



**Testimony of Kimberly McCullough, Legislative Director
In Support of HB 3244
House Committee on Judiciary
March 22, 2017**

Chair Barker and Members of the Committee:

The American Civil Liberties Union of Oregon¹ supports HB 3244, which would prohibit peace officers from using deceit, trickery, or artifice during interviews of youth related to criminal investigations. As a nonpartisan organization dedicated to preservation and enhancement of civil liberties and civil rights, the ACLU of Oregon supports efforts that protect young people during interviews and in the juvenile justice system.

The rights of the accused are a cornerstone of a fair judicial system, and as the Supreme Court has noted,² these rights are especially important when young people find themselves in the justice system, because youth lack an adult's capacity to recognize how the consequences of their actions potentially endanger their freedom.

According to the American Academy of Child & Adolescent Psychiatry, because youth are still biologically and psychologically developing, they are more susceptible than adults to external pressure and they do not fully understand their rights or options.³ Therefore, there is a heightened risk that they will falsely confess when pressured by police during an interview. False confessions often lead to wrongful convictions, and youth, who are cognitively developing and eager to please authority figures, are more likely to falsely confess than adults.⁴

Law enforcement tactics designed for adults and used for youth, especially under the inherent pressures of custodial interrogations, not only result in false confessions, but also an erosion of trust between young people and law enforcement. This erosion of trust can

¹ The American Civil Liberties Union of Oregon (ACLU of Oregon) is a nonprofit organization with more than 37,000 members in the State of Oregon.

² "[S]o long as the child's age was known to the officer at the time of police questioning, or would have been objectively apparent to a reasonable officer," law enforcement must factor age into determining whether to give a young person a *Miranda* warning. *J. D. B. v. North Carolina*, 564 U.S. 261 (2011)

³ "Interviewing and Interrogating Juvenile Suspects," American Academy of Child & Adolescent Psychiatry, March 7, 2013.

⁴ In a study examining 103 wrongful convictions, false confessions led to 31.1% of the juvenile cases, as compared to 17.8% of adult wrongful convictions. Joshua A. Tepfer, Laura H. Nirider & Lynda Tricario, *Arresting Development: Convictions of Innocent Youth*, 62 Rutgers. L. Rev. 887, 904 (2010).

have far-reaching and long-term negative impacts on youth, their communities, and public safety in general. Our police officers should be adults young people can trust and feel safe interacting with.

HB 3244 will help to protect the rights of youth by recognizing their inexperience, developmental cognitive differences, and position of vulnerability within an adult's presence. Preventing the use of coercive interview tactics on young people will help prevent false confessions and wrongful convictions, which will increase public safety. Additionally, HB 3244 will be an important step to building trust between young people and law enforcement, which will also increase public safety.

For these reasons, the ACLU of Oregon urges you to support HB 3244.