



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

SACRAMENTO LEGISLATIVE OFFICE

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June 30, 2022

The Honorable Chris Holden
California State Assembly
1021 O Street, Suite 5650
Sacramento, CA 95814

ASSEMBLY BILL 2644 (HOLDEN) SUPPORT, IF AMENDED

Dear Assembly Member Holden:

The Los Angeles County District Attorney's Office supports Assembly Bill 2644, if amended.

AB 2644 prohibits an officer from using threats, physical harm, deception, or psychologically manipulative interrogation tactics when questioning a youth 25 years of age or younger about the commission of a felony or misdemeanor.

AB 2644 provides that this prohibition does not apply to interrogations where the officer reasonably believes the information sought is necessary to protect life or property from imminent harm and the questions were limited to those reasonably necessary to obtain information related to that imminent threat.

It appears that the reasoning behind the introduction of AB 2644 is a body of research that indicates that adolescents are less capable of understanding their constitutional rights than their adult counterparts, and also that they are more prone to falsely confessing to a crime they did not commit.

Research suggests that “[b]ecause adolescents are more impulsive, are easily influenced by others (especially by figures of authority), are more sensitive to rewards (especially immediate rewards), and are less able to weigh in on the long-term consequences of their actions, they become more receptive to coercion.” The context of custodial interrogation is believed to exacerbate these risks.

The research on interrogation techniques of adolescents is quite clear. The proponents of AB 2644 quote research that shows:

“...that *adolescents* [emphasis added] are less capable of understanding their constitutional rights than their adult counterparts, and also that they are more prone to falsely confessing to a crime they did not commit. Research suggests that “[b]ecause *adolescents* [emphasis added] are more impulsive, are easily influenced by others (especially by figures of authority), are more sensitive to rewards (especially immediate rewards), and are less able to weigh in on the long-term consequences of their actions, they become more receptive to coercion.”

Our Office agrees with these conclusions and believes that the prohibitions called for by this bill are appropriate because of the potential unwanted impacts that the interrogation techniques precluded by this

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bill have on juveniles. However, AB 2644 would extend the prohibitions on custodial interrogation techniques to juveniles **and** adults under the age of 26.

There are major differences in terms of maturity, knowledge, criminal sophistication, and life experiences between a 16 year old and a 25 year old. The research does show that juveniles are more prone to falsely confessing to crimes they commit in a custodial interrogation and therefore deserve additional protections. However because the research shows that adolescents are in need of additional protections, our Office believes that the provisions of AB 2644 should also be limited to juveniles.

Our office would be proud to support AB 2644 with this amendment.

If you have any questions or need additional information, please feel free to contact Daniel Felizzatto in my Sacramento Legislative Office at (916) 442-0668.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Gascón", written in a cursive style.

GEORGE GASCÓN
District Attorney