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To: **M**embers of The House Judiciary Committee

From: Family & Juvenile Law Section Council (FJLSC)
by Ilene Glickman, Esquire and Daniel Renart, Esquire

Date: February 4, 2021

Subject: **House Bill 315**:
Juvenile Law – Juvenile Interrogation Protection Act

Position: **SUPPORT**

The Maryland State Bar Association (MSBA) FJLSC **supports House Bill 315 – Juvenile Law – Juvenile Interrogation Protection Act**.

This testimony is submitted on behalf of the Family and Juvenile Law Section Council ("FJLSC") of the Maryland State Bar Association ("MSBA"). The FJLSC is the formal representative of the Family and Juvenile Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FJLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members.

The U.S. Supreme Court has long recognized that as a result of their youthfulness, young people are more susceptible to police coercion than adults, and more in need of legal counsel while facing police interrogation. Research on adolescent development and neuroscience explains why youth are uniquely vulnerable to coercive interrogation tactics and why they waive their Miranda rights at an astounding rate of 90%. As noted in the International Association of Chiefs of Police Training Key #652, "[T]he landmark study on juveniles and Miranda rights found that well over half of those juveniles surveyed did not understand at least one of the Miranda rights, compared to less than a quarter of adults. And even if a juvenile is able to build some understanding of his rights, he may have difficulty applying those rights to his own situation. While some children understand that they are allowed to consult with an attorney, for example, they may not understand how an attorney could be helpful to them during an interview or

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interrogation. Because of these problems, youths may not fully understand the significance of their rights or what it really means to waive them." "Even intelligent children and teenagers often do not fully understand their Miranda rights, which can require a tenth-grade level of understanding."[1]

Adolescents as a class prioritize short-term benefits over long-term consequences. They have a tendency to comply with requests of authority figures and their ability to make measured decisions is still developing. It is also widely acknowledged and recognized that commonly-employed police interrogation tactics can produce involuntary confessions as a result of these neurobiological deficits. The standardized set of procedures taught by the Reid Technique and used by police agencies across the country, involve separating the suspect from his family and isolating that individual in a small interrogation room specially designed to increase anxiety. Police officers begin by asking background questions and engaging in small talk creating the illusion of a non-threatening, non-adversarial encounter. Miranda warnings are then delivered without preamble and in a neutral tone. Police refer to the warnings as "paperwork" to emphasize its bureaucratic quality and that these warnings are a mere formality. Another common tactic is referring to the dissemination of Miranda rights in popular media, trivializing the warning's legal significance lulling the suspect into falsely believing that cultural exposure to Miranda translates into understanding of its meaning and consequence.[2] Such tactics are much more likely to be coercive when used with young people because of their immaturity and relative susceptibility to persuasion.

Passage of HB 315 ensures that adolescents have access to an attorney to ensure that youth fully understand their constitutional right to remain silent during any custodial interrogation.

For the reason(s) stated above, the MSBA FJLSC **supports House Bill 315 and urges a favorable committee report**.

Should you have any questions, please contact Ilene Glickman by e-mail at Ilene@lawhj.com or by telephone at (410) 821-8718.

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[1] International Association of Chiefs of Police, *Reducing Risks: An Executive's Guide to Effective Juvenile Interview and Interrogation.*

[2] See Saul M. Kassin, *"Police-Induced Confessions: Risk Factors and Recommendations*," 34 L. & Hum. Behav. (2010) Barry C. Feld, "*Kids, Cops, and Confessions Inside the Interrogation Room.*" New York University Press, 2013