

JUVENILE INTERROGATION AMENDMENTS

Overview

- H.B. 158 seeks to clarify and increase protections for youth who are taken into custody and interrogated for an offense. Decades of research in basic and applied psychology and developmental neuroscience, including studies focused specifically on juvenile interrogations, make clear that adolescents are systematically and severely disadvantaged during police interrogations compared to adult suspects.

What the Bill Does

1. Ensures a child has the right to have a parent present during interrogation;
2. Requires parental permission be obtained before a custodial interrogation of the child takes place;
3. Requires law enforcement to make reasonable efforts to contact parents; and
4. Requires a child in a detention facility or secure care placement to have an opportunity to consult with counsel before a custodial interrogation and that counsel is present for the interrogation.

Reason for Increased Protections

- Currently, parents are required to be present for 13 and under.
- An International Association of Chiefs of Police training key recommends having a non-adverse “friendly adult,” a parent, guardian or attorney, physically present during the interview a child suspect.
- Adolescents often misunderstand words and phrases commonly found in *Miranda* warnings and even those who do cognitively comprehend *Miranda* language struggle to understand the implications of waiving their *Miranda* rights.
- Young people are especially prone to confessing falsely. Juveniles account for as much as **one third** of documented false confessions.
- Court-involved adolescents are more likely to have intellectual disabilities and/or cognitive delays compared to other adolescents.
- Adolescents are more likely than young adults to make choices that reflect a propensity to comply with authority figures, such as confessing to the police rather than remaining silent.

States that Also Provide More Constitutional Protections

<u>Parent required for youth under 18</u>	<u>Parent required for youth under 16</u>
<ul style="list-style-type: none">• California• Colorado• Indiana• North Dakota• Maine• Vermont	<ul style="list-style-type: none">• Iowa*• Montana• Oklahoma

* requires good faith efforts be made to notify a child’s parent for kids age 16.