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Thank you, Chairperson Lathrop and members of the Judiciary Committee. My name is Julie Erickson and today I am representing Voices for Children in Nebraska in support of LB 445.

At every stage in our justice system, we should ensure that youth are held accountable with safeguards in place to ensure that our response is measured and appropriate. Voices for Children in Nebraska supports LB 445, because it will provide an age-appropriate protection for youth when they come into contact with law enforcement. By requiring developmentally appropriate language in giving *Miranda* warnings to minors and requiring that law enforcement to measures to notify a child’s parent or guardian when in custody, LB 445 will work to ensure that any child’s waiver of *Miranda* rights is more likely to be made knowingly and intelligently. It will simultaneously ensure that parents or guardians are able to know and respond immediately when a child becomes involved with a criminal investigation.

We are all, children included, entitled under the Constitution to a right against self-incrimination. The required reading of rights under *Miranda v. Arizona[[1]](#footnote-11553)* is intended to balance the government’s interest in investigating crimes and pursuing confessions, with the citizen’s interest in understanding and accessing his or her constitutional protections. A custodial interrogation, by its nature, can be coercive – particularly if the individual under interrogation is a child. Children may be more likely to waive their rights without true knowledge or understanding of either what those rights mean, or what the consequences might be.

**Worse, children are substantially more likely to confess falsely to crimes they did not commit.** Studies of exonerations have found that though 13% of adult exonerations involved a false confession, 43% of juvenile cases did. The younger the child, the more likely the false confession: one study found that of all juvenile wrongful convictions, 69% of children age 12-15 falsely confessed, compared to 25% of youth age 16 and 17.[[2]](#footnote-9767) Generally, the younger the child, the more likely he or she is to accept responsibility for an act he or she did not commit.[[3]](#footnote-11657) Desiring to please, or desiring to leave, the child may be willing to just “go along with” the interrogator, believing that agreement will end the interrogation sooner and make it all go away.

Individuals who are unfamiliar with our justice system are often surprised to discover that police may interrogate a child without a parent’s permission or even knowledge. They may not realize that custodial interrogations can go on for hours, without break or contact with a trusted adult. LB 445 addresses this by requiring notice to a child’s parent, guardian, or custodian.

For a child, who may not understand the implications of a custodial interrogation, asking for a parent or other trusted adult to be present mirrors an adult’s request for an attorney. The child is saying “I need help to understand what is happening here and what I should do”, and under LB 445, interrogation would cease until that help can arrive.

For all these reasons, we thank Senator Hansen for bringing this bill, and thank the Committee for your time and consideration. We respectfully urge you to advance LB 445.

1. 384 U.S. 436(1966) [↑](#footnote-ref-11553)
2. Steven A. Drizin. Interrogation Gone Bad: Juvenile False Confessions in the post-DNA Age. Northwestern University. Available at https://www.nij.gov/topics/courts/indigent-defense/documents/drizin.pdf [↑](#footnote-ref-9767)
3. *Id.*  [↑](#footnote-ref-11657)