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Testimony Supporting H.B. 5328 An Act Concerning the Admissibility of Admissions, Confessions and Statements of Children Under 18

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Committee on Children
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Good morning Senator Moore, Senator Suzio, Representative Urban, Representative Zupkus and esteemed members of the Committee on Children:

My name is Camara Stokes Hudson, and I am submitting testimony today on behalf of Connecticut Voices for Children, a research-based child advocacy organization working to ensure that all of Connecticut's children have an equitable opportunity to achieve their full potential. Thank you for the opportunity to submit testimony in support of H.B 5328 An Act Concerning the Admissibility of Admissions, Confessions and Statements of Children Under 18.

This bill would make confessions and admissions made by a young person inadmissible if their parents are not present or have not given consent. It ensures that young people are able to participate in their own defense in a developmentally appropriate way.

Adolescence is a period of rapid brain development, particularly in the cortex of the brain.^a This part of the brain is responsible for response inhibition, calibrating risks and rewards, and regulating emotions.^b Several studies have shown that, due to incomplete maturation, adolescents are more likely to discount the impacts an action will have on the future and tend to weigh short-term consequences more heavily.^c Furthermore, adolescents are especially susceptible to these errors in decision-making when they experience social situational pressure, emotional duress, or don't have adequate time to make a decision, like in an interrogation.^d

At key points in the interrogation (i.e. waiving Miranda Rights or confessing)-teenagers can make different decisions than they would in a setting absent the influence of officers or if they were given ample time to consider their choice. In a study in which young people were asked whether a pretend defendant during a police interrogation should confess, deny or stay silent – regardless of actual guilt – 50 percent of 11 to 13-year-olds and 45 percent of 14 to 15-year olds said that

^aSowell, E. R., Trauner, D. A., Gamst, A., & Jernigan, T. L. (2002). Development of cortical and subcortical brain structures in childhood and adolescence: A Structural MRI study. *Developmental Medicine & Child Neurology*, 44, 4-16. Retrieved from <http://onlinelibrary.wiley.com/doi/10.1111/j.1469-8749.2002.tb00253.x/epdf>

^b Steinberg, L. (2005). Cognitive and effective development in adolescence. *Trends in Cognitive Sciences*, 9. Retrieved from <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.294.1453&rep=rep1&type=pdf>

^c Steinberg, L., & Scott, E. S. (2003). Less Guilty by Reason of Adolescence. *American Psychologist*, 53(12), 1009-1013. Steinberg, L., Cauffman, E., Woolard, J., Graham, S., & Banich, M. (2009). Are Adolescents Less Mature Than Adults? - Minors Access to Abortion, the Juvenile Death Penalty and the Alleged APA "Flip-Flop". *American Psychologist*, 64, 583-594

^d "Are Adolescents Less Mature Than Adults? - Minors Access to Abortion, the Juvenile Death Penalty and the Alleged APA "Flip-Flop". *American Psychologist*, 64, 583-59

confessing was the best option.^e This is where having parents present as a support in an interrogation with a young person can help. Research suggests that while parents do not always have the best knowledge of the justice system, they are understanding of the need for their children's rights to be protected.^f Parents viewed the concept of their children making independent decisions in an interrogation negatively, but they did support the right for their children to obtain legal counsel.^g

Ensuring that statements and confessions from young defendants are free from coercion and confusion is essential in ensuring that the next steps in the justice system are fair as well.^h Furthermore, justice systems that are informed by developmental science not only protect young people from unfair arrest and incorrect conviction and detainment but also ensure that the outcomes from their contact with the justice system are positive and promote belief in the legitimacy of the legal system.ⁱ

Thank you very much for the opportunity to submit testimony. If there are any follow-up questions I can be reached at chudson@ctvoices.org or (203) 498-4240 x 115.

^e Redlich A.D., Silverman M., Chen J., Steiner H. (2004) The Police Interrogation of Children and Adolescents. In: Lassiter G.D. (eds) Interrogations, Confessions, and Entrapment. Perspectives in Law & Psychology, vol 20. Retreivable at: <https://www.albany.edu/scj/documents/Chapter05Lassiter.pdf>

^f Grisso, T., & Ring, M. (1979). Parents Attitudes to Juvenile's Rights to Interrogation. *Criminal Justice and Behavior*,6(3), 211-226.

^g *Ibid.*

^h Fagan, J., & Tyler, T. R. (2005). Legal socialization of children and adolescents. *Social justice research*, 18(3), 217-241

ⁱ *Ibid.*