

Memorandum in Support: NASW-NYS/NYC supports the passage of the Right to Remain Silent Bill (A.8923-A/S.1099-A)

The National Association of Social Workers is the professional organization for social workers across the country. The New York State and New York City chapter (NASW-NYS/NYC) is responsible for advocating for the nearly 62,000 licensed social workers in the state as well as their clients. NASW-NYS/NYC strongly supports Assembly and Senate bill A.8923-A/S.1099-A. Passage of this bill would ensure children are protected during custodial police interrogations in New York State and would establish stronger definitions for procedures required for such a process.

The #Right2RemainSilent (#R2RS) bill would require that before a child under 18 is subjected to custodial interrogation, they must consult with an attorney — either by phone, video, or in person -- before waiving the right to remain silent.

The proposed amendment to the New York Family Court Act is necessary because adolescent brain science makes clear that young people cannot adequately weigh and understand the long term consequences of waiving their Miranda rights. It would address racial and economic disparity because more affluent families already hire lawyers to invoke their children's Miranda rights, but low income families do not have the ability to do so. Critically, the bill would reduce false confessions among children. Currently, children are wrongfully convicted based on false confessions more than three times as often as adults. This imposes an unacceptable human cost as well as costing NYS citizens millions of dollars in compensatory damages to exonerees.

False confessions are the leading cause of wrongful convictions. The ethical and professional responsibilities of social workers are aligned with strengthening the right to remain silent and to protect children from interrogation without proper guidance and legal counsel. Every family should be informed of their rights when interacting with the court system. The proposed amendment to the Criminal Procedure Law and Family Court Act is consistent with credible research on adolescent development and juvenile understanding of Miranda Rights.

Approximately 90% of young people interrogated by police waive their Miranda Rights. Rights can only be meaningful if they are understood and respected by both government officials and the communities they serve. A.8923-A/S.1099-A is a critical first step towards making that a reality.

For all of the above reasons, the NASW-NYS/NYC Chapter enthusiastically supports
A.8923-A/S.1099-A.

Signed,

The National Association of Social Workers, New York State Chapter



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