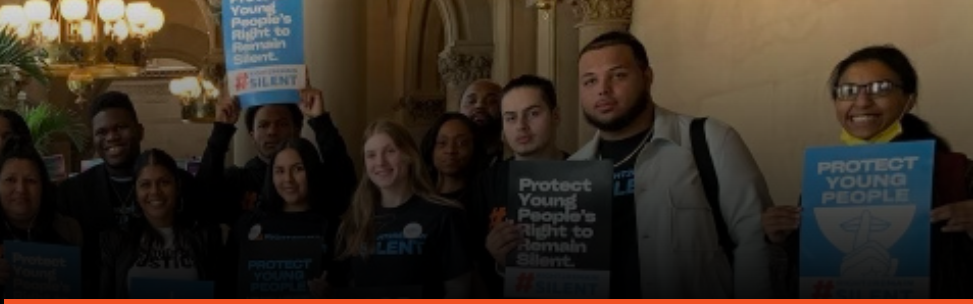


# PROTECT YOUNG PEOPLE'S #RIGHT2REMAIN #SILENT

S.1099 (Bailey) / A.1963 (Joyner)



## New York State must end police interrogation of children without consultation with a lawyer

Millions of children under 18 come in contact with police every year. Young people often waive their *Miranda* rights because they do not understand the consequences of the waiver or are coerced by the police or urged to by their parents. New York's infamous wrongful conviction of five innocent teenagers--the Exonerated 5--serves as a reminder of the dire need to safeguard due process protections and the rights of children.

Approximately  
**90%**  
of young people  
interrogated by police waive  
their *Miranda* rights<sup>1</sup>

**Black & Latinx children  
are most likely**  
to come in contact with the police due to  
over-surveillance in low-socioeconomic  
schools and communities<sup>2</sup>

Young people are  
**3 times**  
more likely to falsely  
confess than adults<sup>3</sup>

### Under Current New York Law:

- ✗ Police are allowed to interrogate a child without a parent or guardian present.
- ✗ Police are allowed to lie to coerce a child to waive their *Miranda* rights.
- ✗ Police are not required to allow a child to meet with their parents before the police read the child their *Miranda* rights.
- ✗ Police are not required to explain to the child what they want to question them about.
- ✗ Police do not have to tell the child that they can stop answering questions at any time.

### New York Law Under #Right2RemainSilent:

- ✓ Protect a child's right to remain silent by requiring consultation with a lawyer to ensure they understand their rights and the consequences of waiving them.
- ✓ After the police take a child into custody, if they determine interrogation is necessary, it would be mandatory that the child first consult with a lawyer before any questioning can take place.
- ✓ Consultation with a lawyer would be a non-waivable requirement. Any statement taken in violation of this requirement could not be entered into evidence against the child.



Contact your  
representative

**NEW YORK MUST PASS  
S. 1099 (BAILEY) / A. 1963 (JOYNER)  
PROTECT OUR YOUNG PEOPLE'S  
#Right2RemainSilent**



Sign up and  
get involved

1- Laird, Lorelei. "Police Routinely Read Juveniles their Miranda Rights, But Do Kids Really Understand Them." American Bar Association. August 2016.

2- "Racial and Ethnic Disparities in Juvenile Justice Processing: Literature Review: A product of the Model Programs Guide." Office of Juvenile Justice and Delinquency Prevention. March 2022.

3- Elinson, Zusha. "False Confessions Dog Teens: Protocols Proposed to Protect Youth Who Admit to Crimes They Didn't Commit." The Wall Street Journal. September 2013.

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<https://bronxconnect.org/right2remainsilent/>