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Feb. 2, 2021

To: Chairman Smith and Members of the Senate Judiciary Committee

Re.: SB 0136, Juvenile Law - Juvenile Interrogation Protection Act

Recommendation: Pass with Sponsor's Amendments

Dear Chairman Smith and Senators,

I am fervently hoping that you will give a favorable report on SB 0136. In addition, it is essential that the amendments Sen. Carter has proposed to clarify Section G be adopted.

This bill would:

- 1) Mirandize a minor using standardized age-appropriate language.
- 2) Notify a parent/guardian immediately when their minor is in custody.
- 3) Require that a minor speak with legal counsel prior to custodial interrogation.

Maryland's young people grow into adulthood fearing the police – sadly, with good reason. Under current law and process, the rights children (under 18) should enjoy as members of a free and just society can be overlooked in the process of police questioning. "Miranda" rights are in language that many minors would not fully understand, so these children waive their constitutional right to counsel and to the presence of their parents without fully understanding that they are doing so.

Although the current system may make it easier for law enforcement to make speedy arrests, it allows too many to be falsely accused and punished for crimes which they did not commit.

Data from the National Registry of Exonerations shows that 36% of exonerees who were under the age of 18 at the time of the alleged offense had falsely confessed. In our own state, jurisdictions are paying expensive compensation to many people who were improperly charged long ago.

Even if a child is not charged, he or she experiences undue trauma in the process of an interrogation without his/her own advocate present. This child will grow into an adult who may respect police authority, but who does not see police as a source of safety and justice in his/her community. This is not the kind of society we should want to perpetuate.

Further, the protections of this bill should not be diluted by allowing the law enforcement officer to waive the minor's rights based on a hunch or feeling that he/she will get the information desired by waiving those rights. Therefore, Section G must be amended as Senator Carter has proposed.

Please give a favorable report on this bill. Thank you for your service, time, and consideration.

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