

SUPPORT HB 0169 Custodial Interrogation of Minors - Admissibility of Statements

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



To: Chair Delegate Luke Clippinger and Judiciary Committee Members Feb 6, 2024
From: Jenny Zito and Bill Carlson, MAJR Executive Committee

The Maryland Alliance for Justice Reform (MAJR - www.ma4jr.org) strongly supports HB 0169 Custodial Interrogation of Minors - Admissibility of Statements.

Interrogation procedures in most states allow the interrogators to lie to suspects, and this practice can include false statements that someone else has implicated the suspect or that there was DNA evidence at the crime scene. The practice of deception has been shown to be a frequent contributing factor to the false confessions of juveniles that have later been exonerated because of DNA evidence or the confession of the actual perpetrator. One study reports the rate of false confessions by juveniles to be three times higher than the rate for adults; according to an NIH publication, 94% of confession experts recognize youth as a risk factor for false confessions, although lay people do not. See Youth as a Risk Factor for False Confession, NIH Library of Medicine, 6/16/2020.

A famous case in New York state in 1989 was the false confessions of five black juveniles, now known as the Exonerated Five and previously known as the Central Park Five, under deceptive interrogation practices. Thirteen years later a known rapist confessed to the crime and his DNA was found to match the DNA of the rape kit sample. California, Connecticut, Delaware, Illinois, Indiana, Oregon, and Utah have all enacted laws prohibiting police from using deceptive interrogation tactics on minors. It is time for Maryland to join these states by passing HB 0169. Links to the bills from states and a synopsis of their effects can be found at <https://ma4jr/Juvenile-Interrogation>.

HB0169 is an excellent enhancement to the 2022 Child Interrogation Protection Act (CIPA), which MAJR supported. We support the provision in HB0169 that make minor's statements inadmissible if interrogators were intentionally deceptive and the provision under which statements can be used if shown by clear and convincing evidence that they were actually voluntary.

The Maryland Alliance for Justice Reform (MAJR) is a nonpartisan, all-volunteer organization of nearly 2000 Marylanders who advocate for sensible evidence-based legislative and policy changes in Maryland's correctional practices. MAJR thanks you for the opportunity to provide input on this important legislation and urges the committee to give HB 0169 a favorable report.