

## House Bill 626

### Custodial Interrogation of Minors – Admissibility of Statements (Exonerated 5 Act)

Judiciary Committee – February 19, 2026

#### FAVORABLE

**Thank you for the opportunity to provide testimony in support of HB 626.** I am a long-time resident of Montgomery County, where I previously served on the Montgomery County Commission on Juvenile Justice.

**I support HB 626 because it aims to end a policing practice that can seriously harm young people and that does not promote public safety or confidence in law enforcement. This is the practice of using deception during custodial interrogations of young people.**

The Maryland General Assembly has yet to take any actions to prohibit police from make untruthful statements to young suspects during custodial interrogations about such things as the physical evidence they have (e.g., fingerprints on a gun, DNA, polygraph tests), what others have said (including co-conspirators), or the consequences of confessing (e.g., offers of leniency) or not confessing (e.g., the threat of severe penalties). **While lying by police during interrogations may be legal, doing so can have devastating consequences for a young person, including being wrongly convicted of a crime the young person did not commit.**

**The fact is that young people are more likely to falsely confess than adults when faced with manipulative deception because they are different from adults.** The science on brain development tells us that the brains of youth are underdeveloped. As a result, they are impetuous and make ill-considered decisions. They are more compliant with authority figures. In a stressful situation like a police interrogation, they are prone to value the immediate benefits of ending the interrogation without giving much thought to the long-term consequences of a confession.<sup>1</sup> Innocent youth, who may think they have nothing to hide, may be particularly susceptible to coercion to waive their Miranda rights and to talk. They may even confess to a crime they did not commit to end a stressful interrogation believing that other evidence will eventually be revealed that will demonstrate their innocence.<sup>2</sup> **Notably, data from the National Registry of Exonerations show that more than one-third of individuals who were wrongly convicted as youth and later exonerated made false confessions.**<sup>3</sup>

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<sup>1</sup> J. Kukucka, “Should We Let Police Lie to Children,” Psychology Today (January 27, 2022), <https://www.psychologytoday.com/us/blog/reasonable-doubt/202201/should-we-let-police-lie-children>

<sup>2</sup> “Youth Interrogation: Key Principles and Policy Recommendations,” Fair and Just Prosecution (January 2022), <https://fairandjustprosecution.org/wp-content/uploads/2022/01/FJP-Juvenile-Interrogation-Issue-Brief.pdf>

<sup>3</sup> N. Quiroz, “Five Facts About Police Deception and Youth You Should Know,” the Innocence Project (May 13, 2022), <https://innocenceproject.org/news/police-deception-lying-interrogations-youth-teenagers/>

**Increasingly, policymakers, experts, and law enforcement authorities<sup>4</sup> are recognizing that deception is a powerful psychological ploy that when employed with young people can result in a profound miscarriage of justice, as was the case with the Exonerated Five in New York.** Illinois was the first state to step up and pass legislation in 2021, with overwhelming bipartisan support, to regulate coercive interrogation techniques used with minors. Nine other states have followed suit, passing laws that effectively ban the use of deceptive police tactics against youth.<sup>5</sup>

In 2024, the American Bar Association addressed this issue with the adoption of ABA Resolution 517, which urges governmental authorities to enact laws and policies prohibiting police from using deceptive practices during youth interrogations.<sup>6</sup> Notably, most advanced democracies, including most European countries, New Zealand, and Australia, prohibit deception in all interrogations regardless of age.<sup>7</sup> A 2024 Cato Institute report also questions the use of deceptive interrogation techniques for any suspects because of both ethical and practical considerations, which include the protection of civil liberties and the integrity of the justice system.<sup>8</sup>

Young people have a right to be protected by the state from self-incrimination. False confessions that end in wrongful convictions do not serve the public interest in holding the right people accountable for crimes committed. Trying to achieve justice for Marylanders through lies and deception is destructive on many levels. **It is time for Maryland to abandon a practice that does not align with modern standards of justice or evidence-based policing, that undermines trust in law enforcement and threatens the legitimacy of the justice system, and that can result in tremendous harm to young people and their families.**

**For these reasons, I urge a Favorable report for HB 626.**

Carol Cichowski

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<sup>4</sup>See Fair and Just Prosecution (2022); see also Office of the Hennepin County Attorney, “Policy on Youth Interrogations” and “Youth Interrogation Toolkit.” The policy, effective January 12, 2026, was developed in collaboration with the Hennepin County Chiefs of Police Association,

<https://www.hennepinattorney.org/news/news/2025/December/youth-interrogation-policy>

<sup>5</sup>“Fact Sheet on An Act Prohibiting Deception in Juvenile Interrogations,” Strategies for Youth

<https://static1.squarespace.com/static/58ea378e414fb5fae5ba06c7/t/6973be94107bf7726fe56c04/1769193108839/FACT+SHEET+Deceit+in+Juvenile+Interrogations.pdf> ; REID, “Reid Policy on the Use of Deception During an Interrogation,” John E. Reid and Associates Inc. (June 26, 2023),

<https://reid.com/resources/investigator-tips/reid-policy-on-the-use-of-deception-during-an-interrogation>

<sup>6</sup> <https://www.defendyouthrights.org/wp-content/uploads/517-annual-2024-1.pdf>

<sup>7</sup> “Protecting Our Future Generations: How Coercive Interrogations Methods Endanger Juveniles in Rhode Island and Cause False Confessions,” the Brown Initiative for Policy (April 1, 2025),

[https://drive.google.com/file/d/1iAOfAbZZA1G\\_Pv2iG8r2lac1-Drj2vOu/view](https://drive.google.com/file/d/1iAOfAbZZA1G_Pv2iG8r2lac1-Drj2vOu/view)

<sup>8</sup> A. Eichen, “Broken Trust: The Pervasive Role of Deceit in American Policing,” Cato Institute, Policy Analysis No. 979 (September 12, 2024), <https://www.cato.org/policy-analysis/broken-trust>

