



Juvenile Interrogations Reform Bill (AB 2644) Passes Assembly Public Safety Committee

SACRAMENTO, Calif., April 6, 2022 – Yesterday, the California Assembly Public Safety Committee passed Assembly Bill 2644 (Holden): Juveniles Custodial Interrogations Reform. The California Innocence Coalition that includes the Northern California Innocence Project in Santa Clara, the California Innocence Project in San Diego, and Loyola Project for the Innocent in Los Angeles was proud to be at the State Capitol to demonstrate their strong support for this critical legislation.

Assembly Bill 2644 prohibits law enforcement’s use of deception, false threats, physical harm, and psychologically manipulative tactics on youthful suspects during interrogations. The ban comes in response to the well-documented link between these interrogative practices and false confessions.

At the hearing, the bill’s author, Assemblymember Chris Holden (D-District 41), outlined what he sees as the inadequacies in existing law. “While current law requires youth 17 or younger consult with legal counsel, existing law fails to recognize that even an informed waiver of rights does not protect youth from falsely implicating themselves or others in serious crimes when an interrogation involves coercive, manipulative, and guilt-presumptive techniques,” he said.

According to the Center on Wrongful Convictions of Youth (CWCY), false confessions are one of the leading causes of wrongful convictions, accounting for roughly 25% of all convictions that were later overturned based on DNA evidence. Young people are disproportionately prone to falsely confessing for crimes they did not commit. Of the 274 people who have been exonerated in California since 1989, 17 of them, all under 25, were wrongfully convicted due to false confessions. 77% of those were people of color.

The bill’s focus on youthful suspects reflects research indicating that a person’s brain is not fully developed until the age of 25, research that was recognized and validated by Committee Member Assemblymember Mia Bonta. Crucially, the parts of the brain, such as the prefrontal cortex, that

continue to develop until 25 regulate forms of judgment, rational decision-making, and doubting processes, all of which are central to preventing false confession.¹

Testifying at the hearing was Terrill Swift, who was wrongfully convicted at just 17-years-old in Illinois and sentenced to 30 years in prison for a crime he did not commit. “I was apprehended, taken into custody, threatened, and basically psychologically manipulated into signing a confession for a rape and a murder of a person I did not know,” he explained.

Mr. Swift falsely confessed after hours of an intense interrogation, during which law enforcement employed many of the deceptive, coercive and manipulative tactics that AB 2644 seeks to prohibit. “I was told that I was going to die in jail, that I was never going home, that I would never see my family again as a 17-year-old kid...I was convicted solely on the basis of my false confession,” he recounted. Mr. Swift served 14 of his 30-year sentence before being exonerated by DNA evidence. Mr. Swift has said that laws like AB 2644 would have saved his life.

AB 2644 joins an emergent national movement against the use of deceptive interrogation tactics on young people. Similar legislation recently passed in Illinois, Oregon, and Utah, and is pending in Connecticut and New York. Mr. Swift played a central role in the passage of the anti-deceptions legislation in Illinois.

The Public Safety Committee also heard from Richard Braucher, an attorney in California’s landmark anti-deception case, *In re Elias V*. A case in which the First District Court of Appeal found that the very tactics that would be prohibited under AB 2644 were used against a 13 year old child and were so egregious as to violate his constitutional rights.

AB 2644 also received support from the California Public Defender’s Association, the ACLU, Pacific Juvenile Defender Center and the Los Angeles County and Santa Clara County Probations Officers.

The California Innocence Coalition is a proud participant of the larger coalition of criminal justice and juvenile justice advocates supporting AB 2644. We applaud Assemblymember Holden for championing such important and impactful legislation and all those who came out in support.

AB 2644 passed out of the public safety committee with 5 aye votes and 2 no votes.

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¹ Johnson, et al., Adolescent Maturity and the Brain: The Promise and Pitfalls of Neuroscience Research in Adolescent Health Policy, *Journal of Adolescent Health* (Sept. 2009); National Institute of Mental Health, *The Teen Brain: Still Under Construction* (2011).