

Testimony of Steven Drizin in Opposition to MD House Bill 622

This written testimony is submitted by Professor Steven Drizin, Director of the Center on Wrongful Convictions at Northwestern University Pritzker School of Law, 375 E. Chicago Ave., Chicago, IL 60611. Professor Drizin is an internationally recognized expert in juvenile interrogations and confessions.

Around the country, police use the same, standardized set of psychological techniques to interrogate suspects. These techniques work by making a suspect think they're trapped and that confessing is the only thing that'll improve their legal situation – even though in most cases, it won't. These psychological techniques are used on adults and children alike – and that's a problem. Children under 18 aren't equipped to make the high-stakes decisions that someone being interrogated has to make. That's why research shows that children are between two and three times more likely than adults, to falsely confess to crimes they did not commit.

The problem of false confessions is one that Maryland children have lived. In 1998, Cecil County resident Allen Chesnet was sixteen years old when his neighbor was stabbed to death. With almost no leads to go on, police brought Allen in for interrogation – without a lawyer. During the interrogation, police accused Allen of murder and falsely told him his DNA was found at the crime scene. Eventually, Allen agreed to say he killed his neighbor. Later, he explained, “In my head, I thought if I told them stuff, they would let me go.” Instead, Allen spent months in jail before DNA from the crime scene identified the true perpetrator, and prompted Allen's exoneration. While Allen was in jail, he reports having been stabbed and raped twice. His mother described his ordeal as “pure hell.”¹

Children can't be relied on to invoke their right to counsel and protect themselves against the risk of false confession. That's why the International Association of Chiefs of Police has recommended that children under 18 consult with attorneys before interrogation. That's also why California, Illinois, Washington, and of course Maryland with the Child Interrogation Protection Act, have adopted laws requiring attorneys for children being questioned by police.

And the key word there is *attorneys*. Parental involvement is important, but it's not enough to keep children safe which is why HB 622 must be opposed. First, many parents themselves don't understand what the Miranda rights mean. And often, police are trained to co-opt parents into serving as interrogators themselves. In my experience, I have seen numerous instances of parents who are pressured by police to convince their children to waive their Miranda rights. In some cases, police officers ply parents with promises of leniency for their

¹ Del Wilber, Teen Tormented By an Erroneous Charge of Murder, Baltimore Sun, April 23, 2001, available at <https://www.baltimoresun.com/news/bs-xpm-2001-04-23-0104230226-story.html>.

children if they cooperate. In other instances, police suggest to parents that getting a lawyer involved will cost them money which they do not have, or that only guilty children insist on having a lawyer present. Police officers know that many parents are also deferential to authority and thus prone to manipulation.

If you've seen the Netflix series *When They See Us*, based on the real-life case of New York's Central Park Five, you've seen a heartbreaking example of this. In that case, fifteen-year-old Antron McCray was pressured by his own father into falsely confessing to a rape he didn't commit. Why did Antron's dad do that? Because police had lied, and told Antron's father that confessing would benefit his son. Antron served six years in prison before he and his co-defendants were exonerated by DNA evidence.

Additionally, here is the link to a video which shows another example of how deftly police officers persuaded a parent to compel their child to talk even after their child invoked their right to counsel.

<https://www.youtube.com/watch?v=oARbSQaw0uA>

HB 622 will create more Antron McCrays, more Allen Chesnets. Maryland must continue to protect its children by upholding the Child Interrogation Protection Act. I submit this testimony in opposition to House Bill 622.

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