



SB512 - Custodial Interrogation of Minors - Admissibility of Statements
February 7, 2025
Senate Judicial Proceedings
Position: FAVORABLE

Maryland Legal Aid (MLA) submits written and oral testimony on SB512.

MLA urges the Committee's favorable report on SB512. MLA serves residents in each of Maryland's 24 jurisdictions providing free legal services to the State's low-income and vulnerable residents in a range of civil legal matters. MLA is Maryland's largest civil non-profit law firm, representing vulnerable young people in Child in Need of Assistance (CINA) matters across the State.

SB512 seeks to establish a rebuttable presumption that a minor's statement during a custodial interrogation is involuntary and inadmissible in a juvenile or criminal proceeding against the minor, if the law enforcement officer intentionally used information known by the officer to be false to elicit the statement under certain circumstances.

There is an inherent power imbalance when police interrogate children, and the potential for false confessions leads to a miscarriage of justice. Children are still developing emotionally, cognitively, and psychologically, making them particularly vulnerable. MLA's CINA clients in particular have been abused and neglected and may have mental and emotional disabilities. Lying to children during interrogations can manipulate them and coerce a confession, even if they are innocent. Children may not fully comprehend that these interrogation tactics are designed to elicit confessions and not meant to help them.

Furthermore, children are more susceptible to stress, anxiety, and pressure in police interrogations and may lie to end the interrogation and escape the perceived immediate threat. Studies have shown that children are more likely to be influenced by deceptive tactics like false evidence or threats, as they often trust authority figures like the police.¹ Additionally, there is racial inequity inherent in false confessions, as Black suspects are overrepresented in the

¹ Megan Crane, Laura Nirider, & Steven A. Drizin, *The Truth About Juvenile False Confessions*, INSIGHTS ON L. & SOC'Y, Winter 2016; Brian R. Gallini, *Police "Science" in the Interrogation Room: Seventy Years of Pseudo-Psychological Interrogation Methods to Obtain Inadmissible Confessions*, 61 HASTINGS L.J. 529 (2010); "In a survey of confession experts, 94% agreed that youth is a risk factor for false confession, but only 37% felt that jurors understand this." *Do laypeople recognize youth as a risk factor for false confession? A test of the 'common sense' hypothesis*. Psychiatry Psychological Law. 2020 Jun 16;28(2):185–205. doi: 10.1080/13218719.2020.1767717
<https://pmc.ncbi.nlm.nih.gov/articles/PMC8547885/>.

samples of false confessors compared to White suspects..² Allowing lies in interrogation could lead to wrongful convictions of children, thereby harming them.

Lying to children in interrogations undermines the integrity of the justice system and goes against principles of fairness and justice. Police should engage in practices that facilitate the preservation of accuracy in confessions and safeguard the child's well-being.

Maryland Legal Aid urges the Committee to issue a FAVORABLE report on Senate Bill 512 and urge its ultimate passage. If you have any questions, please contact: Erica I. LeMon, Advocacy Director for Children's Rights at elemen@mdlab.org (410) 951-7648 or (410) 935-0937.

² "One possible explanation is that innocent Black suspects experience stereotype threat in interrogations and that this threat causes Black suspects to experience more arousal, self-regulatory efforts, and cognitive load compared to White suspects. These psychological mechanisms could lead innocent Black suspects to display more nonverbal behaviors associated with deception and, ironically, increase the likelihood that police investigators perceive them as guilty. In response, investigators might engage in more coercive tactics and exert more pressure to confess on Black suspects than White suspects. This could increase the need to escape interrogation and the likelihood of doing so by confessing falsely more for Blacks than for Whites." Najdowski, Cynthia, *Stereotype Threat in Criminal Interrogations: Why Innocent Black Suspects are at Risk for Confessing Falsely* (2011). Psychology, Public Policy, and Law, 2011, Vol. 17, No. 4, 562–591, Available at SSRN: <https://ssrn.com/abstract=3198878>
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