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Res. No. 1067

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation requiring a mental health professional be present when juveniles are being interrogated by the police.

By Council Members Salaam and Brannan

Whereas, Extensive research spanning three decades conducted by psychologists, sociologists, and neurologists underscores the inherent limitations in children's comprehension of their Miranda rights; and

Whereas, Even under controlled circumstances, children lack the cognitive capacity to fully grasp the implications of the right to remain silent and the consequences of waiving that right; and

Whereas, The stress and tension inherent in custodial interrogations further exacerbate children's difficulties in understanding and exercising their legal rights; and

Whereas, Under current New York law, juveniles are subjected to interrogation without the presence of a parent or guardian, exposing them to potential coercion and manipulation; and

Whereas, According to *New York City Bar*, there is no requirement for police to facilitate a meeting between the minor and their parent or guardian prior to the reading of Miranda rights, hindering a juvenile's ability to make informed decisions; and

Whereas, According to the Legal Aid Society, NYPD police officers are not obligated to provide clarity on the nature of the interrogation to a juvenile and their parent or guardian, nor inform of their right to cease questioning at any time, leading to confusion and potential abuses of power; and

Whereas, According to the Office of Juvenile Justice and Delinquency Prevention and to The School-To

-Prison Pipeline; Structuring Legal Reform, nationally, between 65-70% of youth involved with the juvenile legal system meet the requirements for a disability; and

Whereas, Furthermore, the majority of these juveniles have, not just one, but multiple disorders calling for the crucial need of a licensed mental health professional provided to a juvenile being interrogated by police; and

Whereas, Ensuring the presence of legal representation and mental health professionals during juvenile custodial interrogations can help protect the rights, mental health, and overall welfare of juveniles, ensuring that their voices are heard and their best interests are represented; and

Whereas, It is imperative to strengthen legal protections for juveniles by enacting legislation that explicitly requiring a mental health professional be present during police interrogations of juveniles; and

Whereas, City Council recognizes the fundamental importance of safeguarding the rights and well-being of all individuals, particularly juveniles, within our criminal justice system; now therefor 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, legislation requiring a mental health professional be present.

CMB
LS#16161
5/16/24