



INNOCENCE PROJECT

Mid-Atlantic Innocence Project & Innocence Project
Testimony Supporting House Bill 269
House Judiciary Committee
Maryland General Assembly
Wednesday, February 2nd, 2022

The Mid-Atlantic Innocence Project and the Innocence Project work to prevent and address the causes of wrongful convictions in Maryland. House Bill 269 would provide important protections against the wrongful conviction of children in Maryland and our organizations respectfully request that the Judiciary Committee give a favorable report.

One of the most counterintuitive aspects of human behavior is the decision to self-incriminate, and in particular, to do so falsely. While many understandably believe a false confession is anomalous, we have discovered through DNA-based exonerations that it is a frequent contributing factor to wrongful convictions. In fact, it is the most common contributing factor among homicide exonerations--and present in 30% of all exonerations--proven through DNA. Of those cases, 49% of the false confessors were 21 years old or younger at the time of the arrest.¹

The decision to falsely confess to a crime is perfectly rational given certain the circumstances of the interrogation. Through examination of the cases of exonerees, innocent people have been found to falsely confess for a range of reasons, including:

- Real or perceived intimidation by law enforcement;
- Compromised reasoning ability due to exhaustion, stress, hunger, substance use, and other factors;
- Legal, but deceptive interrogation tactics, such as law enforcement making untrue statements about the presence of incriminating evidence or their ability to provide leniency; and,
- Fear that refusing to confess will yield a harsher punishment.

These factors are even more intense when the person being interrogated is underage. One leading study of 125 proven false confession cases found that 63% of false confessors were under the age of twenty-five and 32% were under eighteen.² Another respected study of 340 exonerations found that juveniles under the age of eighteen were three times as likely to falsely confess as adults.³ Leading law enforcement organizations, such as the International Association of Chiefs

¹<https://innocenceproject.org/dna-exonerations-in-the-united-states/>

² Steven A. Drizin & Richard A. Leo, *The Problem of False Confessions in the Post-DNA World*, 82 N.C. L. REV. 891, 907-08 (2004).

³ SAMUEL R. GROSS & MICHAEL SHAFFER, *THE NAT'L REGISTRY OF EXONERATIONS, EXONERATIONS IN THE UNITED STATES, 1989-2012*, at 58, 60 (2012).



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of Police, also agree that children are particularly likely to give false confessions during the pressure-cooker of police interrogation.⁴

In the notorious case of the Exonerated 5 in New York City, factually innocent children broke down and confessed after the police misrepresented that their friends and associates not only confessed but also implicated them in the crime. Troublingly, judges and juries uncritically believe confessions since, historically, it was nearly impossible to discern a true confession from a false one. In Maryland, coerced statements from juveniles during police questioning have also contributed to wrongful convictions, including the “Harlem Park Three” case in Baltimore.

The Harlem Park Three

[Andrew Steward](#), [Ransom Watkins](#), and [Alfred Chestnut](#) (whose case became known as “The Harlem Park Three”) were teenagers when they were convicted of the 1983 killing of a student at Baltimore’s Harlem Park Junior High School.

Arrested on Thanksgiving morning, the police interrogated the boys for hours without their parents. They maintained their innocence the entire time. One of the officers told Ransom Watkins “You have two things against you--you’re Black and I have a badge.”

The conviction was ultimately secured with testimony from four students who claimed to have seen Chestnut, Stewart and Watkins commit the crime. Initially, they had reported seeing one person shoot the victim, but eventually identified the three boys after being subjected to harsh police questioning.

In 2019, the Harlem Park Three were exonerated after a reinvestigation by the Baltimore City State’s Attorney’s Conviction Integrity Unit, the Mid-Atlantic Innocence Project, and the University of Baltimore Innocence Clinic. The four teenage witnesses who implicated Chestnut, Stewart, and Watkins all recanted, saying they were pressured by police to change their initial, truthful stories — that one person committed the crime — and instead identify the three boys.

As Alfred Chestnut said in his own words: “The detectives pressured other kids to say that they saw us commit the crime and hid the statements from witnesses who said they saw a different person do the shooting. This wasn’t the first time the detectives did these things, and it probably wasn’t the last. We were just three poor Black boys who didn’t have the money or power to fight back. The detectives that caused us so much suffering never faced any consequences. I don’t want anyone else to have to go through what we did and that’s why I’m speaking out.”

Juvenile False Confessions

While false confessions are not limited to children, their vulnerability demands better protection under Maryland law. Children do not have the mental maturity to judge the consequences of

⁴ <https://www.theiacp.org/resources/document/reducing-risks>



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confessions in the way adults do – and yet, even adults are highly susceptible to the pressures that elicit false confessions. Children are more likely to focus on the immediate potential outcomes of making a false confession, such as going home, rather than the long-term legal implications. They may also be inclined to please authority and are more susceptible to leading questions, threats of punishment, and other forms of manipulation.

The Safety Risk of Wrongful Convictions

Often, opponents of reforms such as these raise the concern that these types of processes will harm their ability to identify the perpetrators in the most egregious cases. However, these arguments ignore the real harm caused by wrongful convictions and their implication for public safety.

The wrongfully convicted and their families suffer incalculable losses and trauma. Victims and their families do not receive justice and have to relive their trauma. Communities lose valuable members, continue to experience crimes committed by the real perpetrator, and lose already scarce trust in law enforcement. Further, it is in the most egregious cases that these types of protections are needed to avoid the ramifications of misidentification. Of the first 375 exonerations based on DNA evidence, the true perpetrators were subsequently detected in 50% of those cases. These 165 people committed an additional 154 violent crimes while an innocent person took their place in prison.

While reforms such as these may seem to put barriers in place to apprehending and prosecuting criminals, they in fact protect us against the mistakes that can cause wrongful convictions and leave our communities vulnerable. For these reasons, the Mid-Atlantic Innocence Project and the national Innocence Project support HB 269 and respectfully request a favorable report by the Judiciary Committee. This legislation will better protect children and lead to a safer Maryland.

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