§ 344.2. Rules of evidence; statements of respondent; corroboration.

1. Evidence of a written or oral confession, admission, or other statement made by a respondent with respect to his participation or lack of participation in the crime charged, may not be received in evidence against him in a juvenile delinquency proceeding if such statement was involuntarily made.

2. A confession, admission or other statement is "involuntarily made" by a respondent when it is obtained from him:

(a) by any person by the use or threatened use of physical force upon the respondent or another person, or by means of any other improper conduct or undue pressure which impaired the respondent's physical or mental condition to the extent of undermining his ability to make a choice whether or not to make a statement; or

(b) by a public servant engaged in law enforcement activity or by a person then acting under his direction or in cooperation with him:

(i) by means of any promise or statement of fact, which promise or statement creates a substantial risk that the respondent might falsely incriminate himself; or

(ii) in violation of such rights as the respondent may derive from the constitution of this state or of the United States; or

(iii) in violation of section 305.2.

3. Where a respondent is subject to interrogation by a public servant at a facility specified in subdivision four of section 305.2 of this article, the entire custodial interrogation, including the giving of any required advice of the rights of the individual being questioned, and the waiver of any rights by the individual, shall be recorded and governed in a manner consistent with standards established by rule of the division of criminal justice services pursuant to paragraph (e) of subdivision three of section 60.45 of the criminal procedure law. The interrogation shall be recorded in a manner such that the persons in the recording are identifiable and the speech is intelligible. A copy of the recording shall be subject to discovery pursuant to section 331.2 of this article.

4. A child may not be found to be delinquent based on the commission

of any crime solely upon evidence of a confession or admission made by him without additional proof that the crime charged has been committed.