

AB 2644: Juvenile Custodial Interrogations Bill **Frequently Asked Questions**

What are deceptive police techniques?

- Under current law, during interrogations, law enforcement officers are allowed to knowingly make false and deceptive claims to suspects, regardless of their age, in order to extract confessions. For the purposes of AB 2644, such deceptive tactics include: (a) knowingly communicating false facts about evidence, (b) telling youths that their denials will be futile, (c) downplaying the moral severity of the crime so as to suggest that whoever committed the crime has not done anything wrong, (d) telling youths they will be released if they confess, (e) threatening to subject youths to lie detectors, despite the fact that it's illegal for police to do so in California, (f) employing the 'forced choice strategy' wherein police force suspects to choose between two versions of events, both of which incriminate the youth, or (e) 'contaminating' by disclosing non-public facts that only the perpetrator could know, thereby inducing the youth to adopt these facts as her own.

How strong is the link between deception tactics, false confessions, and wrongful convictions?

- Studies show that police-induced false confessions are the primary cause of wrongful convictions in nearly 20% of cases that have been overturned by DNA evidence over the past 20 years. Moreover, research shows that the chief cause of police-induced false confession is deceptive police tactics used during interrogations.¹
- Studies have also found that of 125 proven false confession cases, 32% were under 18.²

Does this bill allow for exceptions in cases where deceptive tactics may be necessary?

- Yes. If law enforcement officers reasonably believe that the information they are seeking during an interrogation is necessary to protect life or property from imminent threat, they may use deceptive tactics against youth so long as they direct their questions towards the pursuit of such vital information.

Have other jurisdictions enacted similar measures?

- The U.S. is an outlier amongst Western nations in allowing police deception techniques to be used on youth. In fact, Australia, New Zealand, and the majority of all European states (including the UK and Germany) have, for decades, outlawed police deception tactics during interrogations *for all age groups*. Domestically, Oregon, Illinois, and Utah all passed legislation banning police deception for youth last year.

Has California already tried to pass similar legislation?

¹ (See: Richard A. Leo, 'False Confessions: Causes, Consequences, and Implications', *Journal of the American Academy of Psychiatry and the Law Online* 37, no. 3 (1 September 2009): 332–43.)

² (For further research see: 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).

- Yes. In 2021, Senator Bill Dodd introduced SB-494, which would have required that police officers be trained against using the Reid Technique, an investigative practice critiqued for its pseudo-scientific justification of psychological manipulation. The bill almost unanimously passed in both chambers (Senate: 38 Aye, 2 NVR; Assembly: 77 Aye, 2 NVR). Nevertheless, Governor Newsom raised budgetary concerns and vetoed the bill on October 4, 2021.