



Juvenile Interrogations Reform Bill Signed by Governor Newsom, Makes California the Fourth State to Adopt Anti-Deceptive-Interrogation Reforms

SACRAMENTO, Calif., Sept. 15, 2022 – On September 13, Governor Newsom signed the Juvenile Custodial Interrogations Reform bill into law, making California the fourth state in the country to institute reforms prohibiting the use of coercive, manipulative and deceptive law-enforcement interrogation tactics on youth. Designed to prevent false confessions, the bill was supported by the California Innocence Coalition, which includes the Northern California Innocence Project at Santa Clara University School of Law; the California Innocence Project in San Diego, and the Loyola Project for the Innocent in Los Angeles.

The bill, Assembly Bill 2644, was authored by Assembly Member Chris Holden (D-District 41), and prohibits law enforcement from using 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 interrogation practices, false confession, and false implications of others.

In championing this legislation, Holden noted that “existing law ...does not protect youth from falsely implicating themselves or others in serious crimes when an interrogation involves coercive, manipulative, and guilt-presumptive techniques.”

False confessions are one of the leading causes of wrongful convictions of youth, accounting for roughly 25% of all convictions later overturned based on DNA evidence, according to the Center on Wrongful Convictions of Youth. Because of their incomplete brain development, young people are disproportionately prone to confessing to crimes they did not commit. Of the 274 people exonerated in California since 1989, 17 of them— all under 25—were wrongfully convicted due to false confessions; 77% of them were people of color.

AB 2644 focused on protecting youth from known vulnerabilities to law-enforcement use of deceptive interrogation tactics that especially impact those with developing brains.

Juries give great weight to a confession and struggle to understand how someone could falsely implicate themselves in criminal conduct. AB 2644 begins to address the reality that law enforcements’ use of interrogation methods— including threats, physical harm, deception, or psychologically manipulative tactics—creates an incredibly high risk for eliciting a false confession from all suspects, particularly youth. [Research shows](#) that a person’s brain is not

fully developed until the age of 25, and that deceptive interrogation methods increase the risk of a false confession even for those older than 17. Use of these techniques can also lead youth to falsely implicate another. Recently, NCIP client Bob Fenenbock was exonerated after 28 years of wrongful incarceration, after a court found statements of a child witness to have been coerced by law enforcement, demonstrating this danger.

"AB 2644 is a giant step toward reducing the risk of false confessions, while ensuring law enforcement is still able to carry on their investigations to solve crimes. Our hope is that the impetus for this legislation carries forward to reduce the use of deceptive tactics in all law enforcement interrogations, regardless of the interrogatees' age," said Melissa O'Connell, staff attorney and policy liaison with the Northern California Innocence Project.

Wrongful confessions can destroy not just those who are wrongfully convicted and their families, but also the families of crime survivors—for whom justice is not realized. "When a wrongful conviction happens, so many people are impacted—the innocent, crime victims and their families, jurors, and society as a whole," said Jasmin Harris, associate director of development and policy for the California Innocence Project. "This is a public safety issue—and AB 2644 is good-sense legislation to reduce the risks of that first domino falling."

AB 2644 joins an emergent national movement against the use of deceptive interrogation tactics, particularly on young people. Similar legislation recently passed in Illinois, Oregon, and Utah, and is pending in Delaware.

Terrill Swift—who testified about his wrongful conviction in Illinois after a coerced false confession at age 17—played an instrumental role in getting AB 2644 through the California Legislature. "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," said Swift, who also helped secure the passage of similar legislation in Illinois.

The California Innocence Coalition was joined by a coalition of criminal-justice and juvenile-justice advocates supporting AB 2644, including the California Public Defender's Association and the Pacific Juvenile Defender Center. The Coalition applauds Assembly Member Holden for championing such important and impactful legislation.

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