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TESTIMONY IN SUPPORT OF SB 593
Juvenile Law - Child Interrogation Protection Act

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

FROM: Carol Stern, on behalf of Jews United for Justice (JUFJ)

I am testifying in favor of SB 593 as a resident of Chevy Chase, Maryland, in Montgomery County's District 16, and as the co-chair of Jews United for Justice's Equal Justice Under the Law Team. JUFJ organizes 5,000 Jewish Marylanders and allies in support of local campaigns for social, racial, and economic justice.

The Jewish tradition tasks us with carrying out the directive issued in Deuteronomy 16:20, "Tzedek, tzedek tirdof - Justice, justice shall you pursue." The Jewish sages explain that the word tzedek is repeated not only for emphasis but to teach us that in our pursuit of justice, our means must be as just as our ends. Rabbi Mordecai Kaplan wrote "teach us to respect the integrity of every human soul be it that of a friend or stranger, child or adult." When we are working to reform our criminal justice system, we must demand that it operates in accordance with these deeply held Jewish values.

Last week, we heard disturbing testimony against this bill in the House Judiciary Committee from State's Attorneys who indicated that kids who are "bigger" don't need to have their parents notified when conducting a custodial interrogation, but that they do contact parents for "small kids." A child's size is not a solid enough indicator of whether a child is old enough to understand their Miranda rights. Further, it is quite subjective and implicit biases and racism likely play a significant role in making such a determination. Research published by the American Psychological Association in 2014 showed that "Black boys as young as 10 may not be viewed in the same light of childhood innocence as their white peers, but are instead more likely to be mistaken as older, be perceived as guilty and face police violence if accused of a crime."¹ Black children are often perceived by white adults to be older than their actual age. All children need to be protected, from a system that makes assumptions about kids based on their physical size and their race.

The State's Attorneys raised concerns about the impact passing SB593 would have when a kid is accused of murdering both of their parents. The answer is that not only do kids who are suspected of murdering their parents need an attorney, but they should have a guardian ad

¹ American Psychological Association "Black Boys Viewed as Older, Less Innocent Than Whites," March 6, 2014 <<https://www.apa.org/news/press/releases/2014/03/black-boys-older>>

litem. All kids should have access to protections that the Justice Department deems necessary and are no less than adults have in Maryland.

Currently, police officers in Maryland have little limiting their right to interrogate children. As a mother of two children and a grandmother of three, I cannot imagine allowing my children or grandchildren to be interrogated without a lawyer and/or their parents being present. This is not the kind of justice that the State of Maryland should allow for anyone. A juvenile may not understand their rights or the warnings given to them. Many may not have the education, experience, background, or capacity to even know that they can remain silent, ask for an attorney, or call their parents. This bill adds much needed reforms for treating juveniles in the justice system with equality and the respect that all people deserve.

JUFJ respectfully urges a favorable report on SB 593.