



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

WILL JAWANDO
COUNCILMEMBER
AT-LARGE

February 19, 2020

JPR Committee, East Miller Senate Building
Annapolis, MD 21401

Dear JPR Committee,

I write today in support of SB 593, the Child Interrogation Protection Act, in my official role as a Councilmember At-Large in Montgomery County representing 1.1 million Marylanders. But I also write in support of SB 593 today in my calling as a civil rights lawyer, an activist and father.

Let there be no misunderstanding as to the issue that SB 593 seeks to address. Today's justice system is used to dole out uneven, unequal and discriminatory justice. Maryland has one of the highest rates of incarceration for African Americans in the nation, with African Americans comprising more than 70 percent of the prison population, even as African Americans make up only 30 percent of Maryland's population.

In addition, just this week, Montgomery County Public Schools released a report with a stunning detail: black and brown children are disciplined at rates significantly higher than their white peers. So much so, that an African American FARMS student in MCPS is 692 percent more likely to be suspended than a White Non-Farms student. That bears repeating: a student of color who relies on free and reduced meals is nearly 700 times more likely to be disciplined in school than their white peer.

When you put this data together, it provides a clear picture of a problem that must be addressed, particularly when it comes to the children in our public schools. I support SB 593 because this bill is a tremendous and important first step to ensure due process is afforded to every child who faces serious discipline.

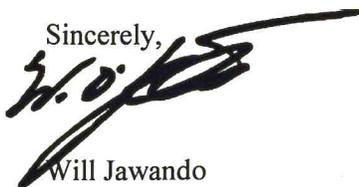
Montgomery County is not alone with these types of disparities. For example, according to the ACLU, "90 percent of all children arrested in Baltimore are Black. However, only 64 percent of the city's children are Black." This demonstrates that black children are overpoliced. "Of the 14,000 complaints made against youth of color, 90 percent of complaints against Black children are filed by the police (including school police and school resource officers)."

Even children with disabilities face an uphill battle. Our public-school children with disabilities were referred to law enforcement 16 percent more often than students without disabilities. In 2015-2016, Maryland students with disabilities made up 11 percent of the student population, but 22 percent of school-related arrests -- more than twice their actual representation.

In the 2017-2018 school year, more than 3,000 students were arrested in Maryland schools. In many instances during these arrests, students did not have a parent, legal guardian or legal representation present to oversee their rights. As a father of four, just the thought of any of my children being interrogated without either my wife or I present fills me with pain. I cannot even imagine what the children and families who go through this must feel. I am sure it erodes their trust in the American system of law, in the Maryland judicial system, and in local law enforcement. I'm sure it creates mental anguish.

Several steps must be taken to ensure we are protecting the rights of our young people, because even while they are young, and in school, they are still American citizens. First, we must develop age-appropriate Miranda warnings. Second, an attorney consultation must be offered prior to questioning, as part of that Miranda offer. Third, it should be made clear that children do not have the capacity to waive attorney consultation prior to interrogation. Finally, requirements must be made upon police to make reasonable attempts to notify the parents and or legal guardians of that child related to their arrest, the basis for the arrest, and where that child is located.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Jawando', with a long, sweeping horizontal stroke extending to the right.

Will Jawando
Montgomery County Councilmember At-Large