



## Testimony for the House Judiciary Committee

### House Bill 626 – Custodial Interrogation of Minors - Admissibility of Statements (Exonerated 5 Act)

**FAVORABLE**

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LIBERTIES UNION  
OF MARYLAND

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The ACLU of Maryland supports HB 626, which seeks to make any statement made by a child during a custodial interrogation inadmissible in court if law enforcement intentionally used false information to elicit the statement.

The bill's title, "The Exonerated 5 Act", refers to the five Black and Latine teenagers who were wrongly convicted of the 1989 brutal rape of a jogger in New York City's Central Park. The teenagers were coerced into false confessions and served varying prison sentences between 6-13 years. During the interrogations, each of the suspects were told that the others confessed to the attack. Detectives claimed that their fingerprints and forensic evidence such as matching hair samples were found at the scene. They were also told that they could go home if they confessed. The five teenagers who were serving their time in prison were exonerated when the real killer confessed to committing this crime and was confirmed by a DNA test. The convicted minors were in their 20s and 30s by the time they were exonerated in 2002 and received approximately \$41 million from the City of New York for wrongful conviction.

Maryland's Child Interrogation Protection Act (CIPA), passed in 2022, ensures that children understand their Miranda Rights when in the custody of law enforcement. SB 626 seeks to add another critical layer of protection for children when they become the subject of an interrogation. As illustrated during the interrogation of the Exonerated 5, law enforcement oftentimes uses high pressure tactics, rapid fire questioning, psychological manipulation, and other deceptive tactics, such as lying about evidence and offering false promises, to coerce a confession.

Research shows that custodial interrogations place children under immense stress and are far more coercive for youth than adults. These dynamics are *compounded* for children and parents whose first language is not English, who face additional pressure, confusion, and fear in these settings. Children with mental illness or intellectual disabilities are even

more susceptible to falsely confessing under intense questioning.<sup>1</sup> Children are known to confess to gain short-term benefits, such as a promise of leniency.

The data is clear:

- Children are three times more likely than adults to falsely confess during custodial interrogation.<sup>2</sup>
- False confessions routinely lead police away from actual threats and generate wrongful arrests, undermining, not enhancing, public safety.

Current policies in Maryland permit the admission of a minor's involuntary statement, even if it were obtained through deceptive tactics. When presented during various stages of a trial, a confession – whether or not it is true – is considered the gold standard of evidence and significantly persuasive for juries. Defending an innocent child at this point becomes almost insurmountable, undermining the fairness of the trial.<sup>3</sup> In one study, approximately 38% of exonerated juveniles under age 18 were found to have falsely confessed to crimes they did not commit. This rate is significantly higher than the 11% observed in adults.<sup>4</sup>

The passage of HB 626 will protect children by creating a rebuttable presumption that statements by children elicited through false information are involuntary and therefore, inadmissible in court. The state must prove statements made during interrogation were voluntarily made allowing the judge to block the admission of a statement obtained through deceptive and coercive tactics. HB 626 will increase equity for children in court by increasing the scrutiny and reliability of statements made by children in custodial interrogation. This is particularly important for Black and brown children, who are often unfairly arrested, interrogated, and judged in our legal system due to bias.<sup>5</sup>

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<sup>1</sup> False Confessions. (2026). Great North Innocence Project.

<https://www.greatnorthinnocenceproject.org/issues/false-confessions/#:~:text=Defining%20the%20problem,Knows%20they%20are%20innocent>

<sup>2</sup> What's Best for Kids is Best for Everyone. January 2024. Maryland Youth Justice Coalition.

[https://www.mdjuvenilejustice.org/\\_files/ugd/42b2a9\\_db7a00a63fe74865a401276619ec705b.pdf](https://www.mdjuvenilejustice.org/_files/ugd/42b2a9_db7a00a63fe74865a401276619ec705b.pdf)

<sup>3</sup> Youth Interrogation: Key Principles and Policy Recommendations. (2026). Fair and Just Prosecution.

<https://fairandjustprosecution.org/wp-content/uploads/2022/01/FJP-Juvenile-Interrogation-Issue-Brief.pdf>

<sup>4</sup> False Confessions More Prevalent Among Teens. (2013). Innocence Project.

<https://innocenceproject.org/news/false-confessions-more-prevalent-among-teens/>

<sup>5</sup> Protect and Redirect: How to Reduce Racial and Ethnic Disparities in Juvenile Diversion. (2024)

The Sentencing Project. <https://www.sentencingproject.org/policy-brief/protect-and-redirect-how-to-reduce-racial-and-ethnic-disparities-in-juvenile-diversion/>

Illinois became the first state to ban police from using deception to obtain confessions from youth in 2021. Seven other states passed similar laws shortly after — Oregon, California, Utah, Delaware, Colorado & Indiana.

**For these reasons, the ACLU of Maryland respectfully urges an unfavorable report on HB 626.**

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