



**Joint Testimony of The University of Baltimore School of Law's Sayra and Neil Meyerhoff
Center for Families, Children and the Courts (CFCC) & Center for Criminal Justice
Reform (CCJR)**

In Support of HB 165

Custodial Interrogation of Minors - Admissibility of Statements

January 30, 2025

Dear Chairperson Luke Clippinger, Vice-Chairperson J. Sandy, and Members of the House Judiciary Committee,

The Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) at the University of Baltimore School of Law. The CFCC envisions communities where children and families thrive without unnecessary involvement in the legal system. We engage communities in all we do to work towards transforming systems that create barriers to family well-being. CFCC offers this testimony in partnership with the Center for Criminal Justice Reform (CCJR) at the University of Baltimore School of Law. The CCJR is dedicated to supporting community-driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system.

CFCC and CCJR strongly support HB 165, which seeks to establish a rebuttable presumption that an involuntary statement by a minor during a custodial interrogation is inadmissible in a juvenile or criminal proceeding against that minor when a government official intentionally uses deceptive techniques to coerce the disclosure of that statement. This bill would help **reduce the number of false confessions that lead to wrongful convictions, promote the reliability of evidence permitted in court, and safeguard the constitutional rights of minors during a custodial interrogation.**

I. Children are more vulnerable to provide false confessions during interrogations.

This bill prevents interrogation tactics that intentionally exploit a minor's vulnerabilities to elicit false statements. Experts agree that a minor's age alone increases the likelihood of a false

II. The standards we have currently are still allowing youth's involuntary admissions to be admitted.

⁹ Maryland Alliance for Justice Reform, *Juvenile Interrogation: The Right to Attorney and Deceptive Practices*, <https://www.ma4jr.org/juvenile-interrogation>. (Last visited Jan. 28, 2025)

convicting an innocent person. This bill will promote the reliability of admitted evidence and strive for accountability while reducing the number of false confessions that result in wrongful convictions.

III. Current standards exacerbate racial disparities and disproportionately affect youth of color.

Racial disparities are inherent in our legal system and, unfortunately, have disproportionately affected the youth of color to the extent that race has become a way to measure involvement with the justice system.¹⁰ Data reveals that youth of color are more susceptible than white youth to be involved in the juvenile justice system, increasing their exposure to possible manipulation in custodial interrogations.¹¹ In Maryland, youth of color account for nine out of ten individuals who were imprisoned before 18 were youth of color.¹² Further, research shows that wrongfully convicted Black individuals spend a substantially more amount of time incarcerated compared to white individuals.¹³ The current standards do not address the flaws in our justice system that disproportionately impact youth of color, but this bill will and it is a crucial step necessary towards achieving true equity.

IV. It violates the youth's due process rights to allow law enforcement to use false statements during interrogation.

In *Roper v. Simmons*¹⁴, the U.S. Supreme Court held that holding a juvenile to the same culpability standard as an adult due to their fundamental differences in maturity and development would be unjust. The decision underscored the necessity of treating minors differently from adults due to their heightened vulnerability.¹⁵ Much of this difference is because the brain has not fully developed.¹⁶ The prefrontal cortex is the portion of the brain that regulates impulsive behavior and decision-making, both of which affect one's judgment.¹⁷ An interrogation where coercive techniques that are typically utilized for adults will unjustly pressure minors to falsely confess to a crime. Notably, a minor is two to three times more likely to provide a false

¹⁰ Equal Justice Initiative, *Study Shows Race Is Substantial Factor in Wrongful Convictions*, (Dec. 28, 2022), <https://eji.org/news/study-shows-race-is-substantial-factor-in-wrongful-convictions/>.

¹¹ Maryland Department of Juvenile Services, *Research Brief— Putting Youth Crime In Maryland in Context*, (Sept. 2023), https://djs.maryland.gov/Documents/MD-DJS-Juvenile-Crime-Data-Brief_20230912.pdf.

¹² *Id.*

¹³ Equal Justice Initiative, *Study Shows Race Is Substantial Factor in Wrongful Convictions*, (Dec. 28, 2022), <https://eji.org/news/study-shows-race-is-substantial-factor-in-wrongful-convictions/>.

¹⁴ 543 U.S. 551 (2005)

¹⁵ Grove, Lauren J., et al., *Do Laypeople Recognize Youth As A Risk Factor For False Confession? A Test Of The 'Common Sense' Hypothesis*, (Jun. 16, 2020), <https://pmc.ncbi.nlm.nih.gov/articles/PMC8547885/>.

¹⁶ Crane, Megan, et al., *The Truth About Juvenile False Confessions*, (2016), https://www.prisonpolicy.org/scans/aba/Juvenile_confessions.pdf.

¹⁷ *Id.*

confession than an adult, and power dynamics and the pressure to comply with an authoritative figure certainly play a role.¹⁸ Adults have fully developed brains and may be more aware of the tactics and consequences of their decisions in ways that a minor cannot comprehend. Hence, it is unfair to treat a minor and adult the same in employing deceptive tactics during a custodial interrogation that would inevitably have a lifelong impact on a minor who cannot understand the consequences of their action. This bill will help ensure the preservation of a minor's due process rights and prevent the use of involuntary statements that have the potential to have a lifelong impact on a minor who cannot understand the consequences of their decision.

Conclusion

HB 165 will justly ensure minors are protected from the unfair use of deceptive tactics that target their vulnerabilities in efforts to forego a proper investigation, ultimately preserving the fundamental principles of justice in the legal system.

For these reasons, the CFCC and CCJR strongly support HB 165 and urge a favorable report.

¹⁸ *Id.*