



Legislation Text

File #: Res 0473-2023, **Version:** *

Res. No. 473

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S1099/A1963 which would protect youth during custodial police interrogation.

By Council Members Cabán, Hanif, Hudson, Richardson Jordan, Stevens, Riley, Krishnan, Brooks-Powers, Barron, Avilés, Williams, Sanchez and Won

Whereas, Youth under the age of 18, under certain circumstances, are subject to similar conditions as adults with regard to pre-arraignment detention; and

Whereas, In New York, youth can be arrested, taken for questioning, encouraged to waive their rights, and interrogated using sophisticated tactics designed to draw out a confession; and

Whereas, Reports indicate interrogations can sometimes involve remaining in police custody for more than 24 hours without a parent or guardian or access to legal counsel; and

Whereas, Experts report that brain neural regions responsible for decision making and for managing emotional or stressful situations socioemotionally are among the last to fully develop in youths; and

Whereas, This developmental immaturity reportedly makes youths more likely to act impulsively, make decisions based on emotion, and prioritize short-term rewards over long-term consequences; and

Whereas, As a result, youths are uniquely vulnerable to unknowingly, unintelligently, or involuntarily waiving their Miranda rights and providing unreliable confessions; and

Whereas, Analyses of Miranda warnings indicate they typically include language too complicated for youths to understand, even when written explicitly with children in mind, and the majority of justice-involved

youth have serious misunderstandings of at least one critical vocabulary word in the Miranda warning; and

Whereas, Many youths have, at best, a very vague sense of what an attorney does or how having one might be helpful when talking with police; and

Whereas, Even if an adolescent understands their rights, research shows that adolescent brains are too immature to make sound decisions about whether to waive their rights; and

Whereas, Youth are likely to prioritize appeasing authority figures and are susceptible to saying what they believe police want to hear; and

Whereas, According to *Behind Closed Doors: What Really Happens When Cops Question Kids*, over 90% of youth waive their Miranda rights, and once they do, are substantially more at risk for giving a false confession than are adults; and

Whereas, New York state recently enacted legislation requiring videotaping of youth interrogations, but this is insufficient as a safeguard because recording does not help youth understand their rights or prevent them from giving false confessions, nor does it prevent wrongful convictions based on false confessions; and

Whereas, While New York's Raise the Age law mandates immediate parental notification that youth have been arrested and the location where they are being detained, this safeguard has proven ineffective in practice; and

Whereas, S1099 sponsored by Senator Bailey and A1963 sponsored by Assemblymember Joyner would, among other items, prohibit the police from questioning anyone under 18 before the person has consulted with an attorney and if the child were questioned before an attorney was present, their statement would be inadmissible in court; and

Whereas, S1099/A1963 also requires officers to contact parents before a child can be moved from the

location of their arrest; and

Whereas, Youth who have contact with the criminal justice system are disproportionately poor, Black and Hispanic, more likely to have a developmental disability or mental health condition, and be disconnected from school, thus these pressured split-second and uncounseled decisions can have irrevocable consequences that will impact the young person for life; 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, S1099/A1963 which would protect youth during custodial police interrogation.

CMB
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