



OUT FOR JUSTICE

Juvenile Interrogation Fact Sheet

Support House Bill 0624/ Senate Bill 0593: Juvenile Law Child Interrogation Protection Act

Current Policy:

- The law requires courts to take age into account when deciding if a confession is voluntary. Police must also give *Miranda* warnings any time a “reasonable child” would not feel free to end an interrogation and leave.
- However, adolescents waive their *Miranda* rights at an astounding rate of 90% and make false confessions at exponentially higher rates than adults.

Issue:

- A child’s decision to continue an interrogation without counsel or to confess in order to end an interrogation can have devastating consequences. The child’s words may be used against them in court and can lead to a conviction and incarceration.

Analysis:

- Neuroscience research shows that there are physical differences between the brains of adults and youth.
 - According to recent findings, the human brain does not reach full maturity until at least the mid-20s.
 - Adolescents are less likely to consider the long-term consequences of the actions they choose because their capacity for thinking and planning for the future is still developing.
 - Youth are uniquely vulnerable to coercive interrogation tactics and why they waive their *Miranda* rights at such high rates.
- The Supreme Court recognizes that children should be treated differently when it comes to interrogations and that should be reflected in juvenile justice policy.

Impact:

- Nationally, there are over 800,000 Juvenile cases a year. According to the National center for Juvenile Justice. Recent data from 2017 showed:
 - 8 % of case included some age 12 and under
 - 44% included someone age 13 to 15
 - 25% included someone age 16
 - 23% included someone age 17 and over
- Although youth of all races commit offenses at roughly the same rates, African American, Latinx, and Native American youth are arrested at much higher rates than their white counterparts

Proposed Solution:

- It should be required that a youth 21 years of age or younger consult with legal counsel in person, by telephone, or by video conference prior to a custodial interrogation and before waiving any of the above-specified rights. A waiver of rights under the age of 21 should be PROHIBITED.
- Courts should be required to find testimony given without legal counsel and/or guardian inadmissible.



OUT FOR JUSTICE

Get Involved!

For more information, contact OFJ's Executive Director, Nicole Hanson at (443)-563-2123 /
getinfo@out4justice.org