January 19, 2022

Good afternoon, Chairperson Lathrop, and members of the Judiciary Committee. My name is Taylor Givens-Dunn and today I am representing Voices for Children in Nebraska in support of LB 732.

All children deserve society’s protection to grow into healthy, productive adults. We support LB 732 because it would prohibit investigators from knowingly communicating false facts about evidence and unauthorized statements regarding leniency when interrogating youth in custody, which can lead to false confessions instead of reliable ones.

When a child is in a stuffy interrogation room being grilled by adults, they’re scared and are more likely to say whatever it is they think the officer wants to hear to get themselves out of that situation, regardless of the truth. Police officers too often exploit this situation in an effort to elicit false information and statements from minors in order to help them with a case. We’ve known for a long time now that this has devastating consequences. Real safety and justice can never be realized if we allow this practice to continue.

Research demonstrates that children are substantially more likely to confess falsely to crimes they did not commit[[1]](#footnote-28377). 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-11195) Generally, the younger the child, the more likely they are to accept responsibility for an act he or she did not commit.[[3]](#footnote-19678) 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. As I've led the Nebraska Youth Justice Policy fellowship over the past several years, this is a story that I hear far too often from Nebraska youth.

In early 2021 Illinois became the first state in the nation to enact legislation of this kind. A similar bill in Oregon, sponsored by a former law enforcement officer, was signed into law last summer and there is pending legislation to prohibit deception in juvenile interrogations in New York. It is time for Nebraska to demonstrate its commitment to a fair and equitable youth justice system and end this harmful practice.

We thank Senator John Cavanaugh and Senator McKinney for their work on this critical issue and thank the Committee for your time and consideration. We respectfully urge you to advance LB 732.

1. Redlich, Allison. Taking Responsibility for an Act Not Committed: The Influence of Age and Suggestibility. Available at https://link.springer.com/article/10.1023/A:1022543012851 [↑](#footnote-ref-28377)
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-11195)
3. *Id.* [↑](#footnote-ref-19678)