

**SB 53\_Child Interrogation\_FAV.pdf**

Uploaded by: Alice Wilkerson

Position: FAV



**Testimony in Support of Senate Bill 53  
Child Interrogation Protection Act  
January 27, 2022  
Favorable**

Dear Chairman Smith and Honorable Members of the Committee:

On behalf of Strong Future Maryland, we write in strong support of Senate Bill 53. Strong Future Maryland works to advance bold, progressive policy changes to address systemic inequality and promote a sustainable, just and prosperous economic future for all Marylanders. We urge you to support this legislation as part of our efforts to address discriminatory practices leading to the overincarceration of Black youth and in the state of Maryland and to ensure that everyone in our justice system is treated fairly, equitably, and the kids are provided with rehabilitative services that will help them succeed.

Every day in Maryland, children entangled in the criminal legal system are questioned without a parent being notified or attorney present. Although youth of all races commit offenses at roughly the same rates, African American youth are arrested at much higher rates than any other racial group in this state, and therefore are at particularly high risk of facing police interrogations and coercion. As a result, Black children face criminal charges, prosecution, and incarceration without the basic due process rights that adults are entitled to. We believe any young person facing a police interrogation has the legal right to ask for a lawyer before answering questions and have their guardian notified, SB 53 the Child Interrogation Protection Act will protect those rights.

The Child Interrogation Protection Act will:

- 1) Require law enforcement to make good faith efforts to notify parents or guardians that their child will be subject to interrogation;
- 2) Allow a child to consult with an attorney prior to being interrogated; and

[info@strongfuturemd.org](mailto:info@strongfuturemd.org)

PO Box 164 | Arnold MD 21012

240-643-0024 | [strongfuturemd.org](http://strongfuturemd.org)

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3) Encourage Maryland courts to adopt age-appropriate language for children to understand their rights.

Adolescent brain development coupled with behavioral psychology and sociological literature on coercive persuasion and interrogation-induced false confessions explain why youth are prone to comply with the requests of authority figures like police or school resource officers (SRO's), making them uniquely vulnerable to coercive interrogation tactics. It is imperative to keep a continued understanding of adolescent brain development and behavior psychology at the forefront of this discourse to ensure we are adequately discussing the dangers of youth interrogations. Further, it is critical to recognize that the goal of interrogations is to elicit incriminating statements, admissions and/or confessions through the use of psychological methods that are explicitly confrontational, manipulative, and suggestive.

Strong Future Maryland urges this committee to issue a favorable report on SB 53.

# **SB 53 - Juvenile Interrogation Protection Act.pdf**

Uploaded by: Alicia Pereschuk

Position: FAV



Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 43. I am testifying **in support of the Juvenile Interrogation Protection Act (Senate Bill 53)**.



**Senate Bill 53** will require a law enforcement officer to contact a parent/guardian with reasonable notice and provide consultation with an attorney for any child they plan to interrogate. I request that you support this legislation to protect children from the manipulation and fear they can experience during a police interrogation.

Both the United States and Maryland Constitution provide the right to be free from self-incrimination and the right to effective assistance of legal counsel. Although these rights are important for adults, they are even more important for minors, who are often under added pressure to please adult figures of authority and may not understand the motivations a law enforcement official may have for misleading or intimidating them. Minors may also not understand the long-term implications of agreeing to something an adult figure of authority may pressure them to say, which in the case of interrogation by law enforcement can have life-long negative repercussions. These concerns were recognized by the legal community in *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court, which stated that minors had “diminished capacity” and were not able to fully understand the risks and consequences of their actions.

This diminished capacity is most evidently shown in a 2013 study of Maryland counties, where in one-third of the counties visited in the study, 40 to 58 percent of children routinely waived their right to counsel.

A well-known historical example of the consequences of children testifying without the presence of their parents or without having the opportunity to consult with legal counsel is the Central Park Five. In this case, police used intimidation and their role of the authority figure to coerce a group of minors into guilty pleas, even though no evidence for the guilt of the minors existed. As a result, six Black young men were imprisoned for years, only to have their convictions vacated years later. This is a situation that could easily be replayed in Maryland due to our current gap in ensuring minors are provided with the guaranteed legal support that should be guaranteed.

Over 30 other states have legislation that provide these protections, yet Maryland’s willingness to leave youth unprotected in one of the most stressful situations imaginable yields a perverse outcome: false confessions that traumatize and wrongly incriminate children, without making Marylander’s any safer.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 53** to ensure children get the help they need before being interrogated by police.

I appreciate your time, service, and consideration.

Sincerely,

Alicia Pereschuk

321 W. 28<sup>th</sup> Street

Baltimore, MD 21211

Showing Up for Racial Justice Baltimore

# **Testimony re Juv Legal Represent..pdf**

Uploaded by: Anita Lampel

Position: FAV

My name is Anita Lampel. I live in District 16. I offer my written testimony in favor of SB 53/HB 269.

I was stunned to see that Maryland maintains that children as young as seven-years-old can be held to answer in Juvenile Court for their actions. Really! That's the age where lots of kids still believe in Santa Claus. My background and training is in child and adolescent mental health issues, and I have a Ph.D. from Stanford University. I've headed a department of child and adolescent mental health, served on commissions and committees addressing the needs of juvenile offenders, and given expert testimony in juvenile courts. I can state unequivocally that children and youth do not think in the same way as adults.

Children and youth are protected groups in society because they do not have the reasoning skills or behavioral controls that come with adulthood. As research shows definitively, their vulnerabilities are worse if they live in poverty, are exposed to violence, have learning disabilities, and are members of targeted groups, such as being Black. And, Black children are routinely viewed as somehow more "mature" at a young age than white children, putting them at even more risk of being treated badly if caught up in the justice system, like being questioned by a police officer. Children and youth are far more likely to give false confessions, to not understand the consequences of their statements, and to conform to what the pressure of the moment is.

Children and youth whose freedom, whose ability to live with family and in their community, are at risk whenever they are questioned by law enforcement must have legal counsel before being questioned and their parents must be notified that they are being questioned. This is the standard in most civilized countries. This is the standard supported by every major advocacy group for children, including the American Psychiatric Association, the American Psychological Association, and others.

Maryland has a higher percent of youth in the juvenile justice system than almost any other state. This school to prison pipeline must stop. Adequate protection at the beginning is one step in that direction.

I respectfully urge a favorable report for Bill SB53/HB269.

Thank you.

**SB0053\_JPR\_Fav\_Arielle\_Juberg.pdf**

Uploaded by: Arielle Juberg

Position: FAV

SB0053, Juvenile Law - Juvenile Interrogation Protection Act  
Testimony in **Support**

To: Chair Smith and members of the Senate Judicial Proceedings Committee  
From: Arielle Juberg, Baltimore MD 21234

My name is Arielle Juberg. I am a resident of Baltimore County in District 8. I belong to Showing Up for Racial Justice (SURJ) in Baltimore. SURJ is also working in collaboration with Out for Justice. I am testifying in **support** of SB0053, Juvenile Law - Juvenile Interrogation Protection Act.

SB0053 will require a law enforcement officer to contact a parent/guardian with reasonable notice and provide consultation with an attorney for any child they plan to interrogate. SB0053 matters to me because I believe we must consider young people's vulnerabilities in tense and scary moments.

When I first began driving at 17, I got into an accident. Another driver rear-ended my car on a busy freeway. I was shaking as I eased my car onto the shoulder and opened the door; I had never dealt with a car accident before as a driver. The other driver, who was older, attempted to talk me out of reporting the accident to the police. They said they were late for work, had experienced insurance hikes in the past, and asked to settle the issue by handing me the money in their wallet. In that moment, I was vulnerable, inexperienced, and scared. I was being talked out of my right to report the accident, obtain an official report, and receive insurance coverage for an accident that wasn't my fault. My experience pales in comparison to other youth, particularly youth encountering authority figures. However, it demonstrates how young people can experience uncertainty and coercion in an unfamiliar setting.

A well-known historical example of the consequences of children testifying without the presence of their parents or without having the opportunity to consult with legal counsel is the Central Park Five. In this case, police used intimidation and their role of the authority figure to coerce a group of minors into guilty pleas, even though no evidence for the guilt of the minors existed. As a result, these Black young men were imprisoned for years, only to have their convictions vacated years later.

Over 30 other states have legislation that provide these protections, yet Maryland's willingness to leave youth unprotected in one of the most stressful situations imaginable yields a perverse outcome: false confessions that traumatize and wrongly incriminate children, without making Maryland residents any safer.

It is for these reasons that I encourage you to **support** SB0053 to ensure children get the help they need before being interrogated by police. Thank you for your time, consideration, and service.

**SB626-testimony-UULM-MD-Support-CandyClark.PDF - G**

Uploaded by: Ashley Egan

Position: FAV



## Unitarian Universalist Legislative Ministry of Maryland

### Testimony in Support of SB 53: Juvenile Law - Juvenile Interrogation Protection Act

TO: Chairman Smith and Members of the Senate Judicial Proceedings Committee

FROM: Karen "Candy" Clark,  
Unitarian Universalist Legislative Ministry of Maryland Criminal Justice Lead

DATE: January 27, 2022

On behalf of the Unitarian Universalist Legislative Ministry of Maryland, we ask a favorable vote for SB 53: Juvenile Law-Juvenile Interrogation Protection Act. This legislation should have been in place when officers first began to interrogate juveniles when charged. This is a traumatic experience for a minor and even for an adult. SB 53 incorporates processes that honor the inherent worth and dignity of the juvenile which is a principle we Unitarian Universalists uphold.

Requiring that the juvenile's parents/guardian are contacted as soon as possible so they can be present for the interrogation is critical. It helps calm the juvenile and reduce their trauma. Because other adults are there to support the minor, the interaction with the officer will be more respectful and all information between the parties will be clearly understood. All of these benefits will aid the juvenile to better understand the impact of their testimony.

If the practices listed in this law are followed, it should not only improve the interrogation process for both parties; but improve the relationship between our citizens and law enforcement— a goal for both our communities and police officers.

**Please give SB 53 a FAVORABLE vote,**

Respectfully submitted,

*Karen Clark*

UULM-MD Criminal Justice Lead

**HB0083\_bcg\_fav.pdf**

Uploaded by: Barbara Goyette

Position: FAV



January 24,2022

To Whom It May Concern:

In regard to bill SB0029, my position is FAVORABLE. I am a pediatric RN in Annapolis Maryland and although I feel that no child should be able to marry prior to age 18, this bill provides a compromise allowing a 17 year old to file for emancipation in order to be married. If the court approves the minor's application for marriage, at least this will not allow the parents of the child to allow their child to be married without the child's consent.

As a pediatric RN, I have unfortunately seen a number of children who have married prior to age 18 and often it has been to much older men. This is a set up for abuse from a husband who becomes the legal guardian for this child. I am so disappointed that for the past four years, a similar bill has been introduced requiring the child to be 18, a legal adult, before being allowed to marry. This bill, SB0029, that has been brought before you this year is the absolute minimum that should be approved. The safety of minor children is what is at stake here.

I strongly urge you to pass this bill.

Sincerely,

Barbara Goyette, RN  
1559 Chapman Rd  
Crofton MD, 21114



# **SB 53 - Juvenile Interrogation Protection Act.docx**

Uploaded by: Benjamin Fertig

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District **9B**. I am testifying **in support of the Juvenile Interrogation Protection Act (Senate Bill 53)**.



**Senate Bill 53** will require a law enforcement officer to contact a parent/guardian with reasonable notice and provide consultation with an attorney for any child they plan to interrogate. I request that you support this legislation to protect children from the manipulation and fear they can experience during a police interrogation.

Both the United States and Maryland Constitution provide the right to be free from self-incrimination and the right to effective assistance of legal counsel. Although these rights are important for adults, they are even more important for minors, who are often under added pressure to please adult figures of authority and may not understand the motivations a law enforcement official may have for misleading or intimidating them. Minors may also not understand the long-term implications of agreeing to something an adult figure of authority may pressure them to say, which in the case of interrogation by law enforcement can have life-long negative repercussions. These concerns were recognized by the legal community in *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court, which stated that minors had “diminished capacity” and were not able to fully understand the risks and consequences of their actions.

This diminished capacity is most evidently shown in a 2013 study of Maryland counties, where in one-third of the counties visited in the study, 40 to 58 percent of children routinely waived their right to counsel.

A well-known historical example of the consequences of children testifying without the presence of their parents or without having the opportunity to consult with legal counsel is the Central Park Five. In this case, police used intimidation and their role of the authority figure to coerce a group of minors into guilty pleas, even though no evidence for the guilt of the minors existed. As a result, six Black young men were imprisoned for years, only to have their convictions vacated years later. This is a situation that could easily be replayed in Maryland due to our current gap in ensuring minors are provided with the guaranteed legal support that should be guaranteed.

Over 30 other states have legislation that provide these protections, yet Maryland’s willingness to leave youth unprotected in one of the most stressful situations imaginable yields a perverse outcome: false confessions that traumatize and wrongly incriminate children, without making Marylander’s any safer.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 53** to ensure children get the help they need before being interrogated by police.

I appreciate your time, service, and consideration.

Sincerely,

**Dr. Benjamin Fertig, Ph.D.**

**4963 Wharff Ln, Ellicott City, MD 21043**

Showing Up for Racial Justice Baltimore

**sb53.pdf**

Uploaded by: Brian Seel

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 46. I am testifying **in support of the Juvenile Interrogation Protection Act (Senate Bill 53)**.



**Senate Bill 53** will require a law enforcement officer to contact a parent/guardian with reasonable notice and provide consultation with an attorney for any child they plan to interrogate. I request that you support this legislation to protect children from the manipulation and fear they can experience during a police interrogation.

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It is for these reasons that I am encouraging you to vote **in support of Senate Bill 53** to ensure children get the help they need before being interrogated by police.

I appreciate your time, service, and consideration.

Sincerely,

**Brian Seel**

**223 S Wolfe St**

Showing Up for Racial Justice Baltimore

# **Testimony FAV SB0053 Juvenile Interrogation Protec**

Uploaded by: CAROL STERN

Position: FAV

January 25, 2022  
Carol Stern  
4550 North Park Avenue Apt T106  
Chevy Chase, MD 20815

**TESTIMONY IN SUPPORT OF SB0053**  
**Juvenile Law - Juvenile Interrogation Protection Act**

**TO:** Chair Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee  
**FROM:** Carol Stern

My name is Carol Stern. I live in Chevy Chase, in state district 16 and I am a member of Adat Shalom Reconstructionist Congregation. I am providing testimony in favor of SB0053, Juvenile Law - Juvenile Interrogation Protection Act. I provide this testimony as a mother and grandmother.

The Jewish text that shapes my religious and moral conviction that juveniles must have a right to counsel is the directive issued in Deuteronomy 16:20, "**Tzedek, tzedek tirdof - Justice, justice shall you pursue.**" The Jewish sages explain that the word tzedek is repeated not only for emphasis but to teach us that in our pursuit of justice, our means must be as just as our ends. Rabbi Mordecai Kaplan wrote "**teach us to respect the integrity of every human soul be it that of a friend or stranger, child or adult.**" When we are working to reform our criminal justice system, we must demand that it operates in accordance with these deeply held Jewish beliefs.

As a mother of two children and a grandmother of three, I cannot imagine allowing my children or grandchildren to be interrogated by police without prior legal consultation and parental/guardian notification. **This lack of justice should no longer be allowed in our state.** A minor may not understand their rights, or the warnings given to them. Many may not have the education, experience, background, and capacity to even know that they can stay silent, ask for an attorney or call their parents.

**All youth in Maryland must be guaranteed access to legal representation before they are questioned by police.** No child should be interrogated by law enforcement without being able to consult a lawyer. But Maryland does not mandate that young people have access to legal counsel before being interrogated by police. This contributes to the criminalization and incarceration of black and brown youth who are disproportionately targeted by our justice system. SB0053 adds much needed reforms for treating minors in the justice system with equality and the respect that all people deserve.

**I respectfully urge the committee to return a favorable report on SB0053.**



# **SB0053\_Juvenile\_Interrogation\_Protection\_Act\_MLC\_F**

Uploaded by: Cecilia Plante

Position: FAV



## TESTIMONY FOR SB0053

### Juvenile Law - Juvenile Interrogation Protection Act

**Bill Sponsor:** Senator Carter

**Committee:** Judicial Proceedings

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** FAVORABLE

I am submitting this testimony in favor of SB0053 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

This law protects Maryland children, plain and simple. Under current law, a minor can be interrogated by law enforcement personnel without a lawyer or a parent knowing that the interrogation is taking place. This puts the child into a situation where they can easily be intimidated into saying things that they would not say if someone was standing up for their rights.

This bill would require that a law enforcement officer who takes a child into custody, interrogates, or charges a child with a criminal violation, to provide reasonable notice to the child's parents, guardian, or custodian. It prohibits the interrogation of a child by the law enforcement officer until the child has consulted with an attorney and a notice has been provided to the child's parents, guardian or custodian

How much sense does this make? We should give children the same rights and privileges as adults and protect them from intimidation that could result in their futures being compromised.

The Maryland Legislative Coalition supports this bill and we recommend a **FAVORABLE** report in Committee.

**SB0053\_Chris\_Apple\_FAV.pdf**

Uploaded by: Christopher Apple

Position: FAV

TESTIMONY IN SUPPORT OF BILL SB0053 - FAVORABLE  
Juvenile Law - Juvenile Interrogation Protection Act

TO: Chair Smith, Vice Chair Waldstreicher,  
and members of the Judicial Proceedings  
Committee

FROM: Chris Apple  
7001 Cradlerock Farm Court  
Columbia, MD 21045  
District 13

Jan 27, 2022

A criminal record can alter the course of a child's life irreversibly. Long after their sentences are served, people with a criminal record can have extreme difficulty finding housing, jobs, or qualifying for public assistance. Waiving one's Miranda rights can have grave legal consequences and can make a conviction more likely. This bill would ensure that children have the best information available before they make this potentially life-altering decision.

