



RHODE ISLAND KIDS COUNT

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Testimony Re: H-5922, An Act Relating to Delinquent and Dependent Children – Proceedings in Family Court

House Judiciary Committee

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Mr. Chairman and members of the Committee, thank you for the opportunity to provide testimony today. We would also like to thank Representative Cruz for sponsoring this important bill and Representatives Ajello, Felix, Sanchez, Stewart, Morales, Potter, Kislak, Cotter, and Solomon for cosponsoring. Rhode Island KIDS COUNT would like to voice its support for House Bill 5922 which would prohibit a peace officer or a school resource officer (SRO) from employing threats, physical harm, deprivation, deception, coercion, or psychologically manipulative interrogation tactics during the custodial interrogation of a juvenile.

According to the American Academy of Child and Adolescent Psychiatry, the part of the brain that controls reasoning and helps us fully think through the implications of our behavior goes through many structural changes throughout childhood and is not fully developed until at least age 26, and this can be further delayed when alcohol or drug use are present. This ongoing development means that **adolescents make decisions and solve problems differently than adults**. Adolescents are more likely to be impulsive, misread social and emotional situations, get into accidents and fights, and engage in risk taking behaviors. They are also less likely to avoid risky situations and to fully consider all possible consequences of their actions. Adolescents need guidance from caring adults to develop these skills and learn to manage their behaviors as their brain develops.

When police arrest a young person, they are required to give *Miranda* warnings that state, “You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you.” According to the Juvenile Law Center, while some adolescents receive these warnings, **90% of them waive their *Miranda* rights**. Several states have recognized how damaging the short- and long-term consequences that waiving these rights may have and that the still developing adolescent brain cannot fully understand. In 2021, California instituted a non-waivable right for youth to consult with an attorney before a custodial interrogation.

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Additionally, youth make false confessions at higher rates than adult suspects due to their cognitive and psychosocial immaturity, fear, and belief that the adult interrogating has evidence (even if the evidence was non-existent) against them. Several states have recognized the fact that youth process situations differently than adults and the harm in employing deceptive tactics during custodial interrogations and have instituted protections for their vulnerable youth. In **Delaware, Illinois, Oregon** and **Utah**, law enforcement is prohibited from using deceptive tactics such as making false claims about evidence or promising leniency when questioning a minor. **Colorado, Indiana**, and **Nevada** enacted laws making a young person's statement inadmissible if deceptive tactics are used during questioning. **Colorado's** legislation enacted in 2023 also requires that the interrogation be recorded and they legislated the development of a training program for officers who question youth during interrogations.

Lastly, because Youth of Color are much more likely to be arrested despite committing crimes at similar rates to white youth, the use of deceptive and/or coercive tactics during an interrogation is particularly harmful to them and the impact can persist throughout the youth's entire life if they are found guilty of a crime based on an interrogation that led to them making a false confession under duress. The states that have adopted policies prohibiting the use of deceptive tactics during police interrogations recognize that young people are vulnerable and need additional protections.

Rhode Island KIDS COUNT urges you to pass this legislation. Thank you for the opportunity to provide testimony today.