

HB23-1042: Protecting Truth and Trust in Juvenile Interrogations

By Representative J. Bacon and Senator J. Gonzales

Background: No matter their color, background, or zip code, every child deserves to grow up in a supportive environment that respects their humanity, upholds their dignity, and responds fairly to mistakes and missteps. In Colorado, law enforcement disproportionately targets kids of color, detaining and arresting them at rates higher than their white counterparts; they're 1.5 – 3x more likely to be arrested and interrogated (CO Dept. of Public Safety, 2020). Consequently, they are more often harmed by false confessions, directly contributing to the racial disparity in the criminal justice system.

The U.S. Supreme Court has recognized that a “frighteningly high” percentage of youth falsely confess when facing untruthful police questioning (2009). In the last twenty-five years of youth who were exonerated after being convicted of crimes, 38% gave false confessions. For many Black, Indigenous, People of Color (BIPOC) kids, this is an unfortunate turning point in their lives; juvenile incarceration decreases the chances of high school graduation by 13 - 39%; detaining a child increases the chance of incarceration as an adult by 41% (The Quarterly Journal of Economics, 2015).

Trust in the system and safety of the community will improve if we know that information admitted from interrogation of a youth is voluntary, and the reality is that the admission of false information and confessions leads to wrongful convictions, leaving communities less safe as perpetrators evade justice.

Proposed policy solution: HB 23- 1042 increases funding for interrogation training for law enforcement, as well as improves the general reliability of confessions by requiring all juvenile interrogations to be recorded. Under the proposed language, if law enforcement is untruthful during custodial interrogation, the judge may discern whether the resulting confession was voluntary and therefore reliable and admissible in trial.

Closing: If confessions are voluntary and reliable, our communities will be safer. Just imagine if we lived in a place where there was open dialogue between police and community, where children and their parents trust law enforcement, including district attorneys. Children who grow up in such a community will be more engaged residents. Higher standards for admissibility of information obtained during interrogation will not only bring greater integrity to the investigative process, but will be of benefit to defendants, law enforcement and court officials.

SUPPORTING COALITION



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