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TESTIMONY IN SUPPORT OF HB 624 February 13, 2020 Judiciary Committee

Dear Chair Clippinger & Members of the Committees:

As a Child and Adolescent, Forensic Psychiatrist, I often provide testimony on the impact of juvenile brain development and its relation to legal practice. Case law has guided us on the importance of recognizing the difference between adults and juveniles in legal proceedings. These differences are apparent in a number of ways. For instance, as early as the 1960's, the limitations in the reliability of child witnesses were studied and demonstrated. Those limitations have been attributed to differences in child memory, susceptibility and suggestibility.

Over the past twenty years, due to technological advancements, the medical field has begun to understand that brain development continues into the mid-twenties. In particular, the frontal lobe of the brain that controls problem-solving and judgment is underdeveloped. In contrast, the amygdala that controls the perception of emotions and rewards is overactive. This combination results in the poor impulse control and high risk-taking behaviors common in adolescents.

Juveniles who have legal problems typically exemplify the negative results of this time of development. Worsening matters, youth who might be connected to illegal activities often have other factors that further reduce their capacities, such as lower cognitive abilities or impulse control problems due to mental health disorders. Understanding this pattern has resulted in legal protections for youth, such as examinations of juvenile competency or waiver hearings, during which the capacities of youth can be accurately assessed prior to legal proceedings.

It is my opinion and the opinion of the American Academy of Child Adolescent Psychiatry that greater protections for youth who offer police statements should be established. An explanation and waiver of Miranda Rights is not sufficient for youth. The language used to explain Miranda Rights is not well-suited for most youth and is especially problematic for youth who might be functioning at lower cognitive levels than their chronological age reveals. As a result, the frequency of waivers that are not intelligent and/or knowing is much greater.

Considering what we now understand about youth, especially youth who are connected to legal matters, the likelihood for poor outcomes when youth are interviewed without the protections of parent and attorney consultation first is significant. Soliciting statements from youth in emotionally charged situations - youth who are more susceptible, suggestible, and impulsive – results in poor outcomes. It is not surprising that the rate of false confessions in youth is so high. Providing the protections proposed in HB 624 would move to correct this problematic practice. We ask for a favorable report on HB 624.

Sincerely,



Ronald F. Means, M.D.
Child and Adolescent, Forensic Psychiatrist