Studies have repeatedly shown that children are not fully able to comprehend the implications of waiving their Miranda rights.<sup>1</sup> Many police officers are not trained to work with youth the way other professionals are, and often do not communicate the rights in a way the child can understand. Faced with such a crucial choice, children deserve to have counsel there who can explain their rights to them and offer much-needed legal advice.

Having suspects waive their rights may seem advantageous to securing an expedient confession, but that is not true justice. If all people are truly innocent until proven guilty, then we should always help them exercise their rights to the fullest degree possible. Further, the pressure and enormity of police interrogation often lead to false confessions, especially from child suspects.<sup>2</sup> One study of 328 exoneration cases showed that 44% of juveniles had falsely confessed, compared to 13 percent of adults. Among the youngest cases (12- to 15-year-olds,) 75% had falsely confessed.<sup>3</sup> Having counsel adequately explain these rights at the beginning may reduce the incidence of false confessions.

Many other states have adopted similar legislation, but Maryland has not. Human Rights for Kids ranked Maryland as one of the worst states in the nation for protecting children's rights in the criminal legal system. I respectfully urge the committee to issue a favorable report for SB0053, to make sure Maryland's children get the legal protections they deserve.

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<sup>1</sup> "Interviewing and Interrogating Juvenile Suspects"

[https://www.aacap.org/aacap/Policy\\_Statements/2013/Interviewing\\_and\\_Interrogating\\_Juvenile\\_Suspects.aspx](https://www.aacap.org/aacap/Policy_Statements/2013/Interviewing_and_Interrogating_Juvenile_Suspects.aspx)

<sup>2</sup> Drizin, Steven and Richard Leo. "The Problem of False Confessions in the Post-DNA World."

<https://web.williams.edu/Psychology/Faculty/Kassin/files/drizenl.leo.04.pdf>

<sup>3</sup> Gross, S. R., et al. (2005). "Exonerations in the United States, 1989 through 2003." *Journal of Criminal Law & Criminology*, 95, 523-560.

# **HB53 Juvenile Interrogation.pdf**

Uploaded by: Claire Landers

Position: FAV

Hearing: January 27, 2022

Claire Landers  
Baltimore, 21209

**TESTIMONY ON SB0053 POSITION: FAVORABLE**

**The Juvenile Interrogation Protection Act**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Claire Landers

My name is Claire Landers and I reside in Baltimore County, District 11.  
I am submitting this testimony in support of SB0053, The Juvenile Interrogation Protection Act.

As a parent who has lived through the pleasures and perils of raising a teenager, I am keenly aware that situations can and do arise where a minor child will not act with good judgment or in their best long-term interests. That is “part of growing up” and most often the repercussions of bad decision-making is not detrimental to the entire arc of their life. Yet, we must all recognize that being detained and interrogated by police is a circumstance which might fundamentally alter the course of a young person’s life.

Being questioned by police while under custody is a stressful, fraught experience, even for the average adult who functions with a fully-mature brain and has accrued a lifetime of experience. We are all well aware that adults in custody can be coerced into making statements that are provably false through techniques of implicit intimidation or explicit threat. Similarly, adults can be persuaded by a skilled interrogator that it is “in their best interest” to waive their fundamental right to legal counsel - a decision that might have life-shattering consequences.

If we know that adults may be overwhelmed by interrogators, why ever would we allow any individual under 18 to face questioning alone, without a lawyer? Frankly, I believe the answer to that question is that as a society we really don’t care about the kids who are most likely to be detained and questioned by police: The Black and brown children who are more likely to be arrested, mistreated, incarcerated - and charged as adults - out of proportion to their numbers. In Maryland, we now have an opportunity to demonstrate a new direction.

I urge the members of the Senate’s Judicial Proceedings Committee to support SB53 and ensure that legal counsel is provided to every minor child who faces interrogation while in police custody. By moving SB53 forward, this esteemed committee will demonstrate a public commitment towards ensuring that the youngest members of our still-unequal society will have their basic legal rights protected when facing the full weight of police interrogators. Thank you.

# **SB 53 - Juvenile Interrogation Protection Act.pdf**

Uploaded by: Daryl Yoder

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 12. I am testifying **in support of the Juvenile Interrogation Protection Act (Senate Bill 53)**.



**Senate Bill 53** will require a law enforcement officer to contact a parent/guardian with reasonable notice and provide consultation with an attorney for any child they plan to interrogate. I request that you support this legislation to protect children from the manipulation and fear they can experience during a police interrogation.

Both the United States and Maryland Constitution provide the right to be free from self-incrimination and the right to effective assistance of legal counsel. Although these rights are important for adults, they are even more important for minors, who are often under added pressure to please adult figures of authority and may not understand the motivations a law enforcement official may have for misleading or intimidating them. Minors may also not understand the long-term implications of agreeing to something an adult figure of authority may pressure them to say, which in the case of interrogation by law enforcement can have life-long negative repercussions. These concerns were recognized by the legal community in *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court, which stated that minors had “diminished capacity” and were not able to fully understand the risks and consequences of their actions.

This diminished capacity is most evidently shown in a 2013 study of Maryland counties, where in one-third of the counties visited in the study, 40 to 58 percent of children routinely waived their right to counsel.

A well-known historical example of the consequences of children testifying without the presence of their parents or without having the opportunity to consult with legal counsel is the Central Park Five. In this case, police used intimidation and their role of the authority figure to coerce a group of minors into guilty pleas, even though no evidence for the guilt of the minors existed. As a result, six Black young men were imprisoned for years, only to have their convictions vacated years later. This is a situation that could easily be replayed in Maryland due to our current gap in ensuring minors are provided with the guaranteed legal support that should be guaranteed.

Over 30 other states have legislation that provide these protections, yet Maryland’s willingness to leave youth unprotected in one of the most stressful situations imaginable yields a perverse outcome: false confessions that traumatize and wrongly incriminate children, without making Marylander’s any safer.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 53** to ensure children get the help they need before being interrogated by police.

I appreciate your time, service, and consideration.

Sincerely,  
Daryl Yoder

309 Glenmore Ave.

Catonsville, MD 21228

Showing Up for Racial Justice Baltimore



# **Ramsey MD 2022 Child Interrogation Act Testimony.p**

Uploaded by: Debbie Ramsey

Position: FAV



# LAW ENFORCEMENT ACTION PARTNERSHIP

ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

121 Mystic Avenue, Suite 9  
Medford, Massachusetts 02155  
T: (781) 393.6985

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New Hampshire, USA

Detective Sergeant Neil Woods, Ret.  
Derbyshire, England, LEAP UK

Date: January 27, 2022

Re: SB 53/HB 269 - Child Interrogation Protection Act

Position: SUPPORT

To: The Maryland Senate

Distinguished Maryland Senators,

Thank you for the opportunity to testify in support of SB 53/HB 269 today. I am here to represent my own views as a retired detective from the Baltimore Police Department and as a speaker for the Law Enforcement Action Partnership (LEAP). LEAP is a nonprofit organization of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience. Our mission is to make communities safer by focusing law enforcement resources on the greatest threats to public safety and working toward healing police-community relations.

This legislation is important to me because of my experience working with community members and children. In addition to my public safety career, I am the founder and executive director of Unified Efforts Inc. Our "Out of School Time" violence prevention program provides in-school activities and programs to children at no cost to their parents. So juvenile justice is an issue that is near and dear to my heart.

I am speaking in support of SB 53/HB 269 because it will positively impact police-community trust. If we interrogate children without giving them access to proper protection such as having an attorney present, the families of the children and the community will feel that the police are taking advantage of them. Juveniles are impressionable and they are known to confess to crimes they did not commit under interrogation. A single instance of incarcerating an innocent child can turn an entire community against the police.

As a detective, I quickly learned that police-community trust is essential to public safety. We are only as strong as our relationships with the public,

**LawEnforcementActionPartnership.org**

*Formerly known as Law Enforcement Against Prohibition*

because we prevent and solve crime based on information from witnesses and victims. When our officers come knocking, nobody will open the door and talk if they're angry because police are interrogating children without an attorney present. Victims won't even report crime -- a recent report found that more than half of all violent crimes went unreported between 2006 and 2010.<sup>1</sup> To increase crime reporting and information sharing, we need to take action to improve police-community trust.

Unnecessary incarceration resulting from juvenile interrogation will also have long-term effects on involvement in the justice system. Children who are incarcerated are more likely to reoffend than those who are kept in the community. [A Council of State Governments report](#) found that up to 80 percent of incarcerated juveniles are rearrested within 3 years of release. Upon release, most juveniles do not complete high school, which greatly decreases their chances of finding stable employment and staying out of the justice system.

Instead of increasing the snowball effect of involving children in the justice system, our legislature should fund early intervention programs that have a proven record of success in preventing root causes of violence and reducing recidivism.

In sum, due to my experience with juveniles and public safety, I believe that the proposed bill, SB 53/HB 269 will strengthen police relationships with the community. Juvenile interrogations fuel distrust in the communities we need to protect and serve. It is time to invest in prevention instead of punishment.

Thank you for the opportunity to share my experience in support of this bill.

Detective Debbie Ramsey (Ret.)  
Baltimore Police Department, Maryland  
Speaker, Law Enforcement Action Partnership

**2022 STACEY'S IMPACT STATEMENT\_SB53.pdf**

Uploaded by: DrStacey Venable

Position: FAV

Submitted by: Dr. Stacey Venable, paternal twin sister of Mr. Tracey Akins, Belcamp, MD (Harford County)

**Senate Bill 35**  
**Juvenile Court – Jurisdiction**  
**Child Interrogation Protection Act**  
**Support**

Sen. William Smith and Honorable Senate Judiciary Proceeding Committee,

*The day I almost lost my brother to the justice system...*

As I set with my brother Tracey to scribe his testimony, It was one of the hardest things I have done in a very long time. Hearing my twin brother retell this story that almost took him from my family and I for life. I had to fight back the tears. He was so young and so innocent when this happened. My twin brother was being accused of rape.

That was a word that we had never heard in our home. What did this word mean and how was this going to affect him and our family? Because he was in the wrong place with the wrong friend, he could loss his life to the “Prison System” forever. As he was giving details, my thoughts went back to the day the detectives knocked on my Mother’s door. I remember my brother’s small frame silhouette in the sun sitting in the back of a police car. We gave eye contact as we always have. I was so afraid I would never see him again.

Months passed until trail day came. My family and I had never been in a courtroom. We didn’t know our rights and we had never known that Miranda Rights even existed. Each day I sat and listen to the Prosecutor say horrible things about my brother. They made him out to be a monster. I just kept my head down and prayed. Finally, the case was with the jury and his life was in their hands. Eight charges and each carried over 10 years. Just one charge would take him away from us.

As, we entered back in the courtroom my brother looked at me and all I would see in his eyes was fear. My mind went blank, and I just prayed. All I could hear was “NOT Guilty” and I begin to cry. I wasn't sure what had just happened. But I knew from that moment forward I would always be my brother’s keeper. And I have always fought for my brother since this happened.

This was a good and bad thing through the years. I became an enabler to him and all the things that had followed him through the years. From drug abuse, failed relationships and jail time. I can honestly say these things stemmed from what had happened to him within this case. My brother learned early not to trust even when you

are telling the truth. He had that know “one believes me anyway syndrome so why even try”. The impact of this is everlasting. The injustice he faced then he still battles with today.

I truly am thankful that even back then I knew the Lord. I PRAYED day and night at 15 years old as I continue to pray for my brother today. Back then I knew that only the Lord could spare his life. At the age of 15, I did not know why this was happening to my brother and my family; but now I know why.

This was all about my brother living through this injustice and telling his testimony now to save other young Black males. I will continue to tell his story as often as I ask this committee to issue a favorable report on SB 165.

Stacey Venable,

*Stacey Venable*

Harford County Resident

# **SB 53\_Ebby Stoutmiles\_Fav.pdf**

Uploaded by: Ebby Stoutmiles

Position: FAV

**Testimony of Ebby Stoutmiles on behalf of Juvenile Law Center and Montgomery  
County's Commission on Juvenile Justice  
Senate Bill 53 (Cross-filed with House Bill 269)  
Favorable  
January 27, 2022**

Hello Madam Chairwoman and members of the committee, thank you for the opportunity to support Senate Bill 53. My name is Ebby Stoutmiles. I am State Policy Advocate for Juvenile Law Center and member of Montgomery County's Commission on Juvenile Justice.

I am testifying in both capacities to urge the legislature to support this bill and protect vulnerable youth in our State. I have four points I would like to touch upon:

- A couple of examples of current practice in action, In Maryland, in 2019, there were two instances of police questioning elementary school children for playing with play money. Their parents were not notified until after the police asked the children questions and Secret Service was called. Even when questioning does not lead to an arrest, the potential trauma of these interactions for youth is significant.
- The protections in this bill are vital, it is so good because it is our opinion that Miranda itself and an attempt at contacting a Parent or Guardian just isn't sufficient protection for youth. The bill provides the protection of consultation with legal counsel to ensure the child's legal interest is protected.
- Children should not be expected to understand concepts like their "rights." Even if the police gave perfect Miranda warnings, and even if they taught kids all about Miranda, kids would still not fully appreciate the warnings because (1) the warnings are too abstract and (2) the kids are under stress and in a moment of "hot cognition" where they are not making the most measured decisions. That is why it is so important that kids have counsel.
- Children are susceptible to coercion and false confession. Gaining a false confession by interrogating children without counsel enables the actual perpetrators to wander the streets. The likelihood of a false confession is too high to forgo procedural safeguards.

If we wish for Maryland to have a fair and equitable justice system, we must ensure that youth are not coerced and incarcerated simply because they are children and do not understand their constitutional rights. The Juvenile Interrogation Protection Act would better protect children's rights and better meet their needs. For these reasons, we urge the legislature to pass Senate Bill 53 and House Bill 269.



# **SB 53 - Juvenile Interrogation Protection Act.pdf**

Uploaded by: Erica Palmisano

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 12. I am testifying **in support of the Juvenile Interrogation Protection Act (Senate Bill 53)**.



**Senate Bill 53** will require a law enforcement officer to contact a parent/guardian with reasonable notice and provide consultation with an attorney for any child they plan to interrogate. I request that you support this legislation to protect children from the manipulation and fear they can experience during a police interrogation.

Both the United States and Maryland Constitution provide the right to be free from self-incrimination and the right to effective assistance of legal counsel. Although these rights are important for adults, they are even more important for minors, who are often under added pressure to please adult figures of authority and may not understand the motivations a law enforcement official may have for misleading or intimidating them. Minors may also not understand the long-term implications of agreeing to something an adult figure of authority may pressure them to say, which in the case of interrogation by law enforcement can have life-long negative repercussions. These concerns were recognized by the legal community in *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court, which stated that minors had “diminished capacity” and were not able to fully understand the risks and consequences of their actions.

This diminished capacity is most evidently shown in a 2013 study of Maryland counties, where in one-third of the counties visited in the study, 40 to 58 percent of children routinely waived their right to counsel.

A well-known historical example of the consequences of children testifying without the presence of their parents or without having the opportunity to consult with legal counsel is the Central Park Five. In this case, police used intimidation and their role of the authority figure to coerce a group of minors into guilty pleas, even though no evidence for the guilt of the minors existed. As a result, six Black young men were imprisoned for years, only to have their convictions vacated years later. This is a situation that could easily be replayed in Maryland due to our current gap in ensuring minors are provided with the guaranteed legal support that should be guaranteed.

Over 30 other states have legislation that provide these protections, yet Maryland’s willingness to leave youth unprotected in one of the most stressful situations imaginable yields a perverse outcome: false confessions that traumatize and wrongly incriminate children, without making Marylander’s any safer.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 53** to ensure children get the help they need before being interrogated by police.

I appreciate your time, service, and consideration.

Sincerely,  
Erica Palmisano  
5580 Vantage Point Rd, Apt 5, Columbia, MD 21044  
Showing Up for Racial Justice Baltimore

**SB 53\_MDJJC\_fav.pdf**

Uploaded by: Fatima Razi

Position: FAV



MD JUVENILE JUSTICE COALITION  
PO BOX 1282  
BOWIE, MD 20718

**Senate Bill 53**  
**Child Interrogation Protection Act**  
**January 27, 2022**  
**Favorable**

Dear Chairman Smith and Honorable Members of the Committee:

The Maryland Juvenile Justice Coalition (MDJJC) is a grassroots organization that unites and mobilizes constituents for juvenile justice reform in Maryland. MDJJC supported the Juvenile Restoration Act (JRA) last session because we believe in meaningful reform to protect the vulnerable children of this state. Our organization will advocate for any opportunity to create a criminal justice system more aligned with developmental science and research. This committee is prioritizing legislation to combat racial inequities, and this bill, if passed, will do just that.

The Maryland Juvenile Justice Coalition supports Senate Bill 53, the Child Interrogation Protection Act. Every day in Maryland, children entangled in the criminal legal system are questioned without a parent being notified or attorney present. Although youth of all races commit offenses at roughly the same rates, African American youth are arrested at much higher rates than any other racial group in this state, and therefore are at particularly high risk of facing police interrogations and coercion. As a result, Black children face criminal charges, prosecution, and incarceration without the basic due process rights that adults are entitled to. We believe any young person facing a police interrogation has the legal right to ask for a lawyer before answering questions and have their guardian notified, SB 53 the Child Interrogation Protection Act will protect those rights.

