



April 14, 2023

House Committee on Judiciary
Vermont State House
115 State Street
Montpelier, VT 05633-5301

Via email to:

Rep. Martin LaLonde, Chair
Rep. Thomas Burditt, Vice Chair
Rep. Kevin "Coach" Christie, Ranking Member
Rep. Joseph Andriano
Rep. Angela Arsenault
Rep. Ela Chapin
Rep. Karen Dolan
Rep. Kenneth Goslant, Clerk
Rep. William Notte
Rep. Thomas Oliver
Rep. Barbara Rachelson

Dear House Committee on Judiciary:

I am writing on behalf of the newly created Office of the Child, Youth, and Family Advocate to urge you not to lower the age at which law enforcement can lie to Vermonters below the age of 22. To do otherwise in Senate Bill 6 would be a grave mistake that would promote injustice and harm victims of crime.

The criminal justice system serves no one—least of all crime victims—if it falsely convicts. When Vermont police lie to young people under the age of 25, they increase the likelihood that courts will convict the wrong person. The National Registry of Exonerations, a database of exonerations in the United States since 1989, shows that emerging adults between the ages of 18 and 24 make up 10% of the population but **35%** of exonerations. This 350% disproportionality is unacceptable, especially because racial disparities in convictions for this age group are the largest of any age group.¹

While the Office of the Child, Youth, and Family Advocate recognizes the necessity of a wide array of tools to protect all Vermonters, there are clear limits to police power when it comes to young people. Vermont should look to consensus brain science to drive its policy. Study after study shows that

¹ "Double tragedy: Falsely imprisoned, then died of COVID while preaching justice reform," Lael E.H. Chester & Bonnie Siegler, USA Today, 3 October 2021.

young adults do not mature until at least age 22. For emerging adults who have experienced trauma, as the vast majority of young criminal defendants have, the age of maturity is closer to 30.

Indeed, Vermont recognizes and protects the vulnerability of emerging adults in many other contexts, including in the criminal justice context. Vermont law extends the protections of the juvenile justice system to young people above the age of 18, offers young people the option to stay in foster care to 21, prohibits drinking and smoking to age 21, provides pediatric care until age 21, allows young people to remain on their parents' health insurance far beyond the age of majority, and so on. There is nothing magic about age 18, except "tradition." But tradition in this case upholds an outdated and dangerous understanding of brain development.

Wrongful convictions harm more than just defendants. They mean that the true perpetrator of the crime remains in the community. And they create ripple effects that harm children and extended families, lowering economic productivity and eroding community trust in law enforcement. BIPOC Vermonters are especially harmed by these policies, just another in a long line of disparate outcomes faced by the global majority in our state.

Senate Bill 6 provides only the most basic protections to emerging adults. It limits only the most unfair and invalid tools of law enforcement. Most Vermonters would be shocked to learn that police can lie to *anyone*. The very least we can do as a community is to protect our emerging adults to age 22.

We should seek not convictions, but the truth.

Thank you,

A handwritten signature in black ink, appearing to read "M. Bernstein". The signature is written in a cursive, somewhat stylized font.

Matthew Bernstein
Child, Youth, and Family Advocate