



SB 136 – SUPPORT
JUVENILE LAW – JUVENILE INTERROGATION
PROTECTION ACT (JIPA)
Senate Judicial Proceedings Committee

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

Takoma Park Mobilization is a grassroots organization with 2,300 members that advocates at every level of government, to ensure equal treatment and justice for all. We are in SUPPORT of SB 136.

The passage of SB 136 will increase protection for children facing interrogation by requiring a parent or custodian to be present and by asserting the juvenile’s right to an attorney. Currently, Maryland law allows police to detain and interrogate a child without a parent’s presence or even the knowledge that their child is being questioned or arrested.

According to the Maryland State Department of Education, **3,141 children were arrested** in the 2018-2019 school year. (This number does not include those who may have been interrogated but not arrested.) **More than 70% of those were children of color**—Black, Latino, Asian or biracial—**reflecting the racial disparity rampant in our criminal justice system.** Seventy children were in elementary school when arrested. Special needs children accounted for 727 arrests.

Juveniles are far less likely to assert or understand their rights than adults. And, minors are particularly susceptible to police questioning techniques and interrogation tactics. A University of Michigan Law School study found that “42 percent of exonerated juveniles had falsely confessed, compared with 13 percent of adults.” False confessions do not aid public safety.

In 2012, the U.S. Supreme Court acknowledged the diminished culpability of children in *Miller v. Alabama*, ruling that the Constitution mandates children are entitled to unique protections in the criminal justice system. Over the years, science, courts and doctors have researched and documented the differences between children and adults in decision-making capacity—that is why there are separate justice systems for minors and adults. Yet, current Maryland law treats all ages as though they have the same capacity.

SB 136 acknowledges that a minor’s brain development and life experience are significantly different from that of adults. This bill, requiring juveniles to have an attorney’s assistance to understand their rights, follows what the courts have recognized, science has proven and most states have already implemented.

All Maryland residents benefit when our criminal justice system is made more equitable. We cannot be serious about building a better world until we invest in, and protect our children’s human rights. SB 136 is a step in the right direction.

We urge a favorable report on SB 136.

*Submitted for Takoma Park Mobilization by Holly Syrrakos, hollyrockus@gmail.com,
301-312-2525
February 4, 2021*