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TESTIMONY ON SB0120 - POSITION: UNFAVORABLE
Juvenile Law - Custodial Interrogation - Parental Consultation

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Jeffrey S. Rubin

My name is Jeffrey S. Rubin. I am a resident of District 15. I am submitting this testimony against SB0120, Juvenile Law – Custodial Interrogation – Parental Consultation.

During the past two years there has been an uptick in youth-related crime concerning carjacking and the use of firearms. However, the overall amount of crime committed by youth is less than during the pre-pandemic period. Nonetheless, the media have made this a recurrent story, which has been reinforced by some law enforcement officials and politicians who favor a ‘tough on crime’ policy. As the narrative of rising crime spreads fear among the public, even moderate legislators are tempted to adopt more severe treatment of youth as a way of responding to the understandable, but inaccurate perceptions propagated in the media marketplace. Such reactions by government leaders are misguided and harmful. They must be resisted.

Proponents of this bill will contend that access to an attorney is unnecessary because a parent, guardian, or custodian would be capable of guiding the youth when facing the prospect of such an interrogation. However, this is a flawed argument. People often are not knowledgeable about the nuances of the law. In the stressful setting of a confrontation with law enforcement officials, there is a distinct possibility that neither youths nor their adult guides would be capable of making informed decisions. Having access to an attorney is vital to a child, even more so than it is for adults in custody. The evidence has shown that all too often youths make false confessions when they face custodial interrogation.

The consequences of false confessions are severe. If they lead to imprisonment, that often results in repeated altercations with the legal system. Rather than promoting public safety, it is undermined. The cost is not only measured in terms of the derailment of individual lives, personal suffering, and the financial expense of housing the incarcerated. Maryland jurisdictions have been justifiably required to compensate with sizable financial awards individuals convicted of crimes they did not commit, based on false confessions they had provided as teenagers.

I respectfully urge this committee to issue an unfavorable report on SB0120.