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Mark Paster
Silver Spring, MD 20910

TESTIMONY IN SUPPORT OF SBI36/HB315
Juvenile Law - Juvenile Interrogation Protection Act

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Mark Paster

My name is Mark Paster and I am a resident of Silver Spring, District 20. I am writing in support of SBI36/HB315, Juvenile Law - Juvenile Interrogation Protection Act.

Children are treated differently and given more protections by our society because we know most children lack the knowledge, experience, and maturity to make most major life decisions on their own. I can certainly recall my own childhood when I thought I knew better than anyone else, was more knowledgeable than most adults, and could easily outsmart the grownups around me. I expect that most of us, when being honest with ourselves, recall similar feelings from our younger days. Maturity, in part, is the recognition that maybe we're not quite as superior to those around us as we once thought.

I clearly remember several times from my much younger days when I did things that I can now recognize as stupid acts of immaturity. In a few of those, it would have been possible that law enforcement might have become involved. Luckily for me, that didn't happen but had it happened, my life would have been very different, and probably more limited. I was lucky, not smart or mature.

Many children act inappropriately because they're immature. That's not news. But when children act inappropriately at the wrong time or place, or in a significant way, that means law enforcement gets involved. It does not mean that the child suddenly gains the maturity to know what is really in their own best interest. They probably do not realize that what they say might exacerbate the difficulty they're facing. They probably do not realize that the police officer's role in the situation is not to help them get out of trouble. They may not realize that the police officer is a trained investigator and questioner and they may be trying to outsmart a professional who isn't required to tell the truth to them.

This legislation requires that parents or adults responsible for a child be notified promptly when their child is in custody. It is hard for me, as a parent, to fathom how anyone could oppose such a requirement. One of the most terrifying times of parenthood were those moments when my child was late and we had no idea where they were, or who they were with. Those happen for a lot of innocent reasons, but I cannot imagine the horrible feeling of a parent not being able to locate their child, only to find out they were in police custody. Our society should never do that to any parent.

A more just society includes treating our children more justly and showing them that not only are there consequences for their actions, but they have rights and protections as well. Ensuring that the children also have access to a lawyer, a knowledgeable adult advocate, before police can question them, is that critical protection they need and deserve. When they are alleged to have seriously misbehaved, they and their parents have not forfeited their right to be treated fairly and decently.

I respectfully urge a favorable report on SBI36/HB315. Thank you.