The Child Interrogation Protection Act will:

- 1) Require law enforcement to make good faith efforts to notify parents or guardians that their child will be subject to interrogation;
- 2) Allow a child to consult with an attorney prior to being interrogated; and
- 3) Encourage Maryland courts to adopt age-appropriate language for children to understand their rights.

Adolescent brain development coupled with behavioral psychology and sociological literature on coercive persuasion and interrogation-induced false confessions explain why youth are prone to comply with the requests of authority figures like police or school resource officers (SRO's), making them uniquely vulnerable to coercive interrogation tactics. It is imperative to keep a continued understanding of adolescent brain development and behavior psychology at the forefront of this discourse to ensure we are adequately discussing the dangers of youth interrogations. Further, it is critical to recognize that the goal of interrogations is to elicit incriminating statements, admissions and/or confessions through the use of psychological methods that are explicitly confrontational, manipulative, and suggestive.

The Maryland Juvenile Justice Coalition urges this committee to issue a favorable report on SB 53.

Respectfully,

Jayna Peterson

Co-founder and Director of Legislative Affairs

Fatima Razi

Co-founder and Executive Director

**MD Catholic Conference\_FAV\_SB 53.pdf**

Uploaded by: Garrett O'Day

Position: FAV



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

**January 27, 2022**

**SB 53**

**Juvenile Law – Child Interrogation Protection Act**

**Senate Judicial Proceedings Committee**

**Position: Support**

The Maryland Catholic Conference offers this testimony in SUPPORT of Senate Bill 53. The Catholic Conference represents the public-policy interests of the three (arch)dioceses serving Maryland, including the Archdioceses of Baltimore and Washington and the Diocese of Wilmington, which together encompass over one million Marylanders.

Senate Bill 53 would ensure that children subject to interrogation are afforded their constitutional right to counsel. This bill would require parental notification that the child will be interrogated. Lastly, this legislation seeks to ensure children are read their Miranda rights in a manner commensurate with their developmental age.

Our United States and Maryland Constitutions guarantee numerous rights to its citizens, but particularly to those involved with our systems of criminal justice. These are included but not limited to the right to be free from self-incrimination and the right to the effective assistance of counsel. Our society rightfully makes numerous efforts to protect constitutional rights, but there should be heightened scrutiny around the safeguards enumerated in this legislation. In *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court specifically noted that youthful offenders possessed “diminished capacity” and the inability to fully appreciate the risks and consequences of their actions. Moreover, the United States Conference of Catholic Bishops has cautioned that system-involved youth should never be treated as if they are “fully formed in conscience and fully aware of their actions.” *Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice* (2000),

This bill helps to protect youth who are subject to custodial interrogation from incriminating themselves through false confessions. If the State of Maryland truly values the rights and protections afforded by our Constitution, we owe it to youth subject to custodial interrogation to see that the rights afforded by the document are upheld. Constitutional rights can be rendered practically irrelevant if state actors do not take steps to ensure they are protected. It is for these reasons that we urge a favorable report on Senate Bill 53.

**SB0053 - FAV - Heidi Rhodes.pdf**

Uploaded by: Heidi Rhodes

Position: FAV



Hearing Date: Senate: January 27, 2022

Heidi Rhodes  
Silver Spring, MD 20904

**TESTIMONY IN SUPPORT OF SB0053**  
**Juvenile Law - Juvenile Interrogation Protection Act**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Heidi Rhodes

My name is Heidi Rhodes and I live in Colesville, District 14. I am providing this testimony in support of SB0053, Juvenile Law - Child Interrogation Protection Act.

The Jewish text that shapes my religious and moral conviction that juveniles must have a right to counsel is the directive issued in Deuteronomy 16:20, "Tzedek, tzedek tirdof - Justice, justice shall you pursue." When we are working to reform our criminal justice system, we must demand that it operates in accordance with these deeply held Jewish beliefs.

When I first read this bill, I could not see any situation in which anyone could be against it since it harkens back to the Bill of Rights which protects our right to due process; this must include for our children. In what situation would it be justice to not provide legal counsel and notice to parents or guardians when a minor is interrogated by police? In the ten commandments we are taught to honor our mother and father. Under this construct I taught my daughter to respect adults in authority, whether it is her teachers or police.

Because of this teaching, I believe that if she was interrogated by police without legal counsel and parental notification, she would not have the discernment to know that those interrogating her did not have her best interests at heart. I would be horrified to hear of any child being questioned without these rights. Too often children do not understand their rights and thus Maryland must mandate that young people have access to counsel before being interrogated by police. Without this protection of their rights, too many children, especially black and brown children, are criminalized and incarcerated unfairly.

I respectfully urge a favorable report on SB0053.

# **SB 53 - Juvenile Interrogation Protection Act.pdf**

Uploaded by: Holly Powell

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 46. I am testifying **in support of the Juvenile Interrogation Protection Act (Senate Bill 53)**.



**Senate Bill 53** will require a law enforcement officer to contact a parent/guardian with reasonable notice and provide consultation with an attorney for any child they plan to interrogate. I request that you support this legislation to protect children from the manipulation and fear they can experience during a police interrogation.

Both the United States and Maryland Constitution provide the right to be free from self-incrimination and the right to effective assistance of legal counsel. Although these rights are important for adults, they are even more important for minors, who are often under added pressure to please adult figures of authority and may not understand the motivations a law enforcement official may have for misleading or intimidating them. Minors may also not understand the long-term implications of agreeing to something an adult figure of authority may pressure them to say, which in the case of interrogation by law enforcement can have life-long negative repercussions. These concerns were recognized by the legal community in *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court, which stated that minors had “diminished capacity” and were not able to fully understand the risks and consequences of their actions.

This diminished capacity is most evidently shown in a 2013 study of Maryland counties, where in one-third of the counties visited in the study, 40 to 58 percent of children routinely waived their right to counsel.

A well-known historical example of the consequences of children testifying without the presence of their parents or without having the opportunity to consult with legal counsel is the Central Park Five. In this case, police used intimidation and their role of the authority figure to coerce a group of minors into guilty pleas, even though no evidence for the guilt of the minors existed. As a result, six Black young men were imprisoned for years, only to have their convictions vacated years later. This is a situation that could easily be replayed in Maryland due to our current gap in ensuring minors are provided with the guaranteed legal support that should be guaranteed.

Over 30 other states have legislation that provide these protections, yet Maryland’s willingness to leave youth unprotected in one of the most stressful situations imaginable yields a perverse outcome: false confessions that traumatize and wrongly incriminate children, without making Marylander’s any safer.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 53** to ensure children get the help they need before being interrogated by police.

I appreciate your time, service, and consideration.

Sincerely,

**Holly Powell**

**2308 Cambridge Street**

**Baltimore, Maryland 21224**

Showing Up for Racial Justice Baltimore

# **Testimony - SB53 - Juvenile Interrogation Protecti**

Uploaded by: Ilene Glickman

Position: FAV

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**To:** Members of The Senate Judicial Proceedings Committee

**From:** Family & Juvenile Law Section Council (FJLSC)

**Date:** January 27, 2022

**Subject: Senate Bill 53:**  
Juvenile Law – Juvenile Interrogation Protection Act

**Position: SUPPORT**

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The Maryland State Bar Association (MSBA) FJLSC **supports Senate Bill 53 – 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 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.”<sup>1</sup>

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.<sup>2</sup> 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 SB 53 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 Senate Bill 53 and urges a favorable committee report.**

Should you have any questions, please contact Lindsay Parvis, Esquire by e-mail at [lparvis@jgllaw.com](mailto:lparvis@jgllaw.com) or by telephone at (240) 399-7825.

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<sup>1</sup> International Association of Chiefs of Police, *Reducing Risks: An Executive’s Guide to Effective Juvenile Interview and Interrogation.*

<sup>2</sup> 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

# **People's Commission Testimony in Support of Juveni**

Uploaded by: Iman Freeman

Position: FAV



**SB53 – Juvenile Law – Juvenile/Child Interrogation Protection Act**

Presented to the Honorable Chair William C. Smith, Jr., Vice Chair Jeff Waldstreicher, and  
Members of the Judicial Proceedings Committee  
January 27, 2022, 2pm

**POSITION: SUPPORT**

**Testimony of Baltimore Action Legal Team Representing the People's Commission to  
Decriminalize Maryland**

**The People's Commission to Decriminalize Maryland strongly supports SB53/HB269**, and we urge the Committee to issue a favorable report on this bill. The People's Commission was created to reduce the disparate impact of the justice system on youth and adults who have been historically targeted and marginalized by local and state criminal and juvenile laws based on their race, gender, disability, or socioeconomic status.

Maryland's legal system contains many laws that unnecessarily bring young people, and disproportionately youth of color, to the attention of the justice system.<sup>1</sup> Most often, this is for behaviors that are either typical adolescent behaviors or a reflection of how we have marginalized large segments of Maryland's youth. Most young people's contact with the system results from someone labeling typical adolescent behavior, or behavior stemming from trauma, abuse, neglect, or poverty, as "criminal" conduct – instead of seeing that behavior as an indicator of a need for support to help that young person thrive.

In addition to being subject to criminalization of typical adolescent behavior, youth in Maryland do not have the chance to consult with any attorney during any interrogation over any such conduct. This practice is in direct violation of the rights and dignity that should be afforded to those children. This practice also exacerbates the racial and ethnic disparities that we see at the very early stages of Maryland's juvenile legal system, particularly at the point of arrest and referral to the Department of Juvenile Services.

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<sup>1</sup> Maryland Department of Juvenile Services, Data Resource Guide: Fiscal Year 2019, pg. 22 (December 2019), available at [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2019.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2019.pdf) (showing that youth of color are 2.56 times more likely than white youth to be referred to juvenile court/intake).



SB53/HB269 would make several long overdue and common-sense changes to the practice of interrogating children, including:

- (1) Requiring law enforcement officers to make good faith efforts to notify parents or guardians that their child will be subject to interrogation. Any parent of a child should recognize the importance of being contacted if their child had been apprehended by law enforcement and was about to be questioned about potentially criminal conduct.
- (2) Allowing a child to allowing a child to consult with an attorney prior to being interrogated. While adults in Maryland are provided with their constitutionally protected *Miranda* rights, children and youth are not extended the same full protections – even though research, experience, and common sense demonstrate that youth are at a different developmental stage and should be afforded even greater protections than adults as a result.
- (3) Encouraging Maryland courts to adopt age-appropriate language for children to understand their rights. This would be consistent with other jurisdictions' efforts to revise the standard *Miranda* warning to incorporate age and developmentally-appropriate language that children and youth can actually understand.

SB53/HB269 would take an important step toward protecting the rights of children and youth in the State of Maryland and promoting a more equitable approach to justice. **For these reasons, the People's Commission to Decriminalize Maryland strongly supports SB53/HB269 and urges the Committee to issue a favorable report.**

# **HRFK MD Senate Judicial Proceedings Testimony - SB**

Uploaded by: James Dold

Position: FAV



**TESTIMONY IN SUPPORT OF SB 53 BEFORE  
THE MARYLAND SENATE JUDICIAL PROCEEDINGS  
COMMITTEE**

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*January 27, 2021*

Dear Chairman Smith and Members of the Maryland Senate Judicial Proceedings Committee:

Human Rights for Kids respectfully submits this testimony for the official record to express our support for SB 53. We are grateful to Senator Carter for her leadership in introducing this bill and appreciate the Maryland Legislature’s willingness to address the important issue of protecting children’s Constitutional and human rights when they come into contact with the criminal justice system.

Over the years too little attention has been paid to the most vulnerable casualties of mass incarceration in America — children. From the point of entry and arrest to sentencing and incarceration our treatment of children in the justice system is long overdue for re-examination and reform.

Human Rights for Kids is a Washington, D.C.-based non-profit organization dedicated to the promotion and protection of the human rights of children. We work to inform the way the nation understands Adverse Childhood Experiences (ACEs) from a human rights perspective, to better educate the public and policymaker's understanding of the relationship between early childhood trauma and negative life outcomes. We use an integrated, multi-faceted approach which consists of research & public education, coalition building & grassroots mobilization, and policy advocacy & strategic litigation to advance critical human rights on behalf of children in the United States.

Human Rights for Kids supports SB 53 because, if it is signed into law, it will ensure that children consult with legal counsel before they are able to waive their Miranda Rights or are interrogated by law enforcement. Protecting these children’s rights will reduce incidents of false confessions by youth and better align Maryland’s policies with juvenile brain and behavioral development science.

### **High Rates of False Confessions**

Children are particularly susceptible to giving false confessions because they are not as sophisticated as adults when interacting with the criminal justice system and being interrogated by law enforcement.

Children rarely have an understanding of the consequences and implications of law enforcement interrogations on their due process rights and the impact they may have during trial. The chart below, from the National Registry of Exonerations at the University of Michigan, highlights the incredibly high rates of false confessions that children gave during police interrogations.

**AGE AND MENTAL STATUS OF EXONERATED  
DEFENDANTS WHO CONFESSED**  
NATIONAL REGISTRY OF EXONERATIONS  
3/17/2020; N = 2,400

<b>AGE AND MENTAL STATUS OF THE EXONERATED DEFENDANTS</b>	<b>PROPORTION WHO FALSELY CONFESSED</b>
<b>Under 18 Years Old at Time of Crime (76/211)</b>	<b>36%</b>
<i>16 and 17 year olds (46/162)</i>	<i>28%</i>
<i>14 and 15 years old (24/42)</i>	<i>57%</i>
<i>Under 14 years old (6/7)</i>	<i>86%</i>
<b>18 Years or Older at time of Crime (216/2,189)</b>	<b>10%</b>

As you can see, nearly all children under 14 who were later exonerated of having committed a crime had falsely confessed. Similarly, nearly 60 percent of 14 and 15-year-old children in the same situation gave a false confession.

One important aspect of SB 53 is safe-guarding children’s rights to ensure that no child in Maryland falsely confesses to a crime he or she did not commit because they don’t fully understand how the justice system works or their Constitutional Rights.

### **Juvenile Brain & Behavioral Development Science**

Studies have shown that children’s brains are not fully developed. The pre-frontal cortex, which is responsible for temporal organization of behavior, speech, and reasoning continues to develop into early adulthood. As a result, children rely on a more primitive part of the brain known as the amygdala when making decisions. The amygdala is responsible for immediate reactions including fear and aggressive behavior. This makes children less capable than adults to regulate their emotions, control their impulses, evaluate risk and reward, and engage in long-term planning. This is also what makes children more vulnerable, more susceptible to peer pressure, being heavily influenced by their surrounding environment, and being more easily manipulated, brainwashed, or deceived.

Children’s underdeveloped brains, proclivity for irrational decision-making, and inability to understand the gravity of their decisions is why society does not allow children to vote, enter into contracts, work in certain industries, get married, join the military, or use alcohol or tobacco products. These policies recognize that children are impulsive, immature, and lack solid decision-making abilities until they’ve reach adulthood. It is for these same reasons that we also have policies in place to protect children everywhere – except in the criminal justice system. SB 53 will put in place greater protections for young children at the point of entry, to ensure they speak with legal counsel before they waive their Miranda Rights or are subject to interrogation.

### **National Perspective**

As new evidence surrounding child brain development has emerged, American society has begun to recognize the need to enhance due process protections for children to safeguard their rights and ensure they do not falsely confess to crimes.

In 2013, the American Academy of Child and Adolescent Psychiatry adopted the recommendation that children have an attorney present during questioning by police or other law enforcement agencies. The Academy also recommended that children should have a right to consult with parents prior to and during questioning.<sup>1</sup> The following year, the American Psychological Association adopted a resolution on criminal interrogations, recommending that “vulnerable suspect populations, including youth, be provided special and professional protection during interrogations such as being accompanied and advised by an attorney or professional advocate.”<sup>2</sup>

Legislatures around the country have also acted. California has enacted legislation nearly identical to SB 53 to ensure that child status is accounted for in the context of custodial interrogation and that children’s constitutional rights are safeguarded. That legislation passed with wide bi-partisan support in both chambers.<sup>3</sup> Illinois, North Dakota, Oklahoma, Iowa, North Carolina, and Virginia have also created statutory protections to safeguard children’s constitutional rights prior to a custodial interrogation.

Maryland remains a national outlier in its protection of the human rights of children in the justice system. In 2020, we designated Maryland as one of the worst human rights offenders when it comes to the treatment of justice-system involved youth. Maryland was tied for last in the nation, alongside Alabama, Georgia, Tennessee, Mississippi, and Wyoming. Maryland’s lack of due process protections for youth upon arrest is one of the reasons for Maryland’s poor rating.

### **Human Rights Law**

In 2019, the U.N. Committee on the Rights of the Child (CRC) affirmed that the assistance available to children involved in the justice system under the Convention on the Rights of the Child should be provided throughout the entire process, “beginning with the interviewing (interrogation) of the child by the police . . .” Articles 37 and 40 of the CRC specifically state that children should have prompt access to legal assistance once their liberty has been deprived and that they should not be “compelled to give testimony or confess guilt.”

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<sup>1</sup> [https://www.aacap.org/aacap/policy\\_statements/2013/Interviewing\\_and\\_Interrogating\\_Juvenile\\_Suspects.aspx](https://www.aacap.org/aacap/policy_statements/2013/Interviewing_and_Interrogating_Juvenile_Suspects.aspx)

<sup>2</sup> <https://www.apa.org/about/policy/interrogations>

<sup>3</sup> <https://www.hrw.org/news/2020/09/30/california-new-law-protects-children-police-custody>

These human rights principles are also reflected in the recent policy recommendations by both the APA and the AACAP.

