



SB136 Support

February 4, 2021

Senator Will Smith
Chair, Judicial Proceedings
Miller Senate Building
11 Bladen Street
Annapolis, MD 21401

Re: Support for Senate Bill 136 – Juvenile Law – Juvenile Interrogation Protection Act

Dear Chairman Smith and Committee Members:

As the State's Attorney for Baltimore City, I stand in strong support of Senate Bill (SB) 136, which, if passed, would prohibit a law enforcement officer from conducting a custodial interrogation of a child until the child has consulted with an attorney and the law enforcement officer has notified the parent, guardian, or a custodian of the child that the child will be interrogated. A statement or evidence obtained as a result of a violation of these provisions is inadmissible as evidence in any legal action involving the child.

SB136 is an important piece of legislation that can protect our children while at the same time promoting public safety. The need for this reform became clear when we exonerated three African American individuals who were sentenced to life in the early 1980s at the age of sixteen for a murder they were ultimately found to not have committed. Through our investigations, my Conviction Integrity Unit discovered that the witnesses in this case, who were all under eighteen years of age at the time of interrogation, were interrogated repeatedly by the officers without any adults present. This led to them falsely identifying the three wrongfully convicted children as the perpetrators. Their resulting convictions were largely based on this false testimony.

Current policy on this issue – followed by my office – stems from *Moore v. State*, a case heard before the Maryland Court of Appeals. Of note, the Court stated that "Great care must be taken to assure that statements made to the police by juveniles are voluntary before being permitted in evidence. The absence of a parent or guardian at the juvenile's interrogation is an important factor in determining voluntariness, although the lack of access to parents prior to interrogation does not automatically make a juvenile's statement inadmissible." We also ask police to make every effort to contact the parent or legal guardian, and explain the Miranda process to youth. However this policy is just policy. It is not a substitute for law. We need to codify reforms that strengthen the juvenile interrogation process. SB136 would provide reforms and safeguards to prevent future miscarriages of justice.

For these reasons, I urge you to consider a favorable report for SB136.

STATE'S ATTORNEY
Marilyn J. Mosby



OFFICE of the STATE'S ATTORNEY for BALTIMORE CITY
120 East Baltimore Street | Baltimore, Maryland 21202

Sincerely,

A handwritten signature in blue ink that reads "Marilyn J. Mosby". The signature is written in a cursive style.

Marilyn J. Mosby
State's Attorney for Baltimore City