



Rocky Mountain Innocence Center & Innocence Project Testimony
Supporting Assembly Bill 251
Nevada State Assembly Committee on Judiciary
March 16, 2021

The Rocky Mountain Innocence Center and the Innocence Project work to prevent and address the causes of wrongful convictions in Nevada and throughout the United States. It is for these reasons that our organizations respectfully request that the Committee on Judiciary pass Assembly Bill 251. AB 251 would provide important protections against the wrongful conviction of children in Nevada. There are numerous reasons why the Committee should act to ensure children are better protected in interrogations. For the purposes of addressing the issue from our purview and experience, we will herein focus on AB 251's safeguards against false confession.

All persons, regardless of age or other contributing factors, are vulnerable to false confession. False confessions have contributed to nearly one-third of DNA exonerations since 1989, according to the National Registry of Exonerees. The risk of false confession is not one simply born by "vulnerable" populations. The cases of exonerees alone show that innocent people who are not "vulnerable", as defined in NRS 200.5092, falsely confess for a range of reasons, including:

- Real or perceived intimidation by law enforcement;
- Compromised reasoning ability due to: exhaustion, stress, hunger, substance use, and limited education;
- Legal, but deceptive interrogation tactics, such as law enforcement making untrue statements about the presence of incriminating evidence; and,
- Fear that failure to confess will yield a harsher punishment.

Four proven wrongful convictions in Nevada have involved false confession.¹ These and other known cases of false confessions by adults point to the compounded vulnerability of children to this same issue. This vulnerability demands better protection under Nevada law. Children do not have the mental maturity to judge the consequences of confessions in the way adults do. They are more likely to focus mainly on the immediate potential outcomes of making a false confession, such as going home. Juveniles may also be more inclined to please authority and are more susceptible to manipulation, from leading questions to threats.

Of the cases tracked by the National Registry of Exonerees, 49% of the false confessors were 21 years old or younger at the time of arrest.² Coerced statements from juveniles during police questioning have contributed to headline wrongful convictions, such as the "Harlem Park Three"

¹ Three wrongful convictions for murder (Cathy Woods, Fred Steese and Kristen Lobato) and one for child sexual abuse (Robert Hayes)
<http://www.law.umich.edu/special/exoneration/Pages/detailist.aspx?View={FAF6EDDB-5A68-4F8F-8A52-2C61F5BF9EA7}&FilterField1=ST&FilterValue1=NV>

²<https://innocenceproject.org/dna-exonerations-in-the-united-states/>

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case in Baltimore. By requiring that children consult with attorneys and have their parents/guardians contacted prior to an interrogation, Assembly Bill 251 would protect against false confessions and statements that may lead to a wrongful conviction.

The Rocky Mountain Innocence Center and the Innocence Project support Assembly Bill 251 for these reasons and respectfully request its passage by the Committee on Judiciary. This legislation will protect children and lead to a safer Nevada.

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