Nelson Mandela once said, *“There is no keener revelation of a society’s soul than the way in which it treats its children.”* It is our responsibility as a society to safeguard and protect the rights of our children. Nowhere is that more evident or needed than in the criminal justice system where the consequences of failing to do so can have a profound, life-altering impact. Children are not as sophisticated as adults when it comes to interacting with the justice system. They can easily be manipulated into confessing to crimes they did not commit. It is for these reasons, that SB 53 is critical. Under the bill, children will be required to consult with counsel before being interrogated or waiving their Miranda Rights. The bill provides exceptions in the case of imminent threats to public safety and only applies once a child is in custody, thereby minimizing disruption to law enforcement investigations.

We would also note that the safeguards in SB 53 also serve law enforcement by helping to prevent unsubstantiated claims of coerced or involuntary confessions for instance, and protecting the integrity of law enforcement investigations. This bill is also good for victims, who are severely harmed when false confessions are obtained by innocent people and the person who actually harmed them goes free.

This is a common-sense, reasonable bill to protect the rights of our most vulnerable citizens – our children. We strongly urge this committee to vote favorably upon SB 53 to ensure that we do everything we can to protect both the Constitutional and Human Rights of Maryland’s children. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James L. Dold', with a long horizontal flourish extending to the right.

James. L. Dold  
CEO & Founder  
Human Rights for Kids

**SB 53\_jpr\_fav.pdf**

Uploaded by: Jeff Kukucka

Position: FAV



## Testimony Concerning SB 53

### “Juvenile Law – Juvenile Interrogation Protection Act”

Submitted to the Senate Judicial Proceedings Committee

January 27, 2022

#### Jeff Kukucka, Ph.D.

Associate Professor  
Dept. of Psychology  
8000 York Road  
Towson, MD 21252

### Position: SUPPORT

Dear Delegates Smith and Waldstreicher,

I, Dr. Jeff Kukucka, Associate Professor of Psychology at Towson University, strongly support SB 53. I specialize in the scientific study of wrongful convictions. In my career, I have published over 30 academic papers and given over 70 invited presentations on the topic, and I have testified as an expert witness at numerous criminal trials. This testimony represents my own views based on the extant scientific literature and does not necessarily represent the views of Towson University.

To quote the Supreme Court’s ruling in *J.D.B. v. North Carolina* (2011), “children cannot be viewed simply as miniature adults.”<sup>1</sup> Rather, there is ample scientific evidence that **juveniles are cognitively, socially, and neurologically different from adults** in ways that impair their legal decision-making and thereby disrupt the administration of justice.<sup>2</sup>

First, juveniles struggle to comprehend their *Miranda* rights, which precludes a “knowing and intelligent” waiver. In one study, for example, **31% of juvenile defendants showed inadequate understanding of their *Miranda* rights.**<sup>3</sup> As such, the American Bar Association has urged “legislative bodies... to support the development of simplified *Miranda* warning language for use with juvenile arrestees.”<sup>4</sup>

<sup>1</sup> *J.D.B. v. North Carolina*, 564 U.S. 261 (2011).

<sup>2</sup> See Hayley M. D. Cleary, *Applying the Lessons of Developmental Psychology to the Study of Juvenile Interrogations: New Directions for Research, Policy, and Practice*, 23 PSYCH., PUBLIC POLICY, & LAW 118 (2017).

<sup>3</sup> Jodi L. Viljoen et al., *Adjudicative Competence and Comprehension of Miranda Rights in Adolescent Defendants: A Comparison of Legal Standards*, 25 BEHAV. SCI & LAW 1 (2007).

<sup>4</sup> American Bar Association, Resolution #102B (2010). See [https://www.americanbar.org/groups/criminal\\_justice/policy/index\\_aba\\_criminal\\_justice\\_policies\\_by\\_meeting/](https://www.americanbar.org/groups/criminal_justice/policy/index_aba_criminal_justice_policies_by_meeting/)



Second, juveniles are more compliant and suggestible than adults, and thus **more likely to give false statements** when questioned by police. Moreover, by virtue of their still-developing brains, juveniles prioritize short-term rewards over long-term consequences, leading to impulsive decisions such as giving a false confession. Indeed, 94% of interrogation experts agree that “compared to adults, adolescents who are interrogated are at **greater risk to confess to a crime they did not commit**,”<sup>5</sup> which also leaves the true perpetrator free to re-offend.

SB 53 endorses two critical safeguards for juveniles—namely, *Miranda* warnings in “age-appropriate language” and mandatory “consultation with an attorney” prior to being questioned by police. Without equivocation, **the extant scientific literature indicates that these safeguards will benefit the administration of justice**—and indeed, both are explicit recommendations in the American Psychology-Law Society’s official policy paper on police interrogations.<sup>6</sup>

In order to protect public safety and guard against miscarriages of justice, I urge your favorable vote on SB 53.

Sincerely,



Jeff Kukucka, Ph.D.  
Associate Professor of Psychology  
Towson University

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<sup>5</sup> Saul M. Kassir et al., [On the General Acceptance of Confessions Research: Opinions of the Scientific Community](#), 73 AMERICAN PSYCHOLOGIST 63 (2019).

<sup>6</sup> Saul M. Kassir et al., [Police-Induced Confessions: Risk Factors and Recommendations](#), 34 LAW AND HUMAN BEHAVIOR 3 (2010).



**MAJRsupportsSB0053\_final.pdf**

Uploaded by: Jennifer Zito

Position: FAV

**MARYLAND ALLIANCE FOR JUSTICE REFORM**

Working to end unnecessary incarceration and build strong, safe communities



To: Chair Senator Will Smith and Judicial Proceedings Committee members  
From: Jenny Zito, MAJR executive committee

Jan. 27, 2022

Maryland Alliance for Justice Reform (MAJR - [www.ma4jr.org](http://www.ma4jr.org)) strongly supports “The Juvenile Interrogation Protection Act” (HB 0269 / SB 0053).

The Sixth Amendment states that in “all criminal prosecutions, the accused shall enjoy the right ... to have the Assistance of Counsel for his defense.” In 1967’s “In re Gault,” the U.S. Supreme Court recognized that due process rights for juveniles should include the opportunity to consult with legal counsel because juveniles are particularly vulnerable. Absent adult advice, juveniles rarely understand the potentially life-long consequences of a criminal record. For example, certain delinquency adjudications may result in deportation, barriers to employment, or removal from school or public housing [Henning].

Unfortunately, youth and inexperience make it much more likely for juveniles to agree to waive their right to counsel, especially in the context of interrogation. Juveniles are more vulnerable to interrogative pressure than adults [Richardson et al.]. It is much more common for juveniles to accept responsibility for an act they did not do than adults [RedlichGoodman]. A 2005 study of 340 exonerated individuals found that juvenile exonerees were three times as likely as adults to have given false confessions [Gross et al.].

Current Maryland statutes and precedents provide that reasonable efforts should be made to notify a parent of the child's arrest and that the child should be Mirandized, but do not provide a bright-line rule against non-emergency interrogations without an attorney's advice [McIntyre v. State]. HB 269/SB 53 also makes state policy more clear by creating a rebuttable presumption against admission of statements taken in violation of the law.

This bill is supported by Baltimore City State's Attorney Marilyn Mosby and Prince George's County State's Attorney Aisha Braveboy [Weill-Greenberg].

Other states' examples: California has passed a bill that requires people under 18 must be allowed to speak with an attorney before an interrogation can commence. Both New York and Washington state have similar bills that are under consideration by their legislatures this year.

References:

- Gross SR, Jacoby K, Matheson DJ, Montgomery N. Exonerations in the United States 1989 through 2003. *J. Crim. l. & CrimiNology*. 2004;95:523.
- Henning K. Eroding confidentiality in delinquency proceedings: Should schools and public housing authorities be notified. *New York University Law Review*, 79, 520 – 611 (2004).
- McIntyre v. State, 309 Md. 607, 526 A.2d 30 (1987).
- Redlich AD, Goodman GS. Taking responsibility for an act not committed: The influence of age and suggestibility. *Law and human behavior*. 2003 Apr;27(2):141-56.

- Richardson G, Gudjonsson GH, Kelly TP. Interrogative suggestibility in an adolescent forensic population. *Journal of Adolescence*. 1995 Apr 1;18(2):211-6.
- Weill-Greenberg E. Children can be on their own when grilled by police, *The Appeal* (2021).
- Woolard J. Waiver of Counsel in Juvenile Court, *Office of Justice Programs' National Criminal Justice Reference Service* (2019).

*PLEASE NOTE:* An expanded version of the content of this testimony is available at <https://www.ma4jr.org/juvenile-interrogation> with hyperlinks to all references.

**Testimony\_JPC\_SB0053\_LR0658 (1).pdf**

Uploaded by: Jill Carter

Position: FAV



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter  
In Favor of SB 53 – Juvenile Law – Juvenile Interrogation Protection  
Act  
Before the Judicial Proceedings Committee  
On January 27 , 2022**

**Chair Smith, Vice Chair Waldstreicher and Members of the Committee:**

**A child may be able to comprehend their homework or take a school exam on their own, but when that same child is isolated in a cold and dark room surrounded by adult law enforcement officers asking them questions about crimes they may know nothing about, an adult must be present to help the child do what is in their best interest.**

**Senate Bill 53 acknowledges what we already know – frightened children will say anything. This bill provides safeguards against false confession from children. The bill acknowledges that under current law, children are not afforded any additional protections during custodial interrogations and as a result, because children are more impressionable than adults, they are more likely to give false confessions or statements to police.**

**Under Senate Bill 53, a child's parent or guardian must be notified that the child is in custody and must be given the opportunity to make in-person contact with the child. The bill also requires that a child is**

given a private consultation with an attorney prior to police interrogation.

Not only does Senate Bill 53 protect children, but it protects the community at large. Implementing these steps would ensure that police are receiving the most accurate information a child can provide. False confessions send innocent people to prison. They also send investigators down blind alleys and allow actual wrongdoers to evade accountability.

Without these measures, we will hear more stories like the one of 14-year-old [Davontae Sanford](#) in Michigan who admitted to a quadruple homicide that he did not commit after being arrested in his pajamas and interrogated for over 24 hours without either a parent or attorney present. He confessed because the police told him that if he did, he could go home. Or 16-year-old [Brendan Dassey](#) from Wisconsin, who confessed to a murder his uncle actually committed because the investigators, in his words, “got into my head. They got me to say whatever they wanted”. Or 16-year-old [Ransom Watkins, Andrew Stewart, and Alfred Chestnut](#) from Baltimore City who each received life sentences after witness statements were given implicating them in the murder of another teenager. It was later discovered that those witness statements were coerced by the police and prosecutors. After spending 36 years in prison for a crime they did not commit, Watkins, Stewart and Chestnut were finally exonerated in 2019.

This bill gives the parent, the child, and the investigators clear directions to ensure the well-being of the child and the integrity of the investigation.

For these reasons, I urge a favorable report on Senate Bill 53 from this committee.

**Respectfully,**

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive style with a large, looping initial "J" and a distinct "P" and "C".

**Jill P. Carter**



**WDC Testimony SB053-2022\_FINAL.pdf**

Uploaded by: JoAnne Koravos

Position: FAV



MONTGOMERY COUNTY, MARYLAND  
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

[www.womensdemocraticclub.org](http://www.womensdemocraticclub.org)

**Senate Bill 53-Juvenile Law-Juvenile Interrogation Protection Act  
Judicial Proceedings Committee – January 27, 2022  
SUPPORT**

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2022 legislative session, as it was in the last session. WDC is one of the largest and most active Democratic Clubs in our County with hundreds of politically active women and men, including many elected officials.

WDC urges the passage of SB 53. This bill will increase protections for children facing interrogation by law enforcement, and we commend Senator Carter for her leadership in proposing this legislation.

From a young age, we are taught to respect elders and to respect authority. Unfortunately, this age-old emphasis on such respect is undermined by practices in our criminal system, specifically when law enforcement officers interrogate those accused of crimes. Law enforcement officers can and do lie as a coercive tactic to compel information from the accused.<sup>1</sup> This tool of deception is entirely legal and can lead even the most poised of adults to provide false and incriminating information. When used with children, deception and manipulation is even more troubling.

In *J.D.B. v. North Carolina*, the Supreme Court held that age must be considered when analyzing the details surrounding one's detention. The Court underscored that "it is beyond dispute that children will often feel bound to submit to police questioning when an adult in the same circumstances would feel free to leave," noting that children feel an inherent obligation to obey authority figures.<sup>2</sup> In *Miller v. Alabama* the Court described children as "constitutionally different from adults."<sup>3</sup> The Court has further equated "a mere child" to "an easy victim of the law."<sup>4</sup>

The Court has repeatedly and clearly spoken: the U.S. Constitution mandates unique protections for children in the criminal justice system. However, failure to meet that mandate persists. According to the National Registry of Exonerations, 38% of exonerations for crimes allegedly committed by youth involved false confessions, triple the

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<sup>1</sup> *Frazier v. Cupp*, 394 U.S. 731 (1969) (holding defendant's confession voluntary even though induced by law enforcement's dishonesty during interrogation).

<sup>2</sup> *J. D. B. v. North Carolina*, 564 U.S. 261, 264 (2011) (highlighting that law enforcement and courts may not "blind themselves to the commonsense reality" that children are different from adults). See also Abigail Kay Kohlman, *Kids Waive the Damdest Constitutional Rights: The Impact of J.D.B. v. North Carolina on Juvenile Interrogation*, 49 AM. CRIM. L. REV. 1623, 1643 (2012) (concluding that "[W]hen the *J.D.B.* Court included age into the custody analysis, it ignored the futility of *Miranda* warnings on juveniles younger than fifteen, or the particularly coercive pressures that still exist for juveniles older than sixteen.")

<sup>3</sup> *Miller v. Alabama*, 567 U.S. 460, 471 (2012).

<sup>4</sup> *Haley v. Ohio*, 332 U.S. 596, 599 (1948) ("[W]hen, as here, a mere child – an easy victim of the law – is before us, special care in scrutinizing the record must be used. That which would leave a man cold and unimpressed can overawe and overwhelm a lad in his early teens.").



MONTGOMERY COUNTY, MARYLAND  
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

[www.womensdemocraticclub.org](http://www.womensdemocraticclub.org)

estimated rate of false confessions generally.<sup>5</sup> Fixated on their desire to return home, children are willing to say whatever they can to free themselves from the four walls of an interrogation room.

Maryland does not treat its children any better than the nation at large. Law enforcement can question a child taken into custody in Maryland without an attorney present, and often, the child's parent or guardian is not notified of the child's detention or adequately informed of the circumstances surrounding the detention. Interrogating a child without allowing the child to consult with an attorney and benefit from the protection of his parents or guardians *and* without the attorney's continued presence during questioning does nothing to further the quest for justice.<sup>6</sup>

Children are vulnerable—they lack the developmental maturity, experience, and perspective necessary to withstand interrogation by authorities when faced with criminal accusation. Subjecting children to interrogation that is legally infiltrated by deception and coercion transforms the constitutionally protected presumption of innocence to one of coerced guilt. Seeking justice for all those affected by crime should be the goal, therefore we ask you to pass SB 53, which will simultaneously inform law enforcement's search for the truth and adequately protect accused children from assumptions of guilt, as the Constitution instructs.

**We ask for your support for SB53 and strongly urge a favorable Committee report.**

Respectfully,

Leslie Milano  
President

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<sup>5</sup> Zusha Elinson, *False Confessions Dog Teens*, THE WALL STREET JOURNAL (Sept. 8, 2013), <https://www.wsj.com/articles/SB10001424127887324906304579036901493013302>. See also, Yusef Salaam, Kevin Richardson and Raymond Santana, *Opinion: We are the 'Exonerated 5'. What Happened to Us Isn't Past, It's Present*, THE NEW YORK TIMES (Jan. 4, 2021) (“At the time of our arrests in 1989, we were just boys — Kevin and Raymond, the youngest among us, were only 14 — and we came to be known as the “Central Park Five.” ...But what people may not realize is that what happened to us isn't just the past — it's the present. The methods that the police used to coerce us, five terrified young boys, into falsely confessing are still commonly used today...These psychologically coercive tactics presume guilt rather than innocence and, as a result, they taint law enforcement's efforts to find facts.”). <https://www.nytimes.com/2021/01/04/opinion/exonerated-five-false-confessions.html>

<sup>6</sup> See, Laurel LaMontagne, *Children Under Pressure: The Problem of Juvenile False Confessions and Potential Solutions*, 41 W. St. U. L. Rev. 29 (2013) and Jessica R. Meyer & N. Dickon Reppucci, *Police Practices and Perceptions Regarding Juvenile Interrogation and Interrogative Suggestibility*, 25 BEHAVE. SCI. & LAW 757 (2007)(discussing coercive police interrogation practices as applied to minors and a study of police investigators and officers in Baltimore County, Maryland).

**SB\_53.pdf**

Uploaded by: Jonathan Rochkind

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 43. I am testifying **in support of the Juvenile Interrogation Protection Act (Senate Bill 53)**.



**Senate Bill 53** will require a law enforcement officer to contact a parent/guardian with reasonable notice and provide consultation with an attorney for any child they plan to interrogate. I request that you support this legislation to protect children from the manipulation and fear they can experience during a police interrogation.

Both the United States and Maryland Constitution provide the right to be free from self-incrimination and the right to effective assistance of legal counsel. Although these rights are important for adults, they are even more important for minors, who are often under added pressure to please adult figures of authority and may not understand the motivations a law enforcement official may have for misleading or intimidating them. Minors may also not understand the long-term implications of agreeing to something an adult figure of authority may pressure them to say, which in the case of interrogation by law enforcement can have life-long negative repercussions. These concerns were recognized by the legal community in *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court, which stated that minors had “diminished capacity” and were not able to fully understand the risks and consequences of their actions.

This diminished capacity is most evidently shown in a 2013 study of Maryland counties, where in one-third of the counties visited in the study, 40 to 58 percent of children routinely waived their right to counsel.

