

Testimony in Support of :  
HB 315: Child interrogation Protection Act

Submitted by : Hon. David W. Young (Associate Judge of the Circuit Court for Baltimore City, Retired), 3905 Eland Road, Phoenix, Maryland 21131.

Dear Chairman Clippinger and members of the House Judiciary Committee of the Maryland General Assembly Thank for th opportunity to present written testimony in support of HB 315

My name is David W. Young, I am a retired judge of the Circuit Court for Baltimore City. For thirty-five years I had the privilege of service as a member of the Maryland Judiciary, twenty-five of which were on the Circuit Court. Additionally, I served as a judge in Division of Juvenile Cause of the Circuit Court.

Additionally, I served as a pastor in the African Methodist Episcopal Church for twenty-five years ad retired in 2020. Since my retirement I have been active with Bridge Maryland in connection with it's social justice initiatives including HB 315.

In my capacity as a judge I had many occasion to preside over delinquency proceedings wherein juveniles were charged with violations of the criminal laws including many felonies. It was my observation that in numerous instance custodial interrogations were conducted of juvenile suspects that gave me great pause as to whether the accused had been afforded due process.

As you are aware juvenile proceeding are different from those involving adults as the goal is rehabilitation rather than conviction and punishment. This difference notwithstanding, I saw cases where children had been taken into to custody and interrogated without notice having been given to a parent or guardian, without having an opportunity to speak with a parent or guardian or to consult with an attorney. Rather being treated as children, they were viewed by the police as sophisticated individual when, in actuality, they were immature, frightened children who would say just about anything to be able end the interrogation, including giving false confessions or making incriminating statements. These dangers are especially true with respect to juvenile interrogations “[i]n a high stress environment like and interrogation room, a child or adolescent is far more likely to say **anything**-true or not-just to get the interrogation to stop, ignoring the long term consequences of their decision.”

[www.adn.com/commentary/article/false-confessions-and-lessons](http://www.adn.com/commentary/article/false-confessions-and-lessons). (6/26/2016)

This is why organizations like the International Association of Chiefs of Police advocate strict limitations on interrogations of children and adolescents. They recommend, for example that a friendly adult, such as a parent, guardian or child advocate should be present; that the interrogations should not occur in the middle of the night; that police should not resort to deception about the evidence; and that they should not feed the person being interrogated facts about the evidence. (Reducing Risks: An Executive's Guide to Effective Juvenile Interview and Interrogations, International Association of Chiefs of Police, September 2012.)

I urge you in the strongest possible terms to support HB 315 so the children who accused of violating the criminal laws of Maryland will be afforded due process and the broadcast protection of their constitutional rights. Thank you for your consideration.