



Assemblymember Chris R. Holden, 41st Assembly District

Assembly Bill 2644 - Juveniles: Custodial Interrogations

SUMMARY

This bill prohibits a law enforcement officer from using threats, physical harm, deception, or psychologically manipulative interrogation tactics, as specified, during an interrogation of a youth, 17 years old and younger.

BACKGROUND/EXISTING LAW

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. Citing the CWCY's work, the U.S. Supreme Court concluded in 2011 that the risk of false confession is "all the more troubling...and all the more acute" when the subject of custodial interrogation is a juvenile. Its conclusion has been backed up by a slew of research. One leading study of 125 proven false confession cases found that 32% of false confessors were under the age of eighteen.

Current law requires that a youth 17 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. However, existing 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 presumed law enforcement techniques.

A confession is viewed by juries as the most direct evidence of one's guilt and yet juries struggle with understanding how someone might falsely implicate themselves or another in criminal conduct. The risks are too great, and the interrogation methods delineated in AB

2644 have been recognized in California case law as so egregious that they can render a resulting statement involuntary and violative of a young person's constitutional rights.

EXISTING LAW

Section 627 of the Welfare and Institutions Code

THE SOLUTION

This bill would prohibit law enforcement officers from using specific deceptive, coercive and manipulative tactics while engaged in an interrogation of a youth 17 years of age or younger.

AB 2644 is in line with a national movement to confront this serious issue and closely follows newly enacted laws in Illinois, Oregon and Utah.

SUPPORT

- California Innocence Project (Support)
- Loyola Project for the Innocent (Support)
- Northern California Innocence Project
- (Support)

FOR MORE INFORMATION

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