

Memorandum Urging Approval

COMMITTEE ON CHILDREN AND THE LAW

Children #27-GOV

November 19, 2020

S. 6533
A. 7970

By: Senator Montgomery

By: M. of A. Frontus

Senate Committee: Finance

Assembly Committee: Ways and Means

Effective Date: First of November in the year next succeeding the year in which this act shall have become a law.

AN ACT to amend the family court act, in relation to video recording of interrogations of juveniles in juvenile delinquency proceedings in family court.

LAW AND SECTIONS REFERRED TO: Section 305.2 of the family court act.

THE COMMITTEE ON CHILDREN AND THE LAW SUPPORTS THIS LEGISLATION AND URGES ITS APPROVAL

The New York State Bar Association's Committee on Children and the Law has long advocated for this legislation, and joins in the support of the Office of Court Administration, The Legal Aid Society, and others to urge its signing.

There is a widespread recognition, stemming in part from the exoneration of the youth in the Central Park Jogger case, that custodial interrogations can result in false and coerced confessions. These concerns are particularly acute when the subject of police interrogation is a child. Children do not have the life experience, the maturity level, nor the understanding of the circumstances that surround police interrogations. They likely do not understand that there are Constitutional safeguards available to all citizens, and therefore, not have the judgment to invoke them.

Awareness of the pitfalls surrounding juvenile interrogations is reflected in statutes and court rules designed to protect children. This proposed legislation seeks to strengthen these protections. Audio-visual recording is now part of everyday life. Implementation of this legislation would be relatively inexpensive and simple to use and incorporate into existing conditions under which juveniles are interrogated.

Based on the forgoing, the NYSBA's Committee on Children and the Law **SUPPORTS THIS LEGISLATION AND URGES ITS APPROVAL** by the Governor.