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#Right2RemainSilent Coalition Lauds City Council for Passing Resolution in Support of Statewide Bill to Ensure that Young New Yorkers Speak with an Attorney Prior to a Police Interrogation

Coalition Calls on Albany to Enact #Right2RemainSilent in Upcoming Legislative Session

(NEW YORK, NY) – **The #Right2RemainSilent Coalition**, in response to the New York City Council today passing a resolution (No. 473-2023) in support of [#Right2RemainSilent](#), called on Albany lawmakers including Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie and Governor Kathy Hochul, to enact the critical legislation during the upcoming 2024 Legislative session. This resolution was sponsored by Council Member Tiffany Cabán.

#Right2RemainSilent legislation (A1963/S1099) will ensure that young New Yorkers speak with an attorney before waiving their Miranda rights and being subjected to a custodial police interrogation. The legislation ensures that all children under 18, regardless of whether they can afford a private attorney, consult with counsel before they can be interrogated by law enforcement. This ensures any waiver of their constitutional right to remain silent is genuinely knowing, voluntary, and intelligent.

“Coercing false confessions out of young Black and brown New Yorkers is not public safety, it's not accountability, and it damn sure isn't justice,” said **Council Member Tiffany Cabán**. “Instead, it's a way for prosecutors to artificially inflate conviction rates, and a way for our exploitative economy to initiate what becomes a lifelong cycle of poverty and criminalization for too many New Yorkers of color. The overwhelming majority of young people waive their Miranda rights prior to police investigation, and youth are more than three times as likely as adults to falsely confess. Exploiting this is an outrage and a disgrace, and now is the time for our colleagues in Albany to pass and enact these vital protections. I am proud to be the lead sponsor of Reso 473, grateful to the Speaker for her support in passing this resolution, and cannot wait to see Albany follow suit and advance S1099/A1963.”

“Youth across New York State undoubtedly require the protection of an attorney who can assist them in fully comprehending their right to remain silent before being subjected to the high pressure of a police interrogation,” said **Dawne Mitchell, Chief Attorney of The Legal Aid Society's Juvenile Rights Practice**. “Without legal counsel, youth are far more likely to be taken advantage of or coerced into waiving their right to remain silent

and making false confessions that could have devastating consequences for their futures. Exploiting the developmental immaturity of vulnerable young people — many of whom are from low-income Black and Latine communities — is immoral and unjust. We thank Council Member Cabán, Speaker Adams and the other Members of the City Council for passing Reso 473. Now our lawmakers in Albany must take action to protect all young New Yorkers and prioritize #Right2RemainSilent during the upcoming Legislative session.”

“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 Council Member Cabán in support of Reso 473 calling for passage of the #Right2RemainSilent youth interrogation bill in Albany to protect all young people now,” said **Julia Davis, Director of Youth Justice & Child Welfare, Children’s Defense Fund-New York.**

“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, exoneree and founder, The Deskovic Foundation.**

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

“The past has shown us that young people lack a comprehensive understanding of their right to remain silent, and that an uninformed waiver of their Miranda Rights can lead to punitive disciplinary measures. The Youth Interrogation Bill promotes fairness in our justice system by ensuring all young people, especially Black and Latinx youth from over-surveilled communities, have access to legal counsel before facing police questioning. We must act proactively to end the systemic connectivity between age, race and economic status in New York State’s criminal legal system. We urge our elected officials in Albany to work towards a more equitable future and pass #Right2RemainSilent during the upcoming legislative session,” said **Gabriella Nanna, Program and Policy Associate at Westchester Children’s Association.**

“We applaud the New York City Council for recognizing that children, due to their ongoing development and unique vulnerabilities, rarely understand the adversarial nature of the court system nor the potentially harmful consequences of an adjudication. Requiring youth to consult with an attorney before waiving their rights is a critical step toward preventing the unnecessary criminalization of Black and Brown children in particular,” said **Tracey Tucker, Executive Director, National Juvenile Justice Network**

“We applaud City Council Member Tiffany Cabán and the New York City Council for passing Resolution 473 in support of the #Right2RemainSilent. The bill is crucial to ensuring that young people in our state have meaningful Miranda rights. We urge the Legislature and Governor to enact this bill in 2024,” said **Susan Bryant, Executive Director, New York State Defenders Association.**

“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 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 City Council Council and Council Member Caban for taking up this important resolution and urge the New York State Legislature to pass the #Right2RemainSilent this legislative session.”

Reverend Wendy Calderón Payne, Executive Director, Urban Youth Alliance (BronxConnect) said; The passage of this resolution is an important step in our great city showing care and intentional guidance for our youth. Studies show brain development is still happening until the age of 25, this means youth lack the understanding of the consequences of waiving their Miranda rights. BronxConnect stands with Councilmember Cabán as New York City sets a standard for the state to follow with the passage of Resolution 473.

"As a dedicated family-run organization advocating for families of children with social, emotional, behavioral, and cross-systems challenges, Families Together in New York State applauds the City Council for passing Res. No. 473 which recognizes there is an urgent need for the New York State Legislature to pass S1099/A1963," **said Paige Pierce, CEO of Families Together in New York, a statewide network of families and young people with lived experience navigating systems like mental health and juvenile justice.** "This resolution echoes calls from impacted communities to ensure crucial protections for our youth during custodial police interrogations. It recognizes that young minds, often disproportionately poor, Black, and Latinx, face developmental challenges that make them vulnerable to an unintentional waiver of their rights and false confessions. Passing this bill is not just a legal obligation; it's a moral imperative to ensure justice and fairness for youth across New York State."

"New York's criminal legal system expects children to make informed decisions in their own interest during police interrogations 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," **said Lisa Salvatore, Attorney-in-Charge, Brooklyn Defender Services' Adolescent Representation Team.** "We thank Council Member Caban and the NYC Council for taking children's rights seriously by passing a resolution in support of the Youth Interrogation Act and urge Albany to enact the bill next session."

"The Fortune Society applauds the City Council for passing Reso. No. 473-2023 in support of the much-needed #Right2RemainSilent legislation (A1963/S1099), which will protect young people in moments of intense crisis from waiving their Constitutional rights without adult guidance," **said JoAnne Page, CEO of The Fortune Society.** "Many of our Fortune participants, staff, and leaders were arrested and faced serious charges as teenagers, long before necessary reforms like Raise the Age were finally enacted. We know the harms suffered by young people, who are disproportionately Black and brown, in our criminal legal system. Young people cannot rent cars, vote, purchase cigarettes or alcohol, because we do not trust their understanding of consequences; yet we expect them to understand the consequences of consenting to an interrogation under the most stressful of conditions. We are grateful that the City Council has recognized the need for this important legislation."

Background:

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 legislation has [robust support](#) across New York State. [Former New York City Department of Probation 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 Ronald E. Richter and 18 other current and former Family Court and Criminal Court judges.

The #Right2RemainSilent Coalition includes Attorney for the Child providers and other defenders, policy advocates, researchers, former law enforcement and court personnel, as well as youth-led and youth-serving

organizations. Last week, the Coalition issued a [letter](#) with 85 signatures from organizations throughout New York calling on the Legislature to pass #Right2RemainSilent.

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 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.

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