



Testimony in Support of SB 593
Submitted to the Senate Judicial Proceedings Committee
February 19, 2020

Chairman Smith and members of the Committee:

My name is Brian Evans, and I have been a Maryland resident for over a dozen years, and am in my seventh year as a resident of Silver Spring in District 20. I am also the State Campaigns Director for the Campaign for Youth Justice, a national organization that works to end the incarceration and sentencing of children in the adult criminal justice system.

I represent myself and my organization in supporting SB 593, known as the “Child Interrogation Protection Act”, a proposal that will protect the rights of children in custody facing interrogation, and their families, with minimal burden on law enforcement or the Office of the Public Defender.

The bill values the rights of parents whose children are facing interrogation by requiring reasonable attempts to “give **actual** notice” to a child’s parents before any interrogation, and by mandating that those attempts be documented in writing.

The bill also enhances protection of a child’s right to have legal counsel present during interrogation. It is documented that children often do not understand the traditional *Miranda* warning – which requires a 10th-grade level of reading comprehension – and do not sufficiently appreciate the consequences of waiving their right to an attorney. SB 593 will mandate the development of a child-friendly version of the *Miranda* warning, and will require that a child consult with an attorney before any decision to waive their right to counsel during interrogation.

This consultation will increase the likelihood that the child will fully understand the value of having counsel present during interrogation, and the dangers of waiving such counsel. SB 593 allows for this consultation to take place in person, by phone, or on video, so it will not place a significant burden on law enforcement or on the Office of the Public Defender.

In 2011, in a case involving a 13-year-old child interrogated at school (*J.D.B. v. North Carolina*), the U.S. Supreme Court adopted a “Reasonable Juvenile” standard, holding that because children are developmentally different than adults, it follows that what is reasonable to a child differs from what is reasonable to an adult. The Court concluded that a “reasonable juvenile” is more likely to think he or she is in custody (and thus deserving of *Miranda* protections) than a reasonable adult.

SB 593 implements this standard by establishing one or two small extra steps to protect children’s right to counsel in any situation where they believe they are being held in custody. This is a good approach that, for little cost, will ensure that interrogations of children in custody are carried out in a way that respects their rights, and the rights of their parents. For the Campaign for Youth Justice and as a citizen of Maryland, I urge a favorable report on SB 593.
