

JILL P. CARTER
Legislative District 41
Baltimore City



Miller Senate Office Building
11 Bladen Street, Suite 3 East
Annapolis, Maryland 21401
410-841-3697 • 301-858-3697
800-492-7122 Ext. 3697

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter
In Favor of SB0136 - Juvenile Law - Juvenile Interrogation
Protection Act
Before the Judicial Proceedings Committee
on February 4, 2021**

Mr. Chairman, Mr. Vice chair, and Members of the Committee:

Senate Bill 136 recognizes that, under current law, that children are not afforded any additional protections during police interrogations and as a result, because children are impressionable, they are more likely to give false confessions or statements to police. Therefore, this bill provides safeguards against false confessions from frightened children. It requires that a child's parent or guardian be given the chance to make in-person contact with their child prior to questioning. It requires that the child consult in private with an attorney prior to questioning. Telling the youth that they have the right to an attorney is not good enough. This bill requires that they actually speak with an attorney prior to interrogation. This provision can only be waived in an emergency.

Senate Bill 136 acknowledges what we already know - children are different. Scared kids will say anything. Furthermore, this bill protects children and it protects the community at large. These simple steps help assure that the police are getting the most

accurate information the child can provide. False confessions send innocent people to prison. They also send investigators down blind alleys and let the real bad guy go free.

Here are just two situations where scared children told the police what they thought they wanted to hear:

In Michigan, 14 year old Devontae Sanford admitted to a quadruple homicide that he did not commit after being arrested in his pajamas and interrogated for over 24 hours without either a parent or attorney present. He confessed because the police told him if he did, he could go home.

In Wisconsin, 16 year old Brendan Dassey, confessed to a murder his uncle actually committed because the investigators, in his words, “got into my head. They got me to say whatever they wanted”.

Senate Bill 136 is vital and necessary for multiple reasons. First, 36% of exonerees who were under the age of 18 at the time of the alleged offense had falsely confessed, which is triple the estimated rate of false confessions for all ages. Second, youth lack the experience, developmental maturity, and judgment to appreciate the long-term consequences or implications of their actions. Third, as they stand, standard Miranda warnings require a tenth-grade level of reading comprehension. Lastly, 33 other states have adopted similar legislation to remedy this issue, which includes Virginia who enacted their legislation without any objections.

There are ample studies detailing how suggestible children are - especially when being interrogated by police. I will leave a full review of the academic literature to other witnesses on the panel.

This bill gives the parent, the child, and the investigators clear directions to ensure the well-being of the child and the integrity of the investigation.

For these reasons, I urge a favorable report on Senate Bill 136 from this committee.

Respectfully,

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is fluid and cursive, with "Jill" and "P." on the first line and "Carter" on the second line.

Jill P. Carter