A well-known historical example of the consequences of children testifying without the presence of their parents or without having the opportunity to consult with legal counsel is the Central Park Five. In this case, police used intimidation and their role of the authority figure to coerce a group of minors into guilty pleas, even though no evidence for the guilt of the minors existed. As a result, six Black young men were imprisoned for years, only to have their convictions vacated years later. This is a situation that could easily be replayed in Maryland due to our current gap in ensuring minors are provided with the guaranteed legal support that should be guaranteed.

Over 30 other states have legislation that provide these protections, yet Maryland’s willingness to leave youth unprotected in one of the most stressful situations imaginable yields a perverse outcome: false confessions that traumatize and wrongly incriminate children, without making Marylander’s any safer.

**This country, and this state, are currently undergoing a crisis of unaccountable law enforcement. We are all less safe, not more, when we can’t count on law enforcement that respects the rights and human dignity of everyone, the whole community. Police intimidation of suspects leads to less safety in our neighborhoods, not more.**

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 53** to ensure children get the help they need before being interrogated by police.

I appreciate your time, service, and consideration.

Sincerely,

Jonathan Rochkind  
755 Melville Ave  
Baltimore MD 21218

Showing Up for Racial Justice Baltimore

# **SB 53 - Juvenile Interrogation Protection Act.pdf**

Uploaded by: Jonathan Smeton

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 40. I am testifying **in support of the Juvenile Interrogation Protection Act (Senate Bill 53)**.



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It is for these reasons that I am encouraging you to vote **in support of Senate Bill 53** to ensure children get the help they need before being interrogated by police.

I appreciate your time, service, and consideration.

Sincerely,  
Jonathan Smeton  
Baltimore, MD 21211  
Showing Up for Racial Justice Baltimore

**SB 53\_FAV\_ACLUMD\_Nalley.pdf**

Uploaded by: Justin Nalley

Position: FAV





## Testimony for the Senate Judicial Proceedings Committee

January 27, 2022

### SB 53 – Juvenile Law – Child Interrogation Protection Act

JUSTIN NALLEY  
PUBLIC POLICY ANALYST

#### FAVORABLE

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

3600 CLIPPER MILL ROAD  
SUITE 350  
BALTIMORE, MD 21211  
T/410-889-8555  
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS  
HOMAYRA ZIAD  
PRESIDENT

DANA VICKERS SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland supports SB 53, which would require a law enforcement officer who takes a child into custody to provide notice to the child's parents, guardian, or custodian and prohibit the custodial interrogation of the child by a law enforcement officer until the child has consulted with an attorney.

Every day in Maryland, children entangled in the criminal legal system are questioned without a parent or attorney present. As a result, they face criminal charges, prosecution, and incarceration without the basic due process rights that adults are entitled to.

The right to counsel for children was established in 1967 with the landmark case *In re Gault*, 387 U.S. 1, 87 S. Ct. 1428 (1967). The Supreme Court held in *Gault* that children have the right to remain silent and that no child can be convicted unless compelling evidence is presented in court, under the due process clause of the 14th amendment. Yet, in Maryland, law enforcement is not required to call parents or attorneys before a child is interrogated.

#### **Black children are particularly harmed in the criminal legal system**

This lack of protection for children is on full display, due to the various touchpoints and interactions that children, especially Black children, have with law enforcement. 90% of all complaints against Black children are filed by the police (including school police and school resource officers).<sup>1</sup> In addition, Black students are more likely to be arrested in school than all other racial or ethnic groups combined.<sup>2</sup>

#### **Children make better decisions with legal support**

Studies show that children waive their Miranda rights at a rate of 90% and make false confessions at a higher rate than adults.<sup>3</sup> Although arrests of youth have declined, there are still over 30,000 children under the age of 10 that have

<sup>1</sup> <https://djs.maryland.gov/Documents/DRG/Youth-of-Color.pdf>

<sup>2</sup> <http://www.marylandpublicschools.org/about/Documents/DSFSS/SSSP/StudentArrest/MarylandPublicSchoolsArrestDataSY20172018.pdf>, p. 125

<sup>3</sup> <https://abcnews.go.com/US/30000-children-age-10-arrested-us-2013-fbi/sto-ry?id=65798787>

been arrested in the U.S. from 2014 to 2018.<sup>4</sup> In Maryland, children as young as seven years old can be ensnared in the criminal legal system.<sup>5</sup>

Children are our most vulnerable population and must be provided the necessary protections under the law and the right to due process. This includes putting the proper mechanisms in place, so that when law enforcement must interrogate a child, the child has consulted with an attorney and their parents or guardians are notified. This bill will begin to safeguard against the lack of experience, judgement, and developmental maturity that youth have, and protect them for entanglement in the criminal legal system.

For the foregoing reasons ACLU of Maryland urges a favorable report for SB 53.

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<sup>4</sup> [https://www.ojjdp.gov/ojstatbb/structure\\_process/qa04102.asp?qaDate=2016](https://www.ojjdp.gov/ojstatbb/structure_process/qa04102.asp?qaDate=2016)

<sup>5</sup> <https://njdc.info/wp-content/uploads/2013/11/Final-Maryland-Assessment-Report.pdf>



**SB 53 - Juvenile Interrogation Protection Act.docx**

Uploaded by: Katherine Wilkins

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District **D12**. I am testifying **in support of the Juvenile Interrogation Protection Act (Senate Bill 53)**.



**Senate Bill 53** will require a law enforcement officer to contact a parent/guardian with reasonable notice and provide consultation with an attorney for any child they plan to interrogate. I request that you support this legislation to protect children from the manipulation and fear they can experience during a police interrogation.

Both the United States and Maryland Constitution provide the right to be free from self-incrimination and the right to effective assistance of legal counsel. Although these rights are important for adults, they are even more important for minors, who are often under added pressure to please adult figures of authority and may not understand the motivations a law enforcement official may have for misleading or intimidating them. Minors may also not understand the long-term implications of agreeing to something an adult figure of authority may pressure them to say, which in the case of interrogation by law enforcement can have life-long negative repercussions. These concerns were recognized by the legal community in *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court, which stated that minors had “diminished capacity” and were not able to fully understand the risks and consequences of their actions.

This diminished capacity is most evidently shown in a 2013 study of Maryland counties, where in one-third of the counties visited in the study, 40 to 58 percent of children routinely waived their right to counsel.

A well-known historical example of the consequences of children testifying without the presence of their parents or without having the opportunity to consult with legal counsel is the Central Park Five. In this case, police used intimidation and their role of the authority figure to coerce a group of minors into guilty pleas, even though no evidence for the guilt of the minors existed. As a result, six Black young men were imprisoned for years, only to have their convictions vacated years later. This is a situation that could easily be replayed in Maryland due to our current gap in ensuring minors are provided with the guaranteed legal support that should be guaranteed.

Over 30 other states have legislation that provide these protections, yet Maryland’s willingness to leave youth unprotected in one of the most stressful situations imaginable yields a perverse outcome: false confessions that traumatize and wrongly incriminate children, without making Marylander’s any safer.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 53** to ensure children get the help they need before being interrogated by police.

I appreciate your time, service, and consideration.

Sincerely,

**Katherine Wilkins**

**10651 Gramercy Pl Unit 257**

**Columbia MD 21044**

Showing Up for Racial Justice Baltimore

# **TPM SB53 Support.pdf**

Uploaded by: Katie Stauss

Position: FAV



## **SB 53 – SUPPORT**

### **JUVENILE LAW – JUVENILE INTERROGATION PROTECTION ACT (JIPA)**

Senate Judicial Proceedings Committee

*Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:*

Takoma Park Mobilization is a grassroots organization with 2,300 members that advocates at every level of government, to ensure equal treatment and justice for all. We are in SUPPORT of SB 136.

The passage of SB 53 will increase protection for children facing interrogation by prohibiting a law enforcement officer from interrogating a child until the child has consulted with an attorney and until notice has been provided to the child’s parent, guardian, or custodian. Bill passage would also protect children by requiring parental notice, to include instructions on how to contact the child, and the reason for the custody.

**Youth interrogation practices have increasingly racially disparate impacts.** Despite lip service about their intentions to reduce racial disparities in the justice system by governments and law enforcement agencies, racial disparities in arrests have increased nationally according to the Sentencing Project<sup>1</sup>. Studies also indicate that while Black children disproportionately face arrest, youth of all races commit crimes at roughly the same rates. All of this indicates that Black and Brown children are at disproportionately high risk of facing police interrogations, and thus disproportionately are subject to the coercion, resulting trauma, and especially, racially disparate incarceration, that can result from these interrogations.

Recently, I witnessed police at a Montgomery County school who had interrogated a child following an altercation that did not involve weapons. Unfortunately, teachers and school administrators facilitated access to the child without thinking about the impact on her. From my conversations with our Montgomery County administrators, who are by and large caring and conscientious professionals, are not aware of how students are at risk during police interactions and interrogations. Only lawyers are qualified to protect children during police interrogations. (Teachers’ and school administrators’ presence, when allowed, can compound children’s feelings of being surrounded by authority. Conversely for other students, their trust in school staff that might be present can provide false reassurance during interrogations with police. Either way, the result is bad for the child.)

**Even well-educated adults have trouble navigating police interrogations, and with children, they can lead to trauma.** A couple of years back, my good friend Tiffany Kelly, a Maryland resident in Montgomery County, faced her son being interrogated by police. Her ten-year-old child with special needs child, who is Black, had carried play money on the school bus, and police later pulled the child out of class to interrogate him. This was a traumatic experience. If any one of us considers the maturity of a 10-year-old, or even a 17-year-old -- perhaps our own child, a nephew or niece, or a neighbor -- we can immediately empathize with the fear that would create, even with the most outwardly calm and measured of law enforcement officers. Now imagine an officer who is being harsh or even physical (which is unfortunately not rare), and consider the impact on the child, the fear they would feel in the situation, and what the child might say or do to escape the situation.

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<sup>1</sup> <https://www.sentencingproject.org/publications/racial-disparities-in-youth-commitments-and-arrests/>

**Interrogations of youth are unreliable and lead to false convictions.** The National Registry of Exonerations reports that 36% of exonerated defendants under age 18 falsely confessed (compared to a still very high 10% of adults)<sup>2</sup>, and in one study of youth wrongful conviction cases, nearly 35% involved unreliable statements by a youth witness<sup>3</sup>. In the tragic cases of the Central Park Five, the Englewood Four, and the Harlem Park Three, with which many of you are familiar, false confessions and false witnesses led to 12 teens being falsely convicted and caged for a combined 210 years<sup>4</sup>.

It's far past time we align our state with international human rights standards, eliminate the stain on our state, and join with many other states who have already advanced similar policies. Maryland must stop this obvious violation of children's rights. Maryland already has a shameful record when it comes to juvenile incarceration and the racial disparities and horrors that result.

**We urge a favorable report on SB 52**

*Submitted for Takoma Park Mobilization by Katie Stauss  
301-793-2352  
January 25, 2022*

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<sup>2</sup> <https://www.ma4jr.org/juvenile-interrogation/>

<sup>3</sup> Arresting Development, Convictions of Innocent Youth, 62 Rutgers L. Rev. 887 (2009-2010)

<sup>4</sup> "Children should never be interrogated without a lawyer present. Here's why" | ERIKA N. FOUNTAIN, SYDNEY BAKER and EMILY HANEY-CARON, Baltimore Sun, March 1, 2021



**SB\_053.pdf**

Uploaded by: Keith Wallington

Position: FAV



**Testimony to the Senate Judicial Proceedings Committee  
SB 0053 Juvenile Law: Juvenile Interrogation Protection Act  
Marc Schindler, Executive Director  
Justice Policy Institute  
202-558-7974, [mschindler@justicepolicy.org](mailto:mschindler@justicepolicy.org)  
January 27, 2022**

My name is Marc Schindler. I serve as the Executive Director of the Justice Policy Institute (JPI), a national research and policy organization with expertise on criminal and juvenile justice issues. Over the last decade, JPI has released over a dozen policy and research reports on the Maryland justice system. Please accept this statement in support of SB0053 Juvenile Law: Juvenile Interrogation Protection Act.

By way of background, I have had the opportunity in my career to view the justice system from several different angles. I come to this issue today with perspective drawn from experiences both inside and outside the criminal justice system. After graduating from the University of Maryland School of Law, I began my legal career over 20 years ago with the Maryland Office of the Public Defender, representing children in Baltimore's juvenile court. During that time I also chaired the Baltimore City Bar Association's children's rights committee. I then spent eight years as a staff attorney with the Youth Law Center, a national civil rights law firm. Then, I held several leadership roles within the Washington, DC Department of Youth Rehabilitation Services, Washington, DC's juvenile corrections agency, including serving as General Counsel, Chief of Staff, and Interim Director between 2005 and 2010. Prior to joining JPI, I was a partner with Venture Philanthropy Partners (VPP), a Washington-based philanthropic organization.

The Justice Policy Institute offers this testimony in support of the Juvenile Interrogation Protection Act, SB 0053. SB 0053 will help safeguard children from self-incrimination and mitigate future involvement with the justice system. The developmental vulnerabilities of children and the racial disparities of children in the juvenile justice system, including Maryland's are strong justification for passage of SB 0053. Failing to pass legislation that requires the notification of the child's guardian while in custody would also be inconsistent with cases that ruled in favor of protecting children from self-incrimination and supports their right to receive proper representation. See *Haley v. Ohio* (1948), *Gallegos v. Colorado* (1962), *In re Gault* (1967), *Roper v. Simmons* (2009), *Graham v. Florida* (2010), *J.D.B. v. North Carolina* (2011), *Miller v. Alabama* (2012), *Montgomery v. Louisiana* (2015), and *Jones v. Mississippi* (2021).<sup>1</sup>

The juvenile justice system developed over 100 years ago as a response to the recognition that children are developmentally different from adults, demonstrating the need for specially tailored practices for children. Roughly 50,000 children are confined to juvenile detention facilities every day.<sup>2</sup> Over the past two decades the number of confined youths has dropped by 60 percent, though it is important to note that during that time in many jurisdictions racial disparities have actually increased.<sup>3</sup> Across multiple offenses, children of color, are more likely to be detained pre-adjudication, more likely to be committed post-adjudication, and are less likely to be diverted from the justice system at large.<sup>4</sup> According to *Sticker Shock: The Cost of Youth Incarceration*, the total costs of serving a youth in the state's secure facilities is at an all-time high of \$414,929 annually, this despite evidence that youth confinement is not associated with mitigating involvement in future crimes as an adult. When a child is involved with the justice system, it increases their likelihood of being incarcerated as an adult by up to 41 percentage points.<sup>6</sup>

JPI's report, *Rethinking Approaches to over Incarceration of Black Young Adults in Maryland*, highlights the racial disparities within Maryland's criminal justice system. Seventy percent of Maryland's prison population is Black, yet Black individuals make up only 31 percent of the state's population. Maryland's incarceration rate for Black individuals is more than twice the national average, surpassing Mississippi, South Carolina, and Georgia. Maryland leads the nation in incarcerating young Black men, with the highest disparities being for those between the ages 18 and 24.<sup>7</sup> Black individuals are incarcerated in state prisons at nearly five times the rate of White individuals.<sup>8</sup> These inequities highlight the need for policies that deter youth from becoming involved with the justice system. Nationally, Black youth are more than four times as likely to be detained in juvenile facilities than their White peers. While Black youth represent 41 percent of the detained youth population, they represent only 15 percent of the entire adolescent population.<sup>9</sup> Racial disparities are just as stark when examining Maryland's juvenile justice system. Across Maryland, Black youth are 6.3 times more likely to be detained in juvenile facilities.<sup>9</sup> Between 2013 and 2020, nearly 8,000 children were automatically tried as adults, 80 percent of those tried were Black.<sup>10</sup> More than 400 individuals faced life or life-equivalent sentences for offenses committed as a child.<sup>11</sup> With Maryland leading the nation in incarcerating Black men, it is imperative the Maryland legislators use sensible child protection wisdom to implement sensible, age-appropriate practices

Within the past 25 years, nearly 40 percent of exonerations were due to false confessions made by those under the age of 18, compared to 11 percent of exonerations due to false confessions by adults.<sup>13</sup> Children are two to three times more likely to give false confessions.<sup>12</sup> Children often will take the blame for a crime they did not commit simply to end the interrogation.<sup>13</sup>

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<sup>1</sup> Crane, Megan, Laura Nirider, and Steven A. Drizin. 2016. "The Truth about Juvenile False Confessions." American Bar Association.

<sup>2</sup> Sawyer, Wendy. 2019. "Youth Confinement: The Whole Pie 2019." *The Sentencing Project*. The Sentencing Project. <https://www.prisonpolicy.org/reports/youth2019.html>.

<sup>3</sup> Sawyer, Wendy. "Youth Confinement: The Whole Pie 2019."

<sup>4</sup> Rovner, Josh. 2021. "Black Disparities in Youth Incarceration." *The Sentencing Project*. The Sentencing Project. <https://www.sentencingproject.org/publications/black-disparities-youth-incarceration/>.

<sup>5</sup> Aizer, Anna, and Joseph J. Doyle, Jr. 2015. "Juvenile Incarceration & Adult Outcomes: Evidence from Randomly Assigned Judges." *The Quarterly Journal of Economics* 120. <https://doi.org/10.1093/qje/qjv003>.

<sup>6</sup> Alzer, Anna, and Joseph Doyle. "What Is the Long-Term Impact of Incarcerating Juveniles?" VOX, CEPR Policy Portal, 2013. <https://voxeu.org/article/what-long-term-impact-incarcerating-juveniles>.

<sup>7</sup> Prison Policy Initiative. 2018. "Maryland Profile." *Prison Policy Initiative*. The Sentencing Project. <https://www.prisonpolicy.org/profiles/MD.html>.

