



March 4, 2021

Dear Chair Prozanski, and Members of the Committee:

Doernbecher
Children's Hospital

School of Medicine
Division of General Pediatrics

Benjamin Hoffman MD, FAAP
CPST-I

Professor of Pediatrics
Vice-Chair for Community Health
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Director, Oregon Center for
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Medical Director, Tom Sargent
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My name is Ben Hoffman MD. I am a general pediatrician at OHSU, practicing at Doernbecher Children's Hospital. I write today on behalf of OHSU in regard to SB 418, which would disallow law enforcement use of interrogation techniques that deceive or mislead when interviewing youth.

The first rule of pediatrics is that "**children are not little adults.**" Children and adolescents follow specific, identifiable developmental patterns, and, as such, change over time. Working with kids requires an understanding and sensitivity to those developmental patterns, and also the variability of growth and developmental patterns among individuals. Brain development continues well into adulthood, and especially the ability to make critical decisions, which is referred to as "executive function," is often not complete until an individual reaches their mid-20s. Thus, while an adolescent may look like an adult in size and stature, they remain functionally different from a cognitive brain standpoint. Lacking that executive function capability, teens tend to prioritize short term benefits, ignoring long term consequences, making them especially likely to acquiesce to the requests of authority figures, including law enforcement officers. This fact results in minors waiving their Miranda rights 90%¹ of the time, and making false confessions at significantly higher rates than adults.²

In addition to the fact that a child or adolescent may not understand their rights, even if read to them, there are a number of confluent power dynamics that impact law enforcement questioning and interrogation of children and youth. Age can play a significant role, as can the impacts of generational poverty and systemic racism. Youth from communities of color are much more likely to be arrested than white youth³, leading to an increased risk for adolescents from lower socio-economic and/or BIPOC communities succumbing to techniques designed to coerce and confuse. It also important to remember that the same is true for adults living with developmental disabilities or cognitive impairments.

Simply put, children and adolescents who are subjected to certain interrogation techniques are at a high risk of giving up essential constitutional rights without full comprehension of the nature of those rights, and the consequences of waiving them.





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The American Academy of Child and Adolescent Psychiatry issued a policy statement⁴ in 2013 which outlines several key recommendations to help address the issue of children and adolescent interrogation by peace officers:

1. Juveniles should have an attorney present during questioning by police or other law enforcement agencies.
2. Parental presence alone may not be sufficient to protect juvenile suspects. Moreover, many parents may not be competent to advise their children on whether to speak to the police and may also be persuaded that cooperation with the police will bring leniency.
3. Police should use terms and concepts appropriate to the individual's developmental level. Any written material should also be geared to their grade level and cognitive capacity. In general, it is not sufficient to simply read or recite information to a juvenile. Ensuring meaningful understanding will usually require asking the individual to explain the information conveyed in his or her own words.
4. When administering Miranda warnings, many jurisdictions use the version and forms developed for adult suspects. Research demonstrates that these warnings are often too complex and advanced for most juveniles. For this reason, the Academy recommends that police and other law enforcement authorities should utilize simplified Miranda warnings developed specifically for use with juvenile suspects. Ideally, an attorney should be present when Miranda Warnings are administered to juvenile suspects.
5. All interviews of juvenile suspects should be video recorded.

It is clear that children and adolescents, as well as adults with developmental disabilities, can be placed at unacceptable risk if interrogated by a peace officer without proper safeguards in place. We can, and must, assess these risks and implement measures to mitigate them. It remains true that **children are not little adults**, and we cannot treat them as such. It is an issue of equity and justice that we cannot ignore.

Sincerely,

A handwritten signature in black ink, appearing to be 'Benjamin Hoffman', written in a cursive style.

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