely to come into contact with law enforcement and the juvenile legal system are Black and Latinx youth from over-surveilled schools and communities affected by poverty. 6 These children come from families who are often unable to hire attorneys to protect them. In contrast, affluent parents are able to ensure that their children have access to counsel before they decide to waive their Miranda rights. The Legislature can remedy this inequity by passing this bill to ensure that all children are provided with counsel when the police seek to question them.

“Young people throughout New York State routinely waive their constitutional right to remain silent without understanding the consequences, and are subjected to excessively harsh penalties at the hands of a criminal legal system that consistently prioritizes punishment over rehabilitation,” said **Dawne Mitchell, Chief Attorney of The Legal Aid Society's Juvenile Rights Practice**. “The #Right2RemainSilent Act will ensure that all young New Yorkers, not just those who can afford a private attorney, will consult with an attorney prior to police interrogation. We implore Albany lawmakers to prioritize this bill.”

“In pursuit of racial equity and youth empowerment, we join in championing a brighter future for our children. The Youth Interrogation Bill serves as a standard of fairness ensuring all young people, especially Black and Latinx youth from over-surveilled communities, have access to legal counsel before facing police questioning,” said **Gabriella Nanna, Program and Policy Associate at Westchester Children's Association**. “Far too many youth throughout the state unknowingly waive their constitutional right to remain silent, and are consequently subjected to punitive discipline. Granting youth and families this legal safeguard is a commitment to a New York where justice knows no limitation of age, race, or economic status and the opportunity for restoration is always within reach.”

“As President and CEO of The Gathering for Justice, I call upon the New York State Legislature to pass the Youth Interrogation Act in 2024 to protect our youth's #Right2RemainSilent. It is our collective responsibility to safeguard the vulnerable among us, ensuring that every young person, especially those from marginalized communities, has an attorney to guide them through the daunting process of custodial interrogation. This bill is a crucial step towards a more just New York, where every child's Miranda rights are a protected promise, not a privilege,” said **President and CEO of The Gathering for Justice, Carmen Perez-Jordan**.

“If this important bill had been a law at the time I was interrogated without a lawyer and coerced into a false confession as a teenager, I would not have been wrongfully convicted because I would have understood my rights,” said **Jeffrey Deskovic, The Deskovic Foundation**.

“Given the science surrounding youth brain development, we cannot afford to treat youth in custody like adults. The Youth Interrogation Bill (#Right2RemainSilent) gives us the ability to address the lessons learned from a system that has been used to weaponize poverty, racial disparity, and adolescent brain development. For too long, we have senselessly punished youth and violated their constitutional right to counsel. A responsible and enlightened society would require that legal counsel is provided to youth prior to interrogation by police. BronxConnect urges the passage of this important bill now,” said **Reverend Wendy Calderon-Payne Executive Director, Urban Youth Alliance (BronxConnect)**.

“It is time for New York to protect our kids and ensure that all children, regardless of how much money their family has, are provided legal advice from a lawyer before making any statements to the police,” said **Sandeep Kandhari, Litigation Director with the Center for Family Representation**. “We know children are highly susceptible to police coercion and can be manipulated into making a false confession. It's time for that to end and for Albany to protect the children of our state. Pass the Right2RemainSilent Bill.”

“This bill is a critical first step to help minimize harm when street-involved and unhoused LGBTQ+ youth in New York City encounter law enforcement,” said **Amy Leipziger, Director of Free to Be YOUth Project**. “We must put a stop to current practices of youth interrogation by police that disproportionately impact the BIPOC queer and trans youth that we serve.”

“New York law is significantly out of line with scientific research and literature regarding the cognitive development of children and adolescents. Science has conclusively determined that youth are unable to fully appreciate the implications of waiving the right to counsel during the course of a police custodial interrogation,” said **Justin Choi, Director of Youth Justice Project, Lawyers For Children**. “Yet time and time again, our young clients are pressured to quickly make a decision, in an adversarial environment surrounded by law enforcement, without the support, aid and benefit of an attorney, on a subject matter that is not just simply important but is of constitutional magnitude. We urge the legislature to pass the Youth Interrogation Act to bring the juvenile justice system a step closer toward becoming a more equitable justice system.”

“The right to life and equal protection under the framework of law is a right guaranteed to all within our nation's jurisdiction. It should not be argued whether or not people deserve a right to a fair trial, to an attorney, or to due process under the law, as these are rights that are already afforded. It is time that we ensure that these are laws not only in writing but in practice, to do that we as a society must begin to fill in the gaps that cause unfair treatment and variations of practice under the law. All individuals, with the vulnerability of youth especially, deserve equal protection and representation as afforded in constitutional law, regardless of race or income,” said **Monet Smith, Founder & Executive Director at SJ.II, Society's Justice . Innovations & Interventions Inc.**

“Coercive and deceptive police interrogation techniques can result in false confessions. This is particularly true for young people—disproportionately people of color—who are ensnared in the criminal legal system,” said **Justin Harrison, Senior Policy Counsel at the New York Civil Liberties Union**. “Children are cognitively more susceptible to pressure, and often do not know their rights. 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 critical reform that will ensure that all children under the age of 18 are able to consult with an attorney prior to interrogation, increasing accountability of law enforcement officers and minimizing false confessions.”