<sup>8</sup> Nellis, Ashley. 2021. "The Color of Justice: Racial and Ethnic Disparity in State Prisons." *The Sentencing Project*. The Sentencing Project. <https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>.

<sup>9</sup> Rovner, Josh. "Black Disparities in Youth Incarceration."

<sup>10</sup> Witte, Brian. "Supporters of Juvenile Justice Reform Hopeful in Maryland." *baltimoresun.com*. Baltimore Sun, December 23, 2021. <https://www.baltimoresun.com/politics/bs-md-pol-maryland-juvenile-justice-reform-20211222-zxc3wrnn6vef7iwluivjur5lpy-story.html>.

<sup>11</sup> Equal Justice Initiative. 2021. "Maryland Bans Life Without Parole for Children." Equal Justice Initiative. April 12, 2021. <https://eji.org/news/maryland-bans-life-without-parole-for-children/>.

<sup>12</sup> Crane, Megan, Laura Nirider, and Steven A. Drizin. "The Truth about Juvenile False Confessions."

<sup>13</sup> Cleary, Hayley M. D., and Todd C. Warner. 2016. "Police Training in Interviewing and Interrogation Methods: A Comparison of Techniques Used with Adult and Juvenile Suspects." *Law and Human Behavior* 40 (3): 270–84. <https://doi.org/10.1037/lhb0000175>.

The National Research Council's Report, *Reforming Juvenile Justice: A Developmental Approach*, finds that children differ from adults in three primary cognitive tendencies – cognitive development influences their decision-making capabilities, pleasure-seeking inhibits impulse control which leads to a reduced understanding of long-term consequences, and external influences are significantly more powerful over children's ability to form and convey strategic statements, making them all the more susceptible to psychological interrogation methods. A survey of law enforcement, conducted in 2014, found that nearly all officers use the same interrogation strategies on minors as they do adults.<sup>14</sup> Researchers find that children waive their Miranda rights 90 percent of the time and make false confessions at exponentially higher rates than adults.<sup>15</sup> Children prioritize short-term benefits over long-term consequences, attributing to the high prevalence of waived Miranda rights and inaccurate confessions.

Many states have recently passed legislation ensuring children have quality representation while in police custody. In North Carolina, bill GS-7B-1901, requires the guardian be notified before an investigation proceeds.<sup>16</sup> Alabama's code 12-15-102 requires informing the guardian of the whereabouts of their child and the reason for interrogation.<sup>17</sup> California's Senate Bill 395 sets standards for juvenile defense counsel, requiring youth under the age of 15 to consult with counsel before interrogation or before waiving specified rights.<sup>18</sup> Illinois Senate Bill 2370 expands children's right to counsel during police interrogations, requires recording of interrogations, and requires simplified versions of Miranda warnings be given to minors.<sup>19</sup> Nebraska's guidelines require both defense and prosecuting attorneys to ensure legal representation for minors.<sup>20</sup> New Mexico does not allow confessions made by children under the age of 13 admissible in court under any circumstance.<sup>21</sup> Wisconsin forbids courts from presenting confessions made by children if they were not recorded.<sup>22</sup>

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<sup>14</sup> Cleary, Hayley M. D., and Todd C. Warner. "Police Training in Interviewing and Interrogation Methods: A Comparison of Techniques Used with Adult and Juvenile Suspects."

<sup>15</sup> Redlich, Allison D., Melissa Silverman, and Hans Steiner. 2003. "Pre-Adjudicative and Adjudicative Competence in Juveniles and Young Adults." *Behavioral Sciences & the Law* 21 (3): 393–410. <https://doi.org/10.1002/bsl.543>.

<sup>16</sup> North Carolina General Assembly. 2021. *Criteria for Secure or Nonsecure Custody*. Vol. G.S. 7b-1901(a)(1). [https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_7B/GS\\_7B-1903.html](https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-1903.html).

<sup>17</sup> "Alabama – NJDC." *NJDC – Promoting Justice for All Children*, National Juvenile Defender Center, 2018, <https://njdc.info/practice-policy-resources/state-profiles/alabama/>.

<sup>18</sup> "Bill Text - SB-395 Custodial Interrogation: Juveniles." *California Legislative Information*, 2017, [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=20170180SB395](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=20170180SB395).

<sup>19</sup> "Illinois General Assembly - Bill Status for SB2370." *Illinois General Assembly Home Page*, <https://www.ilga.gov/legislation/BillStatus.asp?DocTypeID=SB&DocNum=2370&GAID=13&SessionID=88&LegID=93740>. Accessed 20 Jan. 2022.

<sup>20</sup> "S6-1470. Practice Guidelines for Attorneys in Juvenile Court." *State of Nebraska Judicial Branch*, 2017, <https://supremecourt.nebraska.gov/supreme-court-rules/chapter-6-trial-courts/article-14-uniform-county-court-rules-practice-procedure/§-6-1470-practice-guidelines-attorneys-juvenile-court>.

<sup>21</sup> "HB0142." *Home - New Mexico Legislature*, 2013, <https://nmlegis.gov/Sessions/13%20Regular/bills/house/HB0142.html>.

<sup>22</sup> "Wisconsin Legislature: 938.195." *Wisconsin Legislative Documents*, 2017, <https://docs.legis.wisconsin.gov/statutes/statutes/938/IV/195?view=section>.

Washington requires law enforcement to connect a child with legal counsel before beginning an interrogation.<sup>23</sup>

Implementing rehabilitative strategies and building decarceration tools for children is paramount in mitigating future justice involvement and reducing racial disparities. The juvenile justice system was developed under the fundamental premise that youth are different from adults in both their level of responsibility and their potential for rehabilitation. There is strong support in research and practice that children should be provided a right to proper representation and deserve protection against self-incrimination. Failing to support SB 0053 undermines the goals of Maryland's juvenile justice system and we would urge passage of the proposed legislation.

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<sup>23</sup> *Concerning Juvenile Access to Attorneys When Contacted by Law Enforcement*. 2021.  
<https://app.leg.wa.gov/billsummary?BillNumber=1140&Year=2021&Initiative=false>.

# **Choice letter of SUPPORT SB 53 Child Interrogation**

Uploaded by: Kelly Quinn

Position: FAV



**Senate Bill 53  
Child Interrogation Protection Act  
January 27, 2022**

**SUPPORT**

Dear Chairman Smith and Honorable Members of the Committee:

The Choice Program at UMBC supports Senate Bill 53 Child Interrogation Protection Act, introduced by Senator Jill Carter. We urge the Senate Judicial Proceedings Committee to issue a favorable report on this bill.

The Choice Program at UMBC has served Maryland youth who are systems-involved for nearly 35 years. Presently, Choice works with young people and their families in Baltimore City as well as Baltimore, Howard, Prince George's, and Montgomery Counties. Young people often remind us that their past trauma—and worst mistakes—should not define them. In FY 21, we provided engaging programming, resource brokering and holistic case management to 656 young people who were under the supervision of the Department of Juvenile Services; we served 850 young people in total. Despite a year of Covid in which we offered remote services, Choice mentors contacted young people 24,455 times via video, text, phone calls for visits, goal setting activities, job searches, homework help, games, community service, and wellness checks. Choice serves as an alternative to the school-to-prison pipeline; our primary goal is to reduce the number of Black and Latinx young people who are entangled in the youth legal system. Our model seeks to dismantle racist structures and, instead, employs strengths-based approaches focused on positive relationships and their agency. We hold high expectations for youth and parents as well as high levels of support. These guiding principles are essential in addressing racial inequities at an individual and systemic level.

Maryland's legal system disproportionately ensnares Black and Latinx young people, limiting their life chances in education, vocation, civic engagement, and health and wellbeing. A punitive criminal justice system does not offer young people developmentally appropriate and culturally responsive interventions; it exacerbates stubborn inequities. And, it does not keep Marylanders safer. This session offers the chance to remake our youth legal system to reduce racial and ethnic disparities.

The Choice Program supports Senate Bill 53, the Child Interrogation Protection Act. Every day in Maryland, children entangled in the criminal legal system are questioned without a parent being notified or an attorney present. Although youth of all races commit offenses at roughly the same rates, African American youth are arrested at much higher rates than any other racial group in this state, and therefore are at particularly high risk of facing police interrogations and coercion. As a result, Black children face criminal charges, prosecution, and incarceration without the basic due process rights that adults are entitled to. We believe any young person facing a police interrogation has the legal right to ask for a lawyer before answering questions and have their guardian notified, SB 53 the Child Interrogation Protection Act will protect those rights.

The Child Interrogation Protection Act will:

- 1) Require law enforcement to make good faith efforts to notify parents or guardians that their child will be subject to interrogation;
- 2) Allow a child to consult with an attorney prior to being interrogated; and
- 3) Encourage Maryland courts to adopt age-appropriate language for children to understand their rights.

Adolescent brain development coupled with behavioral psychology and sociological literature on coercive persuasion and interrogation-induced false confessions explain why youth are prone to comply with the requests of authority figures like police or school resource officers (SROs), making them uniquely vulnerable to coercive interrogation tactics. It is imperative to keep a continued understanding of adolescent brain development and behavior psychology at the forefront of this discourse to ensure we are adequately discussing the dangers of youth interrogations. Further, it is critical to recognize that the goal of interrogations is to elicit incriminating statements, admissions and/or confessions through the use of psychological methods that are explicitly confrontational, manipulative, and suggestive.

The Choice Program at UMBC urges this committee to issue a favorable report on SB 53.



# **Nirider-Drizin Testimony Supporting Child Interrog**

Uploaded by: Laura Nirider

Position: FAV

**Testimony of Laura Nirider and Steven Drizin in Support of the  
Child Interrogation Protection Act  
Maryland House Bill 269 / Maryland Senate Bill 53**

*This written testimony is jointly submitted by Professors Laura Nirider and Steven Drizin, co-directors of the Center on Wrongful Convictions at Northwestern University Pritzker School of Law, 375 E. Chicago Ave., Chicago, IL 60611. Both are internationally recognized experts in juvenile interrogations and confessions and have represented dozens of children who have confessed to crimes they did not commit.*

Modern-day police interrogation involves the use of a standard set of psychological techniques designed to convey – often falsely – that a person is trapped and will improve his legal situation by choosing to confess.<sup>1</sup> Those potent techniques have long been used on both children and adults alike. In recent years, however, it has become well-recognized that children, as a category, are less equipped to process the high-stakes choices that interrogation presents. Both research and empirical experience, accordingly, have shown that children under age 18 who undergo interrogation are between two and three times more likely than adults to falsely confess to crimes they did not commit.<sup>2</sup>

This reality has been recognized by the International Association of Chiefs of Police, which warned in a 2012 national training guide that “young people are particularly vulnerable to making false or involuntary statements” and recommended that children under 18 consult with counsel before being questioned.<sup>3</sup> The same reality has also been recognized by the United

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<sup>1</sup> Saul M. Kassin, et al., *Police-Induced Confessions: Risk Factors and Recommendations*, 34 LAW & HUM. BEHAV. 3 (2010), available online at [http://web.williams.edu/Psychology/Faculty/Kassin/files/White%20Paper%20-%20LHB%20\(2010\).pdf](http://web.williams.edu/Psychology/Faculty/Kassin/files/White%20Paper%20-%20LHB%20(2010).pdf).

<sup>2</sup> Kassin et al. at 19-20; Samuel R. Gross, et al., *Exonerations In the United States, 1989 Through 2003*, 95 J. CRIM. L. & CRIMINOLOGY 523, 545 (2005) (13% of adult exonerees falsely confessed, whereas 42% of juvenile exonerees falsely confessed); Steven A. Drizin & Richard A. Leo, *The Problem of False Confessions in the Post-DNA World*, 82 N.C. L. REV. 891, 963 (2004) (a full one-third of all false confessions studied were made by juveniles).

<sup>3</sup> International Association of Chiefs of Police, REDUCING RISKS: AN EXECUTIVE’S GUIDE TO EFFECTIVE JUVENILE INTERVIEW AND INTERROGATION 7-8 (2012), available online at

States Supreme Court, which held in 2011 that the risk of false confession “is all the more troubling [and] all the more acute when the subject of custodial interrogation is a juvenile.”<sup>4</sup>

This is also a reality that, unfortunately, Maryland children have lived. In 1998, Cecil County resident Allen Chesnet was sixteen years old when his neighbor was stabbed to death. After receiving a tip that Allen had been seen with a bleeding hand – he had cut it on a tool in his basement – police brought the teen in for interrogation. With no lawyer present, officers accused Allen of murder and falsely told him that his DNA was found at the crime scene. Eventually, the scared child agreed to say that he was responsible for his neighbor’s murder. Allen later explained, “In my head, I thought if I told them stuff, they would let me go.” To the contrary, Allen Chesnet spent months in jail awaiting trial before DNA from the crime scene exonerated him, identified the true perpetrator, and prompted his release. While Allen was in jail, he reports having been stabbed and raped twice. His mother has since described his ordeal as “pure hell.”<sup>5</sup> Allen’s story, and the hundreds of similar stories from around the country, serve as undeniable calls to action: Children need greater protections in the interrogation room.

Because children “lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them,”<sup>6</sup> Maryland legislators have seen fit on many occasions to protect young people from the dangers of unguided decision-making. Maryland residents under age 21, for instance, are not permitted to purchase cigarettes or possess

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<http://www.theiacp.org/portals/0/pdfs/reducingrisksanexecutiveguide-toeffectivejuvenileinterviewandinterrogation.pdf>.

<sup>4</sup> *J.D.B. v. North Carolina*, 564 U.S. 261 (2011).

<sup>5</sup> Del Wilber, *Teen Tormented By an Erroneous Charge of Murder*, Baltimore Sun, April 23, 2001, available at <https://www.baltimoresun.com/news/bs-xpm-2001-04-23-0104230226-story.html>.

<sup>6</sup> *Roper v. Simmons*, 543 U.S. 551, 569 (2005).

handguns.<sup>7</sup> Similarly, Marylanders under age 18 cannot obtain unrestricted driver's licenses, enter into most contracts, or use tanning beds.<sup>8</sup> It is now time to extend that thinking to the interrogation room.

Before custodial interrogation, the Constitution requires children and adults alike to be advised of their *Miranda* rights to silence and counsel. The reason for this requirement is simple: the *Miranda* warnings are intended to make real and concrete those constitutional rights that, in the moment, may seem distant, meaningless, and inaccessible to a frightened person in an interrogation room. Only after a person knowingly, intelligently, and voluntarily waives those rights, the idea goes, may interrogation proceed.

But just as children are not equipped to make unguided judgments about tanning beds and contracts, they are similarly not equipped to decide, alone and afraid, whether to waive their *Miranda* rights – and thereby allow interrogation to take place. As any parent will understand, the mere fact of being with police in an interrogation room will cause children like Allen Chesnet to feel intense pressure to say whatever authority figures want, instead of asserting their rights. And many children simply don't comprehend what lawyers do or whether asking for a lawyer will hurt or help. Indeed, a recent study of twelve- to nineteen-year-olds showed that 69% didn't fully comprehend their *Miranda* rights.<sup>9</sup> This problem is even more severe for justice-involved

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<sup>7</sup> Md. Code Ann., Pub. Safety § 5-134(b)(1) (handgun).

<sup>8</sup> Md. Code, Transportation § 16-103, § 105, § 16-111, § 16-213; The People's Law Library of Maryland, <https://www.peoples-law.org/when-tenant-minor>; Maryland Dept. of Health, <https://phpa.health.maryland.gov/OEHFP/EH/pages/tanning-for-minors.aspx>.

<sup>9</sup> Naomi E. S. Goldstein et al., *Miranda Rights Comprehension Instruments* (MRCI) 93 (2014).

youth, who tend to demonstrate lower average intelligence and academic achievement scores than youth in the general population.<sup>10</sup>

The research and empirical experience is clear: Children cannot be relied on to invoke their right to counsel and thereby protect themselves against the risk of false confession. This is why both California and Illinois have recently enacted laws requiring counsel for children being questioned by police. California's law, in particular, requires all children under age 18 to have an opportunity to consult with an attorney before undergoing custodial interrogation; it passed the state legislature with bipartisan support before being signed by that state's governor.<sup>11</sup> It's time for Maryland to follow suit.

And as both California and Illinois have recognized, it is crucial that children receive opportunities to speak with licensed *attorneys*, in addition to parents. Many parents themselves do not understand the *Miranda* rights. Police interrogators, moreover, are often trained to marginalize parents by keeping them out of the interrogation room or not fully informing them of the legal stakes faced by the child. For those parents who do gain admittance to the interrogation room, case examples abound in which police tell the parent falsely that the child will help himself by confessing and enlist the parent's help in pressuring the child to cooperate. Those members of this Legislature who have seen the Netflix series *When They See Us*, based on the real-life case of New York's Central Park Five, will recall how fifteen-year-old Antron McCray was pressured by his own father into falsely confessing to a brutal rape he did not commit, after

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<sup>10</sup> Amy E. Lansing et al., *Cognitive and Academic Functioning of Juvenile Detainees: Implications for Correctional Populations and Public Health*, 20 *J. Correctional Health Care* 18 (2014).

<sup>11</sup> *California: New Law Protects Children in Police Custody*, Human Rights Watch (Sept. 30, 2020), available at <https://www.hrw.org/news/2020/09/30/california-new-law-protects-children-police-custody>.

police told Antron's father that it would benefit Antron to do so. Antron served six years in prison before he and his co-defendants were exonerated by DNA evidence.

