

INNOCENCE PROJECT

Innocence Project
Testimony Supporting House Bill 1374
House Judiciary Committee
Maryland General Assembly
Thursday, March 3rd, 2022

The Innocence Project strongly supports House Bill 1374, which would safeguard against wrongful convictions of minors stemming from false confessions by prohibiting police officers from using deception during an interrogation. This language has been endorsed by law enforcement and prosecutors nationally. It has already been passed with overwhelming bipartisan support in Illinois, Oregon, and Utah and is currently under consideration in Colorado, Connecticut, Delaware, Florida, Nebraska, and Washington State.

One of the most counterintuitive aspects of human behavior is the decision to self-incriminate, and, to do so falsely. While the public understandably believe a false confession is anomalous, we have discovered through DNA-based exonerations that it is a frequent contributing factor to wrongful convictions. In fact, it is the most common contributing factor among homicide exonerations--and present in 30% of all exonerations--proven through DNA.

In the notorious case of the Exonerated 5 in New York City, factually innocent children broke down and confessed after the police misrepresented that their friends and associates not only confessed but also implicated them in the crime. Troublingly, judges and juries often believe false confessions since, historically, it was nearly impossible to discern a true confession from a false one. In Maryland, coerced statements from juveniles during police questioning have also contributed to wrongful convictions, including the “Harlem Park Three” case in Baltimore.

The Harlem Park Three

[Andrew Steward](#), [Ransom Watkins](#), and [Alfred Chestnut](#) (whose case became known as “The Harlem Park Three”) were teenagers when they were convicted of the 1983 killing of a student at Baltimore’s Harlem Park Junior High School.

Arrested on Thanksgiving morning, the police interrogated the boys for hours without their parents. They maintained their innocence the entire time. One of the officers told Ransom Watkins “You have two things against you--you’re Black and I have a badge.”

The conviction was ultimately secured with testimony from four students who claimed to have seen Chestnut, Stewart and Watkins commit the crime. Initially, they had reported seeing one person shoot the victim, but eventually identified the three boys after being subjected to harsh police questioning.

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In 2019, the Harlem Park Three were exonerated after a reinvestigation by the Baltimore City State’s Attorney’s Conviction Integrity Unit, the Mid-Atlantic Innocence Project, and the University of Baltimore Innocence Clinic. The four teenage witnesses who implicated Chestnut, Stewart, and Watkins all recanted, saying they were pressured by police to change their initial, truthful stories — that one person committed the crime — and instead identify the three boys.

As Alfred Chestnut said in his own words: “The detectives pressured other kids to say that they saw us commit the crime and hid the statements from witnesses who said they saw a different person do the shooting. This wasn’t the first time the detectives did these things, and it probably wasn’t the last. We were just three poor Black boys who didn’t have the money or power to fight back. The detectives that caused us so much suffering never faced any consequences. I don’t want anyone else to have to go through what we did and that’s why I’m speaking out.”

Juvenile False Confessions

Often, the decision to falsely confess to a crime is perfectly rational given certain circumstances of the interrogation. Real or perceived intimidation by law enforcement; use of force or perceived use of force by law enforcement during the interrogation; compromised reasoning ability of the suspect due to exhaustion, stress, hunger, substance abuse, mental limitations, or lack of education; fear that failing to confess will yield a harsher punishment; and deceptive interrogation technique, such as untrue statements about the presence of incriminating evidence, are all reasons why someone may falsely confess. These factors are even more intense when the person being interrogated is underage or lives with an intellectual disability.

Law enforcement is permitted by the Supreme Court’s interpretation of the Constitution to employ what is described as the “false evidence ploy,” whereby it may tell suspects, for instance, that forensic evidence—that has never been tested or may not exist—links the suspect to evidence collected at the crime scene. Suspects may be told that a bloody fingerprint located at the crime scene “matches” the suspect’s fingerprint, or that the suspect has failed a polygraph test. The suspect may also legally be lied to and falsely told that their co-defendant or the victim of the crime has implicated them.

One leading study of 125 proven false confession cases found that 63% of false confessors were under the age of twenty-five and 32% were under eighteen.¹ Another respected study of 340 exonerations found that juveniles under the age of eighteen were three times as likely to falsely confess as adults.² Leading law enforcement organizations, such as the International Association of Chiefs of Police, also agree that children are particularly likely to give false confessions during the pressure-cooker of police interrogation.³

¹ Steven A. Drizin & Richard A. Leo, *The Problem of False Confessions in the Post-DNA World*, 82 N.C. L. REV. 891, 907–08 (2004).

² SAMUEL R. GROSS & MICHAEL SHAFFER, THE NAT’L REGISTRY OF EXONERATIONS, EXONERATIONS IN THE UNITED STATES, 1989–2012, at 58, 60 (2012).

³ <https://www.theiacp.org/resources/document/reducing-risks>

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At a time where police-community relations are suffering tremendously, changing how young people are interrogated would go a long way towards helping to repair public trust in the criminal legal system.

The Innocence Project wants to thank Delegate Acevero for his leadership on this critical issue, and we strongly urge this committee to give a favorable report to House Bill 1374.

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