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POSITION ON PROPOSED LEGISLATION

BILL: House Bill 626, Custodial Interrogation of Minors- Admissibility of Statements

(Exonerated 5 Act)

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 2/17/26

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 626

House Bill 626 would create the rebuttable presumption that a statement made by a minor during a custodial interrogation is involuntary and inadmissible when the law enforcement officer intentionally used false information to elicit the statement. This presumption is essential to protect the due process rights of children and prevent wrongful convictions that result from false confessions.

Deceptive interrogation practices erode confidence in the criminal legal system.

“Trust is essential to police-community relations and public safety. The use of deceptive tactics undermines these relationships.”¹ No other participants in the legal system are permitted to use deception without personal consequence, and none should be. Confidence in the legal system’s mission of truth-seeking function is eroded when police are permitted to use deception in interrogations.

Children are more likely to falsely confess to a crime than adults, particularly when deception is used by police.

The Supreme Court has long recognized that police interrogation tactics “can induce a frighteningly high percentage of people to confess to crimes that they never committed.”² The risk of false

¹ Kassin, Saul, *Law Enforcement Experts on Why Police Shouldn’t be Allowed to Lie to Suspects*, Time Magazine, December 16, 2022. <https://time.com/6241531/police-deception-tactics-suspects-consequences/>. See also, Eichen, Andreu. “Broken Trust: The Pervasive Role of Deceit in American Policing,” Policy Analysis no. 979, Cato Institute, Washington, DC, September 12, 2024. <https://www.cato.org/sites/cato.org/files/2024-09/Policy-Analysis-979-update.pdf>

² *Corley v. United States*, 556 U.S. 303, 320-21 (2009).

confessions is multiplied when a child is the subject of an interrogation: children are much more likely than adults to falsely confess,³ and children account for more than one-third of all false confessions.⁴ Further, *In re Gault*, the Supreme Court cautioned against the inevitable risk of obtaining a false confession from a child in noting that “*authoritative opinion has cast formidable doubt upon the reliability and trustworthiness of confessions by children.*”

Deceptive tactics during the interrogation of a juvenile make it more likely that a child will falsely confess. When police deceive a suspect during questioning, the interrogation is more likely to result in a false confession.⁵ When law enforcement officials falsify evidence against a suspect, even innocent people can “feel trapped by the inevitability of the evidence against them,” causing them to confess to crimes that they did not commit.⁶ Youth are even more susceptible to these tactics due to their tendency to comply with demands of authority figures and because the parts of their brain that assist with judgment, decision making, and future planning are not fully developed.⁷

If this bill is passed, Maryland would join ten other states that have enacted similar legislation, specifically Illinois, Oregon, Utah, California, Delaware, Colorado, Indiana, Nevada, Connecticut, and Virginia.⁸

The Child Interrogation Protection Act (CIPA) alone does not prevent false confessions induced by deceptive police interrogation practices.

While CIPA ensures that children have the opportunity to consult with attorneys prior to a custodial interrogation, it does not apply to non-custodial interrogations at all. Many youth are still questioned by police in non-custodial situations, such as at schools and in the community. Further, even after consulting with an attorney, children can, and do, decide to talk to the police during a custodial interrogation. The statements made during those interrogations should not be made based on deceptive practices by the police.

³ See American Bar Association Insights on Law & Society 16.2 available at https://www.prisonpolicy.org/scans/aba/Juvenile_confessions.pdf (“Another study of 340 exonerations found that 42% of juveniles studied had falsely confessed, compared with only 13% of adults.”).

⁴ National Registry of Exonerations, Table: Age and Mental Status of Exonerated Defendants Who Falsely Confess (April 10, 2022).

⁵ Saul M. Kassin et al., Police-induced confessions: Risk factors and recommendations, 34 *Law and Human Behavior* 3–38 (2010), <http://doi.apa.org/getdoi.cfm?doi=10.1007/s10979-009-9188-6> (last visited Feb 23, 2022). See also Kassin, S. M., Cleary, H. M. D., Gudjonsson, G. H., Leo, R. A., Meissner, C. A., Redlich, A. D., & Scherr, K. C. (2025). *Police-induced confessions, 2.0: Risk factors and recommendations. Law and Human Behavior*, 49(1), 7-53. <https://dx.doi.org/10.1037/lhb0000593>

⁶ *Id.*

⁷ Steinberg, L. (2007). Risk Taking in Adolescence: New Perspectives From Brain and Behavioral Science. *Current Directions in Psychological Science*, 16(2), 55-59. <https://doi.org/10.1111/j.1467-8721.2007.00475.x>

⁸ 725 Illinois Compiled Statutes § 5/103-2.2, Utah Code Annotated §80-6-206, Oregon Revised Statutes §133.403, 11 Delaware Code § 2022, California Welfare & Institutions Code §625.7, Indiana Code § 31-30.5-1-6, Colorado Revised Statutes §19.25-203(8)(a), Connecticut General Statutes § 54-86q, Nevada Revised Statutes § 62C.014, Virginia Statutes § 16-247.1.

The indisputable and fundamental differences between children and adults justify treating children differently from how we treat adults. The use of deceptive interrogation practices must be discouraged to protect the due process rights of children and ensure the integrity of both the criminal and juvenile legal systems.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on House Bill 626.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

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