



Legislation Text

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Res. No. 1378

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S4980A/A6982, an act to amend the family court act and the criminal procedure law in relation to the custodial interrogation of juveniles by law enforcement.

By The Public Advocate (Mr. Williams)

Whereas, In 2017, over 20,000 juveniles, those under 18-years-old, were arrested on felony and misdemeanor offenses in New York City, according to the Mayor's Office of Criminal Justice; and

Whereas, Each juvenile arrest can, and more often than not, does lead to a custodial interrogation; and

Whereas, State law requires police to immediately notify the parent after an arrest of a juvenile and prior to any questioning, but the parent is not required to attend the interrogation; and

Whereas, Once an interrogation is initiated, law enforcement must read and provide juveniles a copy of the *Miranda* warning, apprising juveniles of their right to remain silent and obtain legal counsel; and

Whereas, Under state law, juveniles arrested for an offense may voluntarily waive their *Miranda* protection without guidance from legal counsel; and

Whereas, A waiver of *Miranda* without guidance from legal counsel is used as a tool for law enforcement to encourage confession while undermining the best interest of the accused child; and

Whereas, *Miranda* waivers obtained without the presence of legal counsel or a parent during the interrogation of juveniles, especially those under 14-year-old, is morally reprehensible given their limited experience and cognitive capacity; and

Whereas, A main aspect of the Exonerated Five (formerly Central Park Five) case had to do with the coerced and false confessions of five young Black and Latino men, between the ages of 14 and 16, that led to

their wrongful convictions; and

Whereas, The *U.S. Supreme Court* has long recognized that juveniles are more susceptible to police coercion than adults and more in need of legal counsel while facing police interrogation as a result of their youthfulness; and

Whereas, S4980A, introduced by State Senator Jamaal Bailey, and A6982, introduced by State Assembly Member Latoya Joyner, would amend the family court act to make it clear that police are required to immediately notify parents that their child will be taken into custody before taking the child into custody and would amend the criminal procedure law to require that persons under 18-years-old consult with counsel before being subjected to custodial interrogation; and

Whereas, If adopted, the bill would be more protective of juveniles than existing laws by ensuring that any *Miranda* waiver is given genuinely knowing, voluntary, and intelligently; and now, therefore, be it

RESOLVED, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, S4980A/A6982, an act to amend the family court act and the criminal procedure law in relation to the custodial interrogation of juveniles by law enforcement

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