

The Just Criminal Justice Group, LLC



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Owner/Manager

TESTIMONY IN SUPPORT OF 2025—H 5922

House Bill No. 5922

BY Cruz, Ajello, Felix, Sanchez, Stewart, Morales, Potter, Kislak, Cotter, Solomon

ENTITLED, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- PROCEEDINGS IN FAMILY COURT {LC1928/1} (Prohibits a peace officer, as defined in Â§ 12-7-21, from employing threats, physical harm, deprivation, deception, coercion, or psychologically manipulative interrogation tactics during the custodial interrogation of a juvenile.)

- Inherent in all false confession cases is a person taking responsibility for an act he or she did not commit. The risk of taking such responsibility is elevated in juveniles. Reasons are varied. Juveniles are susceptible to suggestibility, due in part because the parts of the brain that are responsible for future planning, judgment, and decision-making are not fully developed until a person reaches their mid-twenties.
- Coercive and deceptive interrogation methods, coupled with the recognized vulnerabilities and susceptibilities of children as a group, has led to an unacceptably high rate of false confessions among juvenile suspects. Of the 268 exonerees who were wrongly convicted as children, 34% falsely confessed, whereas 10% of exonerees who were wrongly convicted above the age of 18 falsely confessed, according to data from the National Registry of Exonerations. Through such tactics, the police will try to convince a person that denials are pointless, and confessing is the only option. Because youth are more susceptible to social influence, police may also present themselves as “friendly” officers who want to help and will claim to show some leniency if they confess. This approach puts even more pressure on young people to falsely confess to a crime they didn’t commit.
- Police deception is currently allowed in every state, but that could be starting to change, at least in the case of juveniles. Illinois, Oregon, Utah, Colorado, Indiana, Delaware, and Nevada have all passed legislation similar to that under consideration here to protect juveniles from the use of police deception during interrogations, but the use of these tactics against adults is still legal in all 50 states.
- Law Enforcement ‘Best Practices’ recognize the inherent dangers of using deception when interrogating juveniles. For example, in a recent publication of the International Association of Chiefs of Police (IACP) it is stated that “...the changing nature of the legal landscape should make officers think twice before using this technique during juvenile interrogations.” *IACP, Reducing Risks, An Executives Guide to Effective Juvenile Interview and Interrogation*

(September, 2012) (recommended 'Best Practices' for interrogating juveniles including avoiding the use of deception is at pp. 7-12)

QUESTIONS? COMMENTS? CONCERNS?

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SOURCES

- *Allison D. Redlich & Gail S. Goodman, Taking Responsibility for an Act Not Committed: The Influence of Age and Suggestibility* 27 *Law & Human Behavior* 141-156 (April, 2003)
- Website of The Innocence Project: <https://innocenceproject.org/police-deception-lying-interrogations-youth-teenagers/> (last visited 3/24/24)
- National Registry of Exonerations: <https://www.law.umich.edu/special/exoneration/Documents/Age%20and%20Mental%20Status%20FINAL%20CHART.pdf> (last visited 3/24/24)
- National Conference of State Legislatures: <https://www.ncsl.org/state-legislatures-news/details/recent-state-laws-strengthen-rights-of-juveniles-during-interrogations#:~:text=Also%20during%20the%202023%20legislative,tactics%20are%20used%20during%20questioning.> (last visited 3/24/24)
- IACP, Reducing Risks, An Executives Guide to Effective Juvenile Interview and Interrogation (September, 2012) <file:///C:/Users/madpd/Documents/LegActivity24/IACP-ReducingRisksAnExecutiveGuidetoEffectiveJuvenileInterviewandInterrogation.pdf> (last visited 3/24/24)