

Testimony Concerning HB 315
“Juvenile Law – Juvenile Interrogation Protection Act”
Submitted to the House Judicial Committee
February 4, 2021

Position: SUPPORT

Dear Delegates Bartlett et al.,

I, Elizabeth Richards, strongly support HB 315. I am a graduate student in Towson University’s Clinical Psychology program, where I am completing an internship with Maryland’s Office of the Public Defender, Social Work Division. This testimony represents my own views based on a review of the available research and does not necessarily represent the views of Towson University or Maryland’s Office of the Public Defender.

In cases such as *Roper v. Simmons*, *J.D.B. v. North Carolina*, and *Graham v. Florida*, the US Supreme Court recognizes that juveniles are profoundly different than adults and in need of extra protections. HB 315 builds on that tradition, adding safeguards to the interrogation process. Our society does not allow anyone under the age of 18 years to enlist in the military without parental consent or vote, so it does not follow that we should allow anyone under the age of 18 years to be taken into law enforcement custody and waive their Miranda rights without notifying the juvenile’s parents or guardians. Due to the complexities of the criminal justice system, research suggests the mere presence of a parent or guardian is not enough to ensure a juvenile’s rights are upheld. A defense attorney can provide better insight into all the available options and likely outcomes for a juvenile being questioned by law enforcement. Additionally, ensuring the language used when issuing the Miranda warning is age-appropriate is consistent with the Supreme Court’s ruling in *Miranda v. Arizona* that one must knowingly and intelligently waive their Constitutionally protected rights.

Juveniles waive their Miranda rights up to 90% of the time, a much greater rate than found among adults. Due to their developing brains, juveniles are primed to focus more on the immediate reward (i.e., the prospect of being allowed to leave and escape the immediate threat) and not on the long-term consequences of their actions (i.e., involvement in the justice system, incarceration). This makes juveniles extremely vulnerable to making a false confession as a way to end the current distress (i.e., the interrogation) they are experiencing. In interviews with 193 justice-involved youths, researchers found that 35% reported they made at least one false confession when questioned by law enforcement.

In addition, research suggests that justice-involved youth may be especially vulnerable to coercive interrogation practices given the high rate of trauma experiences and mental health issues within this population. A 2014 study of 350 justice-involved youth by the Geisel School of Medicine at Dartmouth found that 45.7% of their sample screened positive for posttraumatic stress disorder, 49.4% screened positive for depression, and 26.3% of the sample endorsed multiple psychiatric disorders. These results are similar to a review of 100 cases involving Baltimore City justice-involved youth from 2009-2011. In that review, a mental health evaluation was conducted for only 43 of the juveniles following their involvement with the

justice system, however, every evaluation resulted in at least one psychiatric disorder diagnosis. This highlights the high rate of trauma and psychiatric disorders found within populations of justice-involved youth, which increases their susceptibility to waive their Miranda rights without a full understanding of what that means.

The US criminal justice systems already perceive juveniles as unique from adults requiring extra protections due to their developing brains. Juvenile's developmental trajectory make them more vulnerable to coercive interrogation practices and more likely to waive their Miranda rights and/or make a false confession compared to adults. Additionally, justice-involved youth tend to be more vulnerable, with greater rates of trauma exposure and mental illness compared to the general public. HB 315 would afford greater protection to juveniles when taken into law enforcement custody. These protections not only shield the Constitutional rights of the juvenile but uphold the integrity of the justice system.

For these reasons, I urge your favorable consideration of HB 315.

Respectfully,

Elizabeth Richards