



MARYLAND LEGISLATIVE LATINO CAUCUS

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TO: Delegate Luke Clippinger, Chair
Delegate David Moon, Vice Chair
Judiciary Committee Members

FROM: Maryland Legislative Latino Caucus

DATE: February 14th, 2023

RE: HB0076 Custodial Interrogation of Minors – Admissibility of Statements

The MLLC supports HB0076 Custodial Interrogation of Minors – Admissibility of Statements, 2023

The MLLC is a bipartisan group of Senators and Delegates committed to supporting legislation that improves the lives of Latinos throughout our state. The MLLC is a crucial voice in the development of public policy that uplifts the Latino community and benefits the state of Maryland. Thank you for allowing us the opportunity to express our support of HB0076.

Law enforcement can legally lie to you during an interrogation and young people are especially vulnerable to these tactics.¹ Officers may lie about evidence they have to pressure you into confessing to a crime they believe you have committed - even if you are innocent.² This happened in the infamous case of the Exonerated Five (previously known as the Central Park Five).³ Of the 375 DNA exonerations the Innocence Project has recorded, false confessions contributed to 29% of wrongful convictions.⁴ Young people are especially vulnerable to falsely confessing under the pressure of deception because the parts of the brain that are responsible for future planning, judgment, and decision-making are not fully developed until a person reaches their mid-twenties.⁵ Of the 268 exonerees who were wrongly convicted as children, 34% falsely confessed.⁶

Of the 410 Latinos who have been wrongfully convicted and exonerated since 1989, 49 had given false confessions.⁷ Innocent Latinos are uniquely vulnerable to wrongful conviction because of concerns over immigration status, where immigrants are more vulnerable to pleading guilty to crimes they didn't commit under threat of deportation.⁸ There is evidence of law enforcement officers who have used witnesses' immigration statuses to manipulate their

¹ Selby, D. (2022, June 7). *Five Facts About Police Deception and Youth You Should Know*. Innocence Project. <https://innocenceproject.org/police-deception-lying-interrogations-youth-teenagers/>.

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Newkirk Center for Science & Society. (n.d.). *Exoneration Detail List*. The National Registry of Exonerations. <https://www.law.umich.edu/special/exoneration/Pages/detaillist.aspx?View=%7BFAF6EDDB-5A68-4F8F-8A52-2C61F5BF9EA7%7D&FilterField1=Race&FilterValue1=Hispanic>.

⁸ Selby, D. (2020, October 7). *Why Latinx people are uniquely vulnerable to wrongful conviction*. Innocence Project. <https://innocenceproject.org/how-wrongful-conviction-impacts-latinx-latino-hispanic-communities/>.

testimony.⁹ Additionally, while courts provide interpreters at trial, there is no constitutional right to an interpreter during an interrogation by law enforcement.¹⁰ Often, if one is provided during an interrogation, the translator is typically an officer who happens to speak the language, rather than a trained interpreter and translator.¹¹ As a result, Latinos can be more vulnerable to false confessions. About 40% of Latinx exonerees who falsely confessed to crimes said that they “did not fully understand spoken English,” according to the study published in the UCLA Law Review.¹² Immigration status and language barriers are concerns for Latinos of all ages.

This bill establishes a certain rebuttable presumption that a statement made by a minor during a custodial interrogation is involuntary and is inadmissible in a juvenile or criminal proceeding against the minor under certain circumstances, including if the law enforcement officer intentionally used information known by the officer to be false in order to elicit the statement. Thus, this bill will protect Latino youth from being jailed after giving false confessions, especially when deceived by law enforcement interrogators.

For these reasons, the Maryland Legislative Latino Caucus respectfully requests a favorable report on HB0076.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.