



## OFFICE OF THE GOVERNOR

SEP 30 2016

To the Members of the California State Senate:

I am returning Senate Bill 1052 without my signature.

This bill would require -- in almost all cases -- that a youth under 18 must consult an attorney before a custodial interrogation begins.

This bill presents profoundly important questions involving the constitutional right not to incriminate oneself and the ability of the police to interrogate juveniles. Ever since 1966, the rule has been that interrogations of criminal suspects be preceded by the *Miranda* warning of the right to remain silent and the right to have an attorney.

In more cases than not, both adult and juvenile suspects waive these rights and go on to answer an investigator's questions. Courts uphold these "waivers" of rights as long as the waiver is knowing and voluntary. It is rare for a court to invalidate such a waiver.

Recent studies, however, argue that juveniles are more vulnerable than adults and easily succumb to police pressure to talk instead of remaining silent. Other studies show a much higher percentage of false confessions in the case of juveniles.

On the other hand, in countless cases, police investigators solve very serious crimes through questioning and the resulting admissions or statements that follow.

These competing realities raise difficult and troubling issues and that is why I have consulted widely to gain a better understanding of what is at stake. I have spoken to juvenile judges, police investigators, public defenders, prosecutors and the proponents of this bill. I have also read several research studies cited by the proponents and the most recent cases dealing with juvenile confessions.

After carefully considering all the above, I am not prepared to put into law SB 1052's categorical requirement that juveniles consult an attorney before waiving their *Miranda* rights. Frankly, we need a much fuller understanding of the ramifications of this measure.

In the coming year, I will work with proponents, law enforcement and other interested parties to fashion reforms that protect public safety and constitutional rights. There is much to be done.

Sincerely,

A handwritten signature in black ink, appearing to read "Edmund G. Brown Jr.", with a stylized flourish at the end.

Edmund G. Brown Jr.