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

#Right2RemainSilent Coalition Holds Advocacy Day in Albany Urging Lawmakers to Pass Critical Statewide Bill to Ensure that Young New Yorkers Speak with an Attorney Prior to a Police Interrogation

(NEW YORK, NY) - The #Right2RemainSilent Coalition today held an advocacy day at the New York State Capitol in Albany urging lawmakers to pass the [#Right2RemainSilent](#) Act, legislation to ensure that all young New Yorkers have consultation with a lawyer before they can waive their right to remain silent and be interrogated by police.

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.

“Young people should not have to face the complexities of the legal system and police interrogation alone. Yet, this is the reality that too many families find themselves in when navigating the criminal justice system without adequate representation or support. Young people may not grasp the gravity of the accusations against them or understand the rights they're entitled to, often leading to unjust and unfair outcomes. This legislation would ensure families understand their rights during an interrogation and our young people have the support they need during those critical moments. I want to thank Assembly sponsor Assemblyman Andrew Hevesi, the entire Right to Remain Silent coalition, and the tireless advocates for their unwavering support,” said **Senator Jamaal Bailey**.

“I am incredibly proud to now carry this critical piece of legislation, the #Right2RemainSilent bill, and I'm grateful to former Assemblymember Joyner for previously leading this effort. Our state has an obligation to protect our children in all aspects of their lives, especially in the juvenile justice system. A false or coerced confession by a minor, without any legal representation present can alter the course of that young person's life forever, involving them in a broken, unjust, and discriminatory system. I look forward to passing this legislation to begin to right these wrongs and am thankful for the partnership of Senator Bailey, Legal Aid Society, Defenders, and everyone involved in the #Right2RemainSilent coalition,” said **Assemblyman Andrew Hevesi**.

“All young people, regardless of whether or not they can afford to hire a lawyer, deserve to talk to one before police can interrogate them,” said **Dawne Mitchell, Chief Attorney of The Legal Aid Society’s Juvenile Rights Practice**. “Youth under the age of 18 cannot fully understand the Miranda warnings or appreciate the long term consequences of waiving their rights, and consequently are far more likely to fall victim to unethical, coercive interrogation tactics by law enforcement. The #Right2RemainSilent bill will move New York State toward greater justice for all children, and it must be prioritized by lawmakers in Albany during the upcoming legislative session.”

“#Right2RemainSilent seeks to ensure youth understand their right to remain silent during police interrogations—a right often denied to Black and Brown youth. As an organization committed to ending child incarceration, we’ve seen the impact and aftermath that a lack of legal representation, coercive police tactics, and forced confessions have on young people in our community. It is critical we ensure our young people have access to the proper resources that will help them understand and utilize the rights that are owed to them. We must act now. The Gathering for Justice calls on the Legislature to immediately pass S.1099 (Bailey) / A.8923 (Hevesi) to ensure our children’s rights are protected and reduce the harm caused by false confessions,” said **Carmen Perez-Jordan, president and CEO of The Gathering for Justice**.

“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 young people and over 100 organizations from across New York calling for passage of the #Right2RemainSilent youth interrogation bill in Albany now,” said **Julia Davis, Director of Youth Justice & Child Welfare, Children’s Defense Fund-New York**.

“New York law is significantly out of line with scientific research and literature regarding the cognitive development of children and adolescents. 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 Right to Remain Silent Youth Interrogation Act to bring the juvenile justice system a step closer toward becoming a more equitable justice system,” said **Justin Choi, Director of Youth Justice Project, Lawyers For Children**.

“A just society is measured by its treatment of its most vulnerable members, including its youth. Therefore, the principles of youth justice should be grounded in fairness, rehabilitation, and accountability,” said **Kody Flowers, Youth Committee Member, Youth Represent and Alumnus of exalt**.

“You could be at home, at work, with your friends while your child is being interrogated, alone and without a lawyer. It’s not hard to imagine how scary that is,” said **Psyc Wilson, Youth Development Coordinator at Youth Represent**. “It’s time to make it stop. Pass the youth interrogation act.”

“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)**.

“Legal rights are only meaningful when we understand them and know how to enforce them. Research and experience have shown that young people are not able to understand and appreciate the right to remain silent and the other rights that are part of the Miranda warnings police must recite before an interrogation. The

#Right2RemainSilent bill will ensure that children consult with an attorney before deciding to waive those rights and will help to prevent false confessions and wrongful convictions,” said **Susan Bryant, Executive Director, New York State Defenders Association**. “We join with young people around the state and our coalition partners to urge the Legislature to make this bill a priority this session and call on the Governor to sign it when it passes.”

“I wholeheartedly support the #Right2RemainSilent Act, crucial legislation ensuring that every young New Yorker has access to legal counsel before being subjected to police interrogation. This bill acknowledges the inherent vulnerability of our youth, especially those from marginalized communities, who may be coerced into making uninformed decisions. By mandating legal consultation prior to interrogation, we uphold the principles of fairness and justice for all children in our state. Let's prioritize the passage of the #Right2RemainSilent Act to safeguard the rights of our youth and prevent wrongful convictions,” said **Senator Nathalia Fernandez**.

“Assemblyman Jeffrey Dinowitz said: As an advocate for the well-being and fair treatment of our youth, I support A.8923, a crucial amendment to interrogation procedures for children. By providing enhanced protections and more precise guidelines for the custodial interrogation of minors, this legislation prioritizes their rights and safeguards their dignity during vulnerable encounters with law enforcement. Extending these protections to sixteen- and seventeen-year-olds also recognizes their developmental stage and ensures appropriate treatment within the justice system.”

“New York 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. We urge lawmakers to take children’s rights seriously and enact the Youth Interrogation Act this session.”

“Protecting our children should be second nature. If there's any law, policy, or rule that undermines the voice of a young mind, that law is like a nuclear bomb erupting because it's going to affect this child in so many ways. When it comes to our greatest resource, we need cultivation. We need more protection. We need more care and concern. We are rejecting the humanity in our children when we don't protect them more. Let's pass this bill NOW!” said **Jose A. Perez, YouthNPower: Transforming Care**.

Assemblyman Steve Otis said, “Under our constitution and laws, every individual has the right to remain silent. Children are most vulnerable to unknowingly forfeiting this right and require clear protections to make sure their constitutional rights are in place. This legislation is an important advance in protecting those interests.”

Background:

The #Right2RemainSilent 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. The Coalition issued a [letter](#) in December signed by 85 organizations throughout New York calling on the Legislature to pass #Right2RemainSilent. In addition, the New York City Council passed a

[resolution](#) in December calling upon the State Legislature and the Governor to enact this critical measure, and Westchester County called for enactment in its bipartisan 2023 [Joint State Legislative Package](#).

The legislation is sponsored by Senator Jamaal Bailey and Assembly Member Andrew Hevesi, and has 32 sponsors in the Senate – over 50% of its 63 members – 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 Latinx youth who are too often the targets of police interrogation, have the benefit of an attorney when questioned by police, protecting their right to remain silent.

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