



March 4, 2021

Re: [Senate Bill 418](#) (law enforcement interviews of persons under 18)

Dear Chair Prozanski, Vice Chair Thatcher, members of the Senate Committee on Judiciary and Ballot Measure 110 Implementation:

The Office of Public Defense Services (OPDS) seeks to move our criminal and juvenile legal systems towards practices that support improved outcomes for clients, their families and communities, and all Oregonians. Senate Bill (SB) 418, which restricts law enforcement from using deceit, trickery or artifice during interviews of juveniles accused of offenses, is a bill that will help Oregon move away from law enforcement practices that increase the likelihood of false confessions by Oregon's youth, which may, in turn, lead to wrongful convictions.

The best available science on juvenile brain development makes clear that youth are *uniquely* susceptible to making false, incriminating statements when faced with the inherent pressures of police custody and interrogation. This susceptibility is increased when deceit is used as a law enforcement tactic in seeking to elicit evidence of the youth's guilt.<sup>1</sup> Simply put, kids are not equipped to navigate the psychological influences of these circumstances and are keenly vulnerable to impulsively making false statements, or agreeing to false narratives put forward by law enforcement, out of fear, desperation, and to achieve perceived short-term gain, such as promised release from custody or to cease the interrogation. This is especially dangerous given the extraordinary persuasiveness that confessions and other incriminating statements hold when the state seeks to prove a person's guilt.<sup>2</sup>

False confessions that contribute to wrongful convictions do not serve the interests of justice: they harm victims, erode public trust in the legal system, and waste public resources. The irreparable harm a wrongful conviction causes to the person convicted in error is unparalleled: there is *no* state action that will make that person whole again when a miscarriage of justice of that magnitude occurs. SB 418 has the capacity to reduce the likelihood that these catastrophic mistakes occur for our state's youth.

Thank you for your time,

Bridget Budbill

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<sup>1</sup> Luna, Marco, "[Juvenile False Confessions: Juvenile Psychology, Police Interrogation Tactics, and Prosecutorial Discretion.](#)" *Nevada Law Journal*, Vol. 18: Iss. 1, Article 10, 292 (2017).

<sup>2</sup> Leo, Richard A., PhD, JD. "[False Confessions: Causes, Consequences, and Implications.](#)" *Journal of the American Academy of Psychiatry and the Law Online* September, 332-343 (2009).