As practicing attorneys and experts who have helped build new understandings around juvenile interrogations and false confessions, we reflect often on the prescient words of the U.S. Supreme Court in 1948: “[A teenager] needs someone on whom to lean lest the overpowering presence of the law, as he knows it, crush him.”<sup>12</sup> Again, in 1962, the Court reiterated that “only adult advice” can give a child “the protection which his own immaturity could not.”<sup>13</sup> Those words have gone unheeded for too long. Our country's collective recent advances in understanding the problem of juvenile false confessions makes these warnings more important than ever to heed today. We submit this testimony in support of the Child Interrogation Protection Act (House Bill 269 / Senate Bill 53).

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<sup>12</sup> *Haley v. Ohio*, 332 U.S. 596 (1948).

<sup>13</sup> *Gallegos v. Colorado*, 370 U.S. 49 (1962).

# **SB 53 Child Interrogation Protection Act - Linda W**

Uploaded by: Linda Watts

Position: FAV

**Senate Bill 53**  
**Child Interrogation Protection Act**  
**January 27, 2022**  
**Support**

Dear Chairman Smith and Honorable Members of the Committee:

As a resident of Baltimore City, who has grandchildren living in both Baltimore County and Harford County, I strongly support Senate Bill 53, the Child Interrogation Protection Act. Every day in Maryland, children entangled in the criminal legal system are questioned without a parent being notified or attorney present. Although youth of all races commit offenses at roughly the same rates, African American youth are arrested at much higher rates than any other racial group in this state, and therefore are at particularly high risk of facing police interrogations and coercion. While I am not a person of color, two of my grandchildren are and it is extremely important to me that my oldest grandson would be treated the same way as my youngest grandson. This bill will make sure that all juveniles have their constitutional rights protected and that their parents know when if they have been taken into custody. Currently black children face criminal charges, prosecution, and incarceration without the basic due process rights that adults are entitled to. I believe any young person facing a police interrogation has the legal right to consult with a lawyer before answering questions and have their guardian notified that they have been taken into custody, SB 53 the Child Interrogation Protection Act will protect those rights.

The Child Interrogation Protection Act will:

- 1) Require law enforcement to make good faith efforts to notify parents or guardians that their child will be subject to interrogation;
- 2) Allow a child to consult with an attorney prior to being interrogated; and
- 3) Encourage Maryland courts to adopt age-appropriate language for children to understand their rights.

Adolescent brain development coupled with behavioral psychology and sociological literature on coercive persuasion and interrogation-induced false confessions explain why youth are prone to comply with the requests of authority figures like police or school resource officers (SRO's), making them uniquely vulnerable to coercive interrogation tactics. It is imperative to keep a continued understanding of adolescent brain development and behavior psychology at the forefront of this discourse to ensure we are adequately discussing the dangers of youth interrogations. Further, it is critical to recognize that the goal of interrogations is to elicit incriminating statements, admissions and/or confessions through the use of psychological methods that are explicitly confrontational, manipulative, and suggestive. In simple language, it is much easier to get a conviction when you have a confession and interrogators will do almost anything to get one – even if all they are getting is a false confession. **I strongly urge this committee to issue a favorable**



**report on SB 53.**

Linda Watts

4212 Harcourt Rd

Baltimore MD 21214

Affiliated with BRIDGE Maryland Inc.

# **SB 53 - Juvenile Interrogation Protection Act.docx**

Uploaded by: Lindsay Keipper

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by residents of District 46 who are also community leaders in Showing Up for Racial Justice Baltimore. SURJ is a group of community members supporting local groups working for greater racial justice in Baltimore and the State of Maryland. We are also working in collaboration with Out for Justice. We are testifying **in support of the Juvenile Interrogation Protection Act (Senate Bill 53)**.



**Senate Bill 53** will require a law enforcement officer to contact a parent/guardian with reasonable notice and provide consultation with an attorney for any child they plan to interrogate. I request that you support this legislation to protect children from the manipulation and fear they can experience during a police interrogation.

Interrogation is an important investigative tool for law enforcement, and for this reason the courts have ruled that police interrogating a suspect are allowed to lie, mislead, and pressure suspects as long as they don't graduate to force or direct promises of leniency or physical threats. There's a lot of wiggle room in these guidelines, which unfortunately sometimes results in interrogations that pressure suspects into confessing to things they didn't do. The National Registry of Exonerations (a joint project of the UCI Newkirk Center and the law schools at University of Michigan and Michigan State University) conducted a review in 2019 of 2400 known exonerations and found that 12% of the exonerees had confessed to crimes they did not commit

(<http://www.law.umich.edu/special/exoneration/Documents/Age%20and%20Mental%20Status%20of%20Exonerated%20Defendants%20Who%20Falsely%20Confess%20Table.pdf>). The Innocence Project, looking only at cases they have handled, calculates that 25% of those they have exonerated with DNA evidence gave confessions. Kids, being less experienced and more susceptible to the influence of adult authority figures, are more likely than adults to confess during interrogation: in the National Registry of Exonerations data, looking at just those exonerees under 18 caused the rate of false confession to jump to 36%, with the youngest being the most likely to confess.

Kids have the same rights to have an attorney and to remain silent as adults, but because their capacity to understand those rights and appreciate the consequences of waiving them are less than adults, it's crucially important to protect kids in these situations. In *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court recognized that minors had "diminished capacity" and were not able to fully understand the risks and consequences of their actions. One well-known example of the consequences of children testifying without the presence of their parents or without having the opportunity to consult with legal counsel is the Central Park Five. In this case, police coerced a group of minors into guilty pleas, even though no evidence for their guilt existed. As a result, six Black young men were imprisoned for years, only to have their convictions vacated years later. This is a situation that could easily be replayed in Maryland due to our current gap in ensuring minors are provided with the guaranteed legal support that should be guaranteed.

The current law, which requires only that the police read the so-called "Miranda rights" to suspects they want to question, is not enough to protect children with a reduced capacity to understand and make decisions. It is vital that juveniles be provided with actual consultation with counsel, and that their parents be notified and given the chance to be present with their children being interrogated. It is for these reasons that we are encouraging you to vote **in support of Senate Bill 53** to ensure children get the help they need before being interrogated by police.

I appreciate your time, service, and consideration.

Sincerely,

**Lindsay Keipper**

**Brian Seel**

**Lilly Chapa**

**Liz Simon-Higgs**

**Holly Powell**

Showing Up for Racial Justice Baltimore

# **MAYSB - SB 53 FAV - Juvenile Interrogation Protect**

Uploaded by: Liz Park

Position: FAV



*"Being here for Maryland's Children, Youth, and Families"*

**Testimony submitted to Senate Judicial Proceedings**

**January 27, 2022**

**Senate Bill 53 – Juvenile Law – Child Interrogation Protection Act  
Support**

The Maryland Association of Youth Service Bureaus, which represents a network of Bureaus throughout the State of Maryland, Supports SB 53 – Juvenile Law – Child Interrogation Protection Act. Youth Service Bureaus are community-based programs that work with youth and their families to decrease the likelihood of youth involvement or re-involvement with the Department of Juvenile Services. This bill will ensure that youth are fully informed of their rights before and during interrogation. We believe that this action corresponds with the State's movement toward a juvenile system that is developmentally informed.

A developmentally informed approach to juvenile justice recognizes the need to hold youth accountable for their actions while also offering them the resources and opportunities to divert them from future involvement with the juvenile justice system. It recognizes that youth are still maturing and that their brains are not fully developed until after age 24. Youth in custody should be afforded the right to counsel or parental guidance before speaking with law enforcement or waiving their rights. The Supreme Court held in *Gault* that children have the right to remain silent and that no child can be convicted unless compelling evidence is presented in court, under the due process clause of the 14th amendment. Yet, in Maryland, law enforcement is not required to inform a child or youth of their rights to have a parent or attorney present, that their statements can be used against them, and that they can request the interrogation to stop at any time. A child or adolescent needs the advice and protection of an adult in making decisions that can have great impact on their future, such as being questioned by law enforcement. This bill requires law enforcement to accurately inform children and youth of their rights, just as they do with adults.

Children, youth and their parents/caregivers need to not only know their rights but also how to access legal representation for the child. Maryland has no uniform process to appoint public defenders and no eligibility criteria for indigency. Parents with low income who need public defender services for a child face confusing procedures that vary from county to county.

*(over)*

For example, parents may not have the required financial documentation or \$25 intake fee to apply for services immediately, or may not be aware that they must apply within a certain time period. This bill ensures that the child has legal representation before interrogation and thus allows parents and caregivers the opportunity to understand these systems and navigate them appropriately.

A developmentally informed system is also fair and works to ensure that all youth receive fair and equal treatment. This bill will assist the State of Maryland in addressing racial and ethnic disparities (RED) found in the juvenile justice system. Data in Maryland shows that youth of color are disproportionately impacted at each decision point in the juvenile justice system. Maryland data shows that of the total complaints received by DJS in 2021 (7129) 67% were youth of color. For Youth whose cases were formalized, (2941) 58% were youth of color. When one looks at youth committed to DJS care (323) 78% (252) were youth of color (Data Resource Guide 2021 for the Department of Juvenile Services). This bill will help ensure fair treatment for youth of color as currently they are more likely to move further into the juvenile system.

MAYSB believes that following a developmental informed approach to juvenile justice is important as it works to establish a fair and equal system for all youth and allows youth the opportunity to be held accountable for their actions while also offering them the resources to develop into to productive and responsible adults.

We ask that you give this legislation a favorable finding.

Respectfully Submitted:

Liz Park, PhD  
MAYSB Chair  
[lpark@greenbeltmd.gov](mailto:lpark@greenbeltmd.gov)

# **Senate Juvenile Interrogation Protection Act Judic**

Uploaded by: Louise Weissman

Position: FAV

January 27, 2022  
Louise M. Weissman  
Greenbelt, 20770

**TESTIMONY ON (SB#0053HB#0269) - POSITION: FAVORABLE**  
**Juvenile Law - Juvenile Interrogation Protection Act**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Louise M. Weissman

**My name is Louise Weissman. I am a resident of District 22 in Greenbelt. I am submitting this testimony (in support of/in support with amendments/against) SB0053/HB#0269), Juvenile Interrogation Protection Act.**

Thank you Senator Carter and Delegate Sandy Bartlett for sponsoring this bill. In 1997 a 10-year old girl in Foster Care was placed with us for adoption, along with her biological brother. As a teen and adult, she has had run-ins with law-enforcement. I care about this bill because without family intervention and legal counsel, especially as a teenager, we don't know how or if she would have survived.

Shortly after she came to live with us, it was clear that she needed extensive educational and therapeutic services. She had experienced significant neglect as well as mental and physical abuse. During primary school and high school she went through a revolving door of in-patient psychiatric hospital admissions and three different residential placements. When she was 14, an MRI was ordered. We learned she had a tumor on the front left lobe of her brain.

Now almost 35, she has been diagnosed with Complex PTSD, and Bi-Polar disorder. While she has been in court as a youth, we intervened at that time and made sure a lawyer was retained if needed. She never served time, due in large part to the legal support we provided her and our pro-active presence. I also strongly believe white privilege played a role in the outcome.

No child should be interrogated by law enforcement without being able to consult a lawyer. But Maryland does not mandate that young people have access to legal counsel before being interrogated by police. This contributes to the School to Prison Pipeline. It especially leads to the criminalization and incarceration of Black and brown youth who are disproportionately targeted by our justice system.



This legislation would require police to attempt to contact a juvenile's parents and require that the child be given the opportunity to speak to a lawyer prior to police interrogation.

**I respectfully urge this committee to return a favorable report on SB#0053HB#/0269.**

# Juvenile Interrogation Support Letter.pdf

Uploaded by: Marilyn Mosby

Position: FAV



## **SB53 Support**

January 27<sup>th</sup>, 2022

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

### **Re: Support for Senate Bill 53 – 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) 53, 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.

SB53 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. SB53 would provide reforms and safeguards to prevent future miscarriages of justice.

For these reasons, I urge you to consider a favorable report for SB53.

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".

Marilyn J. Mosby  
State's Attorney for Baltimore City

**SB53 Written Testimony MBT2022.pdf**

Uploaded by: Marlon Tilghman

Position: FAV

Submitted by: Rev. Dr. Marlon B. Tilghman (a Harford County, MD Pastor, U.S. Marine Corps SSgt, retired commission '92), 1118 Marksworth Road, Gwynn Oak, Maryland 21207.

Dear Chair William Smith and Honorable Senate Judiciary Proceeding Committee,

I am speaking in favor of Senate Bill 53. It was former Vice-President Hubert Humphrey who said, "*The **moral test of government** is how that government treats those who are in the dawn of life, the children.*" And it was Nelson Mandela who said that, "*There is no keener revelation of **a society's soul** than the way in which it treats its children.*" And Rev. Dr. Martin Luther King, Jr. summarized these respected leaders by saying, "*The law cannot control how people regard each other, but it can mandate how people treat each other.*"

BRIDGE Maryland, Inc., which represents several of the legislative districts on this committee, and throughout the state, wants our most vulnerable population in Maryland protected from interrogations that could scar them for life. We want our children, grandchildren, nieces, nephews, and the next unborn generation to feel comfortable in the custody of police officers. We want these things for several reasons. Theologically, we want SB53 to pass because our membership of over 7 faith traditions feel it is our moral imperative to protect them from the risk of emotional, cultural, and situational trauma that could impact them into their adulthood. Our sacred texts in the Talmudic says *our children are our guarantors*. Our sacred text tells us in the Torah that, "*Children's children are a crown to the aged, and parents are the pride of their children*" (Proverbs 17:6). Our sacred text from the words of Jesus the Christ says, "*See that you do not despise one of these little ones. For I tell you that their angels in heaven always see the face of my Father in heaven*" (Matthew 18:10).

Historically we want you to support SB53 because it brings Miranda into the 21<sup>st</sup> Century to protect our children. Every game, movie, and TV program now have age-appropriate labels for playing or viewing. Why? Because some language or content is not meant for certain audiences. In the case of *Miranda v. Arizona*, 384 U.S. 436 (1966), the U.S. Supreme Court ruled that the [Fifth Amendment to the U.S. Constitution](#) prevents prosecutors from using a person's statements made in response to [interrogation](#) in [police](#) custody as evidence at their [trial](#) unless they can show that the person was informed of the right to consult with an [attorney](#) before and during questioning, and of the right against [self-incrimination](#) before police questioning, and that the defendant not only understood these rights, but voluntarily

waived them.<sup>1</sup> In 1966, Miranda was not written for children who were immature, irresponsible, or fully aware that their words could affect their long-term freedom. Miranda needs to catch up with the 21<sup>st</sup> Century.

Sociologically we want you to support SB53 because Legal counsel before a custodial interrogation is the Law.<sup>2</sup> Law enforcement can lie to obtain information.<sup>3</sup> Police “interrogation methods are based on behavioral psychology, scientific methods, and advances in technology.”<sup>4</sup> Thus, how would the average child compete with that level of questioning? And most recently, Human Rights For Kids released the [2020 National State Ratings Report](#) which rated how well or how poorly each state's laws protected the human rights of children in the justice system. Maryland was tied with 5 other states for the worst score, leading HRFK to label Maryland one of the "Human Rights Offenders.” Their grading was based on the United Nations Convention on the Rights of the Child and the International Covenant on Civil and Political Rights. To be clear, we certainly believe and agree that police officers should question anyone to solve crimes, but children and youth particularly need and are entitled to wise legal counsel before speaking to anyone concerning an alleged crime.

Lastly, we want you to support SB53 because it’s a reasonable request to notify a parent/guardian before a custodial interrogation. The mental scars on a child being interrogated outweighs the wait to contact a parent/guardian. There are endless ways of getting the message to parents/guardians, such as: home, work, and cell numbers; emails, social media (Facebook, Snapchat, Twitter, Instagram, etc.); Taking the child home before going to the precinct; Sending a patrol car to inform parent/neighbor, etc.

In summary, if I were to rephrase words from the Rev. Dr. Martin Luther King, Jr. on the triplets of evil, I would say, “*Now there is nothing new about why we should protect the most vulnerable, our children. What is new are the resources, skills, and techniques to protect them.*”

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<sup>1</sup> [https://en.wikipedia.org/wiki/Miranda\\_v.\\_Arizona](https://en.wikipedia.org/wiki/Miranda_v._Arizona)

<sup>2</sup> [https://en.wikipedia.org/wiki/Miranda\\_v.\\_Arizona](https://en.wikipedia.org/wiki/Miranda_v._Arizona)

<sup>3</sup> <https://www.davidpshapirolaw.com/can-law-enforcement-lie-to-you/>

<sup>4</sup> Philip Matthew Stinson, Sr., J.D., Ph.D.

[https://scholarworks.bgsu.edu/cgi/viewcontent.cgi?article=1086&context=crim\\_just\\_pub](https://scholarworks.bgsu.edu/cgi/viewcontent.cgi?article=1086&context=crim_just_pub).

*Thus, the question is whether our state or nation has the will.* <sup>5</sup> Thus, we urge you to vote in favor of SB53.

Sincerely,

*Marlon Tilghman*

Rev. Dr. Marlon B. Tilghman,  
Co-Chair of BRIDGE Maryland, Inc., Criminal Justice Workgroup

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<sup>5</sup> King Jr., Martin Luther, "Martin Luther King, Jr. Saw Three Evils in the World | Racism was only the First," The Atlantic, May 10, 1967, accessed September 12, 2020, <https://www.theatlantic.com/magazine/archive/2018/02/martin-luther-king-hungry-club-forum/552533/>



**BALT\_testimony\_2022\_SB53.pdf**

Uploaded by: Matt Parsons

Position: FAV

**TESTIMONY in SUPPORT of SB 53  
Juvenile Law - Juvenile Interrogation Protection Act**

**TO:** Chair Smith, Vice Chair Waldtriecher, and members of the Senate Judicial Proceedings Committee  
**FROM:** Matthew Parsons on behalf of Baltimore Action Legal Team

My name is Matthew Parsons, and I serve as a Community Lawyer for Baltimore Action Legal Team (BALT). I submit this testimony in favor of Senate Bill 53. As a community lawyer my job is to fill in the gaps, sometimes providing legal services where government programs leave off, and helping community members understand their legal rights.