“Most times in black and brown communities young people are not taught their rights, which then leaves them in bad situations,” said **Latasha Martinez, a Youth Advocate with Youth Represent**. “We need to change that. The people who have the power to get this bill passed must do the right thing and make the youth interrogation bill a law.”

“Children’s Rights wholeheartedly endorses the Youth Interrogation Act and joins with scores of our fellow advocates in calling on the legislature to promptly pass this critical and commonsense bill to protect the health, well-being and fundamental civil and human rights of children and youth, particularly children of color and those

experiencing poverty. Decades of developmental research show that the adolescent brain is not equipped to make thoughtful decisions in stressful situations, like interaction with law enforcement, while the inherent power imbalance at play sways youth toward compliance. Ensuring that all young people have the benefit of counsel at such precarious times will enable them to better understand their rights, and make informed choices about whether or not to speak with police officers,” said **Sandy Santana, Executive Director, Children’s Rights**.

“New York State fails to offer children meaningful support and protections during police interrogations—something that even adults find traumatic, stressful, and difficult to understand,” said **Lisa Salvatore, Attorney-in-Charge, Brooklyn Defender Services’ Adolescent Representation Team**. “The criminal legal system expects children to make informed decisions in their own interest under these circumstances and exacts harsh punishments when they fail to do so, resulting in children unknowingly waiving their rights, damaging their own self-interests, and failing to protect themselves. New York must take children’s rights seriously and enact the Youth Interrogation Act next session.”

“It’s been more than 50 years since the US Supreme Court recognized that the interrogation of children requires ‘special caution,’ and as New York knows all too well, when special caution isn’t taken, children may falsely confess,” said **Amy Borrer, Sr. Youth Policy Strategist, The Gault Center**. “The Gault Center urges New York to adopt its Right2RemainSilent legislation and ensure children’s constitutional right to counsel at interrogation is a reality. In the confusing and stressful environment of an interrogation, counsel can ensure a young person understands and fully accesses all of their constitutional rights.”

“Children and adolescents who have contact with the criminal legal system are disproportionately poor, Black and Brown, more likely to have a developmental disability, a mental health condition, and be disconnected from school. They are among the most vulnerable youth in our communities. We stand with the #Right2RemainSilent Campaign and call on our leaders in Albany to pass the Youth Interrogation Bill and protect all young people now,” said **Julia Davis, Director of Youth Justice & Child Welfare, Children’s Defense Fund-New York**.

“Everyone must have the chance to understand their legal rights before interrogation by law enforcement, but for too long, the state has failed to stop interrogation tricks used by police officers to criminalize Black and brown people,” said **Christine Rivera, Policy Counsel for The Bronx Defenders’ Criminal Defense Practice**. “[Studies](#) confirm what we already know: that young people fail to fully appreciate the protection of Miranda rights and become vulnerable to making false statements to police that unjustly incriminate them. These coercive tactics are especially harmful in the Bronx, where criminalization of children and over-policing are rampant, and harm communities. We applaud the leadership of the Bronx-based team behind the bill, Senator Bailey and Assemblywoman Joyner, and urge the New York State Legislature to pass the #Right2RemainSilent now.”

“As we strive to protect the innocent from injustice it is imperative that all young people under the age of 18 have the automatic right to consult with a lawyer before they waive their Miranda rights,” said **Bill Bastuk, National Chair, It Could Happen To You**. “Children should not be subject to questioning by police as history makes the implications of coerced confessions. Wrongful Prosecutions and Wrongful Convictions!”

“[Evidence from developmental science](#) suggests that normal brain and psychological development during adolescence may prevent teens from making valid decisions about their Miranda rights,” said **Wei Ji Ma, Professor of Psychology and Neuroscience at New York University and spokesperson of the Scientist Action and Advocacy Network**. “Studies also suggest that parental advice is not sufficient to assist youth in making a Miranda decision.”

“Children lack the capacity to fully appreciate the meaning and significance of the right to remain silent, and to appreciate the almost certain repercussions of waiving that right. Which is why minors who come into contact with the justice system must be treated differently than adults. Decades of research on brain science tells us that children’s brains are not fully developed, and therefore are more vulnerable to deceptive police tactics and interrogation techniques. The Youth Interrogation Act would give young people an opportunity to consult with a lawyer and make an informed decision about their Constitutional rights,” said **Teresa Kominos, Policy Counsel at Human Rights for Kids.**

“The #Right2RemainSilent is a commonsense measure to ensure that young people in our state have meaningful Miranda rights. All children should have the right to consult with counsel before deciding whether to waive their rights. We urge the Legislature to make this bill a priority this session,” said **Susan Bryant, Executive Director, New York State Defenders Association.**

“False confessions and coerced confessions do not benefit community safety. The Youth Interrogation Act is critical to preventing New York children from needless involvement in the criminal legal system. The Central Park 5 were convicted of a crime they did not commit due to false confessions nearly a quarter century ago - it is past time for New York to pass this bill,” said **Amanda Babine, Executive Director of Equality New York.**

###