

ONE HUNDRED SIXTH LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 124

Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to examine the practices for juvenile interrogations by law enforcement and potential improvements to protect the rights of juveniles and the safety of the public.

Research shows that most young people do not understand their right to counsel and right to remain silent when they are taken into custody and questioned. Young people are also more susceptible than adults to certain interrogation tactics by authority figures and more likely to give false information. Therefore, procedures tailored to the unique needs and circumstances of young people are required to ensure their rights are protected and the information they give under questioning is accurate.

Including a parent or attorney in the interrogation process is a policy option many states have introduced to address this issue. Other options include video recording of juvenile interrogations, requiring the provision of simplified advisements before interrogations, or changing certain procedures during interrogations.

The interim study shall include, but not be limited to:

(1) A review of recent scientific literature and court rulings on custodial interrogations of juveniles, including the impact of procedural changes intended to protect the rights of juveniles;

(2) A review of current law enforcement policies and practices used in conducting custodial interrogations of juveniles; and

(3) An examination of best practices and policy options available to ensure that the right to counsel and right to remain silent during custodial interrogations are protected for juveniles and that all waivers of such rights are made knowingly and voluntarily.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.