



To: Committee Chair, Judicial Proceedings Committee
From: Maryland Youth Justice Coalition MYJC
Re: SB 593, Child Interrogation Protection Act
Date: February 19, 2020
Position: Support

Thank you for the opportunity to provide testimony on Senate Bill 593 the Child Interrogation Protection. The Maryland Youth Justice Coalition (MYJC) SUPPORTS this bill.

We urge this committee to issue a favorable report on SB 593.

Everyday in Maryland, children entangled in the criminal legal system are questioned without a parent being notified or attorney present. These actions are particularly dire for Black and Brown children, who are overpoliced. Although youth of all races commit offenses at roughly the same rates, African American and Latinx youth are arrested at much higher rates than their white counterparts, and therefore are at particularly high risk of facing police interrogations and coercion. As a result, they face criminal charges, prosecution, and incarceration without the basic due process rights that adults are entitled to. We believe any young person facing a police interrogation has the legal right to ask for a lawyer before answering questions and have their guardian notified and HB 624 the Child Interrogation Protection Act will protect those rights.

Youth have faced coercive police interrogation tactics for decades however, Ava Duvernay's Netflix miniseries, *When They See Us*, depicts the devastating impact of coercive interrogations of youth by sharing the story of the Central Park Five, wrongfully convicted following illegal interrogations. Unfortunately, the three Maryland men exonerated after 36 years in prison has forced us to look at the rights of children in Maryland. Despite some legal progress, the problem of coerced, wrongful confessions of youth persists. Research on adolescent brain development states that while the frontal lobe is still developing- which governs measured decision-making, the reward-seeking part of the brain is highly active causing teenagers to prioritize short-term benefits over long-term consequences. Behavior psychologist believe this makes youth prone to comply with the requests of authority figures like police or school resource officers (SRO's). Adolescent brain development coupled with psychological and sociological literature on coercive persuasion and interrogation-induced false confession explains why youth are uniquely vulnerable to coercive interrogation tactics and why they waive their Miranda rights at such high rates.

Adolescents waive their Miranda rights at an astounding national rate of 90% and make false confessions at exponentially higher rates than adults. A child's decision to confess in order to end an interrogation can have devastating consequences including the child's words may be used against them in court and can lead to a conviction and incarceration. The law requires courts to take age into account when deciding if a confession is voluntary. Police must also give Miranda warnings any time a "reasonable child" would not feel free to end an interrogation and leave. Standard Miranda warnings require a tenth-grade level of reading comprehension. **This bill will require that developmentally appropriate Miranda warnings be developed and requires an**

attorney consultation prior to interrogation to ensure that youth understand their rights. Further, this bill requires police to make reasonable attempts and to document those attempts to actually notify parents of their child's arrest, the basis for the arrest, and where their child is located.

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