

Young people under arrest need legal protection



In 1989, the "Central Park Five" confessed to the infamous rape of the Central Park jogger. On Dec. 19, 2002, the N.Y. Supreme Court vacated their convictions.



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The interrogation room is cramped and windowless. The police officer sitting across from the teenager and his mother begins to read the teen his Miranda rights. The words flow easily, familiar to anyone who has ever watched a police TV drama: "You have the right to remain silent."

After the officer asks the teen if he is willing to answer questions without a lawyer present, the teen hesitates. "No," he says haltingly. The interrogation should have ended right then and there.

Minutes later, the officer returns and directs his questions at the boy's mother.

"Do you want to ask him what's going on?"

"Talk to him."

"Anything you want to talk about, Mom? Anything you want to ask him?"

Even though the teen invoked his right to remain silent, the officer coerces the mother to act as interrogator. This incident, [captured on tape](#) in a 2021 youth interrogation by the New York Police Department, highlights the vital need for competent legal counsel from the moment of arrest — especially for youth.

The U.S. Constitution, through the [Sixth](#) and [14th Amendments](#), guarantees the right to counsel. This protection is vital, not merely procedural, safeguarding against the manipulation of

vulnerable youth within the justice system. Research by the Innocence Project reveals that 25% of wrongfully convicted teens aged 16 to 17 falsely confessed to crimes. This number rises to 69% for those aged 12 to 15, underscoring the importance of accessible legal counsel to prevent these miscarriages of justice.

Currently, 15 states, including New York, have legislation pending to enhance legal protections for the young, particularly during police interrogations. Recognizing that youth are particularly susceptible to being coaxed into confessing to crimes they did not commit, states like California, Maryland, and Washington have made strides by requiring minors to consult with an attorney before waiving their Miranda rights.

These measures aim to dismantle the barriers that have historically led to wrongful convictions by mandating clearer Miranda warnings, prohibiting deceptive interrogation tactics, and insisting that interrogations be recorded.

New York's proposed [Youth Interrogation Bill \(S1099/A1963\)](#), sponsored by state Sen. Jamaal Bailey and Assemblyman Andy Hevesi, underscores the necessity of legal counsel prior to any police interrogation of minors. Crucially, it seeks to prevent parents, under duress, from inadvertently waiving their child's rights, as illustrated by the example above when an NYPD officer coerces a teen to talk during an interrogation by using the minor's mother.

Parents often face undue pressure to make legal decisions on behalf of their children without adequate legal knowledge or understanding of the consequences. Without the additional guardrails provided by the Youth Interrogation Bill, we are leaving youth and their parents open to exploitation. This bill is not only a legislative necessity but a moral imperative to prevent the mistreatment of minors by law enforcement.

New Yorkers have a unique understanding of the need for youth legal protection. This year marks 35 years since five Black and Latino teenagers, later dubbed the "[Central Park Five](#)," were falsely accused and wrongly convicted of assault, attempted murder, and rape of a woman jogging in Central Park.

In 2002, the men, now called the Exonerated Five, had their convictions overturned following a guilty confession and a DNA match from the real culprit. The 2019 TV series "[When They See Us](#)" by Ava DuVernay brought to light the coercive tactics that led to their false confessions as teenagers.

The harrowing experience of the Exonerated Five is the most notorious example of youth legal coercion, but it isn't the only one. As a lifelong advocate for justice, I've witnessed the devastating effects of inadequate legal representation on vulnerable populations, especially children. Drawing from my decades of human rights work and my father, Sen. Robert F. Kennedy's legacy, I've also seen firsthand how policies can shape lives.

One of our core missions at Robert F. Kennedy Human Rights to reduce the size, scope, and power of mass incarceration in the U.S. cannot be accomplished without legislation that protects those at risk of abuse by the criminal legal system — in this case, children.

As we continue to champion these changes, let us remember that each case involves a human being who deserves the full protection of our laws. Let's not allow another generation to suffer due to our failure to act. The time for reform is now, ensuring that all children have the legal defense they desperately need to navigate the complexities of our legal system. By securing these rights, we can protect future generations from the irreversible impacts of wrongful convictions.

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