More often than not, the community members whom I am helping are those who have been marginalized by our society. For example, though expunging your own record is not an act legally requiring a law licence, it is one that is very inaccessible, especially to people who do not have the means to hire expertise to untangle every step. To be frank, the justice system is simply not accessible. When we look at how that inaccessibility is increased for our children it is a wonder that we have ever believed it acceptable that they navigate it by themselves, even for one moment. When a child is held in police custody they are at an extreme disadvantage. They are younger than the officer(s) who are holding them, they have less power and authority than the officer(s) who are holding them, and they know less about life and the legal system than the officer(s) holding them. There is simply no way we can expect a child to choose with informed consent to waive such a fundamental right as access to counsel, and agree to be questioned for an unknown period of time without an adult there to advocate on their behalf. By passing the Juvenile Interrogation Protection Act this body would be ensuring that all of Maryland's youth are ensured of their full protections that are guaranteed by our laws.

This is not a question of if something were to go wrong; we know for certain from cases like The Harlem Park Three that police have exerted their power to dominate and coerce confessions out of children. This is a question of what the legislator will choose to do, given the opportunity to make it right for the future. I urge a favorable report on SB 53 from this committee.

**SB 53\_MS\_fav.pdf**

Uploaded by: Maya Szilak

Position: FAV



1212 New York Ave. NW  
Suite 900  
Washington, D.C. 20005  
202-525-5717

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Testimony from:  
Maya Szilak, Resident Fellow, Criminal Justice and Civil Liberties, R Street Institute

In SUPPORT of SB 53/HB 169

January 27, 2022

Senate Judicial Proceedings Committee

Chairman Smith, Vice Chairman Waldstreicher and Honorable Members of the Committee,

R Street Institute (RSI) is a nonprofit, nonpartisan public policy research organization focused on advancing limited government and effective free-market policy at the state and federal level. As part of this mission, the Criminal Justice and Civil Liberties team at RSI evaluates policies related to the justice system and proposes changes to law that would improve outcomes for criminal justice stakeholders and the public. Because SB 53/ HB 169 would prevent false youth confessions and extend due process protection to ensure that youth understand and can exercise their constitutional rights to request counsel and to remain silent during custodial interrogation, RSI encourages its **favorable report**.

In *Miranda v. Arizona*, 384 U.S. 436 (1966), the United States Supreme Court held that statements made by an adult during custodial interrogation are inadmissible unless law enforcement officers first administer warnings before questioning and the adult validly waives those rights. Pursuant to the Fifth and Sixth Amendments, Miranda warnings must inform individuals of: (1) the right to remain silent; (2) that any statement can be used against them; (3) the right to obtain an attorney and to have counsel present during questioning; and (4) the right to be appointed an attorney. To waive these rights, a person must make a voluntary, knowing and intelligent waiver based on the totality of the circumstances. The Supreme Court subsequently held in *In re Gault*, 387 U.S. 1, 44-55 (1967) that the constitutional safeguards outlined in *Miranda* apply to children as well.

Since the time of *Miranda* and *Gault*, studies have established that most youth under the age of 18 do not understand Miranda warnings or how to invoke their rights, and thus are unable to waive their constitutional protections voluntarily.<sup>1</sup> Research also shows that 94 percent of youth do not realize the serious consequences of waiving their rights; Black youth may be at even greater risk of waiving their rights than white youth because they may not believe that the police are going to respect their rights, even if they do choose to exercise them.<sup>2</sup> Lack of understanding of Miranda warnings, coupled with developmental and psychological immaturity, vulnerability to coercive interrogation, and a desire to please and comply with authority figures make juveniles highly susceptible to giving false confessions. To illustrate, in a study of 340 exonerations, researchers found that 42 percent of juveniles had falsely confessed, compared with only 13 percent of adults.<sup>3</sup>

SB 53/HB 169 will help to prevent false confessions and ensure that youth understand and can invoke their constitutional rights in interrogations by: (1) requiring law enforcement to make good-faith efforts



1212 New York Ave. NW  
Suite 900  
Washington, D.C. 20005  
202-525-5717

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to notify parents or guardians that their child will be subject to interrogation; (2) allowing youth to consult with an attorney prior to being interrogated; and (3) encouraging Maryland courts to adopt age-appropriate language for children to understand their rights. In doing so, it will safeguard the fundamental due process rights of youth; ensure the outcomes of interrogations are just and lawful; foster greater accountability and public trust in the justice system; and prevent gross miscarriages of justice from the wrongful conviction of innocent youth based on false youth confessions.

Absent the additional protections provided by SB 53/HB 169, youth's rights to remain silent and to consult with counsel in interrogation, guaranteed under the Fifth and Sixth Amendments will remain merely illusory. To honor and uphold the sanctity of the Constitution and the rights of youth thereunder, RSI resolutely supports passage of SB 53/HB 169.

Respectfully submitted,

Maya Szilak  
Criminal Justice and Civil Liberties Fellow  
R Street Institute  
(773) 368-2412  
[mszilak@rstreet.org](mailto:mszilak@rstreet.org)

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<sup>1</sup>Jean Pierce, "Juvenile Miranda Waivers: A Reasonable Alternative to the Totality of the Circumstances Approach," *BYU Law Review* 2017:1 (February 2017). <https://digitalcommons.law.byu.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=3085&context=lawreview>; Jason Mandelbaum, PhD, and Angela Crossman, PhD, "No illusions: Developmental considerations in adolescent false confessions," American Psychological Association, December 2014. <https://www.apa.org/pi/families/resources/newsletter/2014/12/adolescent-false-confessions>.

<sup>2</sup> Karen Savage, "New York Youth Need Attorney Before Interrogation, Coalition Tells State Lawmakers," Juvenile Justice Information Exchange, March 5, 2021. <https://jjiie.org/2021/03/05/new-york-youth-need-attorney-before-interrogation-coalition-tells-state-lawmakers>.

<sup>3</sup> Megan Crane et al., "The Truth About Juvenile False Confessions," American Bar Association Insights on Law and Society, Winter 2016. [https://www.prisonpolicy.org/scans/aba/Juvenile\\_confessions.pdf](https://www.prisonpolicy.org/scans/aba/Juvenile_confessions.pdf).

**SB 53\_MDHTTF\_FAV.pdf**

Uploaded by: Melanie Shapiro

Position: FAV



**BILL NUMBER:** Senate Bill 53

**TITLE:** Juvenile Law - Juvenile Interrogation Protection Act

**COMMITTEE:** Judicial Proceedings

**HEARING DATE:** January 27, 2022

**POSITION:** FAVORABLE

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The Maryland Human Trafficking Task Force (MDHTTF) and its members respectfully urges a favorable report on Senate Bill 53.

Senate Bill 53 prohibits the police from interrogating a child prior to the child consulting with an attorney. In Maryland, child victims of sex trafficking are still subject to prosecution for acts related to their victimization. Children can be arrested and charged with prostitution and a myriad of other offense that they may have been forced to commit by their trafficker and therefore could find themselves subject to police interrogation

The ability to consult with an attorney prior to interrogation is critical to a young person's ability to understand their Miranda rights. "Even intelligent children and teenagers often do not fully understand their Miranda rights, which can require a tenth-grade level of understanding."<sup>1</sup> Young people do not understand or appreciate the long-term consequences of their actions, can be impulsive, and their brains are not fully developed.

The MDHTTF believes that the protections created in SB 53 will ensure that children subject to police interrogation sufficiently appreciate their Constitutional rights and urges a favorable report.

For more information, please contact Amanda Rodriguez at [arodriguez@turnaroundinc.org](mailto:arodriguez@turnaroundinc.org) or Melanie Shapiro at [mshapiro@mnadv.org](mailto:mshapiro@mnadv.org), co-chairs of the Legislative Committee of the Maryland Human Trafficking Task Force.

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<sup>1</sup><https://www.theiacp.org/sites/default/files/all/pr/ReducingRisksAnExecutiveGuidetoEffectiveJuvenileInterviewandInterrogation.pdf>

**About MDHTTF:** Formed in 2007 by the U.S. Attorney's Office, the Attorney General of Maryland, and the State's Attorney for Baltimore City, MDHTTF serves as the lead investigative, prosecutorial, and victim services coordinating body for anti-human trafficking activity in the State of Maryland. MDHTTF has grown to include most law enforcement agencies in the State, all child-serving state agencies, the Federal Bureau of Investigations, Homeland Security Investigations, most local State's Attorney's Offices, and dozens of victim service agencies. MDHTTF is comprised of five committees – legislative, law enforcement, victim services, public awareness, and training. During this time, MDHTTF has grown a robust understanding of the issue of human trafficking in Maryland.

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# **SB 53 - Juvenile Interrogation Protection Act\_Meli**

Uploaded by: Melissa Badeker

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 8 and a volunteer for Out For Justice, one of the main supporters of this bill. I am testifying **in support of the Juvenile Interrogation Protection Act (Senate Bill 53)**.



**Senate Bill 53** will require a law enforcement officer to contact a parent/guardian with reasonable notice and provide consultation with an attorney for any child they plan to interrogate. I request that you support this legislation to protect children from the manipulation and fear they can experience during a police interrogation.

Both the United States and Maryland Constitution provide the right to be free from self-incrimination and the right to effective assistance of legal counsel. Although these rights are important for adults, they are even more important for minors, who are often under added pressure to please adult figures of authority and may not understand the motivations a law enforcement official may have for misleading or intimidating them. Minors may also not understand the long-term implications of agreeing to something an adult figure of authority may pressure them to say, which in the case of interrogation by law enforcement can have life-long negative repercussions. These concerns were recognized by the legal community in *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court, which stated that minors had “diminished capacity” and were not able to fully understand the risks and consequences of their actions.

This diminished capacity is most evidently shown in a 2013 study of Maryland counties, where in one-third of the counties visited in the study, 40 to 58 percent of children routinely waived their right to counsel.

A well-known historical example of the consequences of children testifying without the presence of their parents or without having the opportunity to consult with legal counsel is the Central Park Five. In this case, police used intimidation and their role of the authority figure to coerce a group of minors into guilty pleas, even though no evidence for the guilt of the minors existed. As a result, six Black young men were imprisoned for years, only to have their convictions vacated years later. This is a situation that could easily be replayed in Maryland due to our current gap in ensuring minors are provided with the guaranteed legal support that should be guaranteed.

Over 30 other states have legislation that provide these protections, yet Maryland’s willingness to leave youth unprotected in one of the most stressful situations imaginable yields a perverse outcome: false confessions that traumatize and wrongly incriminate children, without making Marylander’s any safer.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 53** to ensure children get the help they need before being interrogated by police.

I appreciate your time, service, and consideration.

Sincerely,  
Melissa Badeker  
3020 Linwood Avenue, Parkville, MD 21234  
Showing Up for Racial Justice Baltimore and Out For Justice

**Goemann, NJJN Testimony in Support of MD SB 53.pdf**

Uploaded by: Melissa Goemann

Position: FAV

NATIONAL  
**JUVENILE JUSTICE**  
NETWORK

Melissa Coretz Goemann  
National Juvenile Justice Network  
January 27, 2022  
FAVORABLE

**Senate Bill 53**  
**Juvenile Law – Juvenile Interrogation Protection Act**

Chairman Smith and Members of the Senate Judicial Proceedings Committee:

My name is Melissa Coretz Goemann and I am submitting this testimony in support of SB 53 on behalf of the National Juvenile Justice Network (NJJN). I am the Senior Policy Counsel for NJJN and am also a resident of Silver Spring, Maryland. NJJN leads a membership community of [60 state-based organizations and numerous individuals across 42 states and D.C.](#), including Maryland. We all seek to shrink our youth justice systems and transform the remainder into systems that treat youth and families with dignity and humanity.

The right to counsel at interrogation is critical for young people and SB 53 would ensure that they have this opportunity to consult with counsel. Science and common sense make clear that young people are less capable of understanding the legal process or their rights than are adults. Research indicates that young people often fail to comprehend the meaning of *Miranda* rights and are unlikely to appreciate the consequences of giving up those rights. These problems are amplified for youth who are very young or who have developmental disabilities, cognitive delays, or mental health challenges.

In addition to this more limited understanding, young people are far more vulnerable to falsely confessing because developmental differences mean they have less impulse control, are more prone to risky decision-making, are more susceptible to the promise of immediate rewards, and are more likely to comply with authority.<sup>1</sup> According to the National Registry of Exonerations, 36 percent of all exonerees were younger than 18 years old at the time of the alleged offense.<sup>2</sup> In a study of youth who self-reported confessing, 35% reported falsely confessing.<sup>3</sup> By allowing a process to continue that leads to so many false confessions, we are not only severely harming our young people but are causing significant detriment to public safety by not holding accountable the person who actually committed the offense.

Additionally, interrogating young people without access to legal counsel exacerbates the already prevalent racial disparities in the youth and adult legal systems. Because Black and Hispanic

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<sup>1</sup> National Juvenile Defender Center (NJDC), “Special Caution Required: The Realities of Youth Interrogation” (Washington, DC: NJDC, October 2019), <https://njdc.info/wp-content/uploads/Special-Caution-Required-FINAL.pdf>.

<sup>2</sup> NJDC, “Special Caution Required;” citing The Nat’l Registry of Exonerations, Table: Age and Mental Status of Exonerated Defendants Who Falsely Confessed (2019), <http://www.law.umich.edu/special/exoneration/Pages/False-Confessions.aspx>.

<sup>3</sup> NJDC, “Special Caution Required.”

youth are arrested at disproportionate rates to white youth, they are at a higher risk of police interrogation and coercion. The National Registry of Exonerations reported that of all the exonerees under 18 years old, 85 percent were Black.<sup>4</sup>

It is time that Maryland provides our youth with the due process protections that this bill would afford them: consultation with an attorney prior to any interrogation; good faith efforts by police to notify parents/guardians before interrogation; and encouragement for Maryland courts to adopt age-appropriate language for children to understand their rights. Maryland is behind many other states in its due process protections for youth — Human Rights for Kids’ *2020 States Ratings Report* rated Maryland as one of the worst human rights offenders for kids and in the bottom for due process protections in particular.<sup>5</sup> It is time for us to right this wrong and pass SB 53.

Respectfully submitted,

Melissa Coretz Goemann

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<sup>4</sup> NJDC, “Special Caution Required;” citing The Nat’l Registry of Exonerations, Table: Age and Mental Status of Exonerated Defendants Who Falsely Confessed (2019), <http://www.law.umich.edu/special/exoneration/Pages/False-Confessions.aspx>.

<sup>5</sup> Human Rights for Kids (HRK), *2020 State Ratings Report* (Washington, DC: HRK, 2020): 3, 8, [https://humanrightsforkids.org/wp-content/uploads/State-Ratings-Report\\_2020.pdf](https://humanrightsforkids.org/wp-content/uploads/State-Ratings-Report_2020.pdf).

# **SB53.pdf**

Uploaded by: Michael English

Position: FAV

Hello,

I am writing to express my support of the Juvenile Interrogation Protection Act, SB53. This bill, at its core, is about protecting childrens' due process rights. As obvious as it may sound, all youth in Maryland must be guaranteed access to legal representation before they are questioned by police, and yet our state which loves to tout its progressive bonafides, does not guarantee that. In a state that at, at 70% "leads" the nation in the worst way possible in the share of the prison population that is African American, this lack of legal representation contributes to the criminalization and incarceration of black and brown youth who are disproportionately targeted by our justice system.

While it by no means solves this problem on its own, nor could any legislation,, this law would require that police attempt to contact a child's parents, and require that the child be given the opportunity to speak to a lawyer prior to police interrogation. Frankly, I was shocked and disturbed to learn that this was not already the law in Maryland. It's shameful that it isn't already, and the state must rectify this as soon as possible during the legislative session so as to avoid a potential governor's veto that cannot be overridden after session.

Thank you for your time, and please do the right thing.

Michael English  
8005 13th Street  
Unit 304  
Silver Spring, MD  
20910

# **SB 53 Child Interrogation Protection Act (ARC).pdf**

Uploaded by: Michael Mendoza

Position: FAV





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January 25, 2022

The Honorable Chairman William C. Smith  
Judicial Proceedings Committee  
2 East  
Miller Senate Office Building  
Annapolis, Maryland 21401

### **Re: SB 53 (Carter) –Childhood Interrogation Protection Act – SUPPORT**

Dear Chairman Smith and Honorable Members of the Committee:

On behalf of the Anti-Recidivism Coalition, I write to express our support for Senate Bill 53, Childhood Interrogation Protection Act. This bill would preserve children's constitutional rights.

Law, science, and common experience conclude that, as compared to adults, children are less capable of understanding their rights. This makes them significantly more vulnerable to giving false statements in response to interrogation. According to the [National Registry of Exonerations](#), 36 percent of exonerated youth had falsely confessed to a crime they did not commit, compared with 10 percent of adults. Nearly all children under 14 who were later exonerated of having committed a crime had falsely confessed. Similarly, nearly 60 percent of 14 and 15-year-old children in the same situation gave a false confession.

Senate Bill 53 would require law enforcement to make good faith efforts to notify parents or guardians that their child will be subject to interrogation; allow a child to consult with counsel prior to waiving their rights; and encourage Maryland courts to adopt age-appropriate language for children to understand their rights.

Every day in Maryland, children entangled in the criminal legal system are questioned without a parent being notified or attorney present. Although youth of all races commit offenses at roughly the same rates, African American youth are arrested at much higher rates than any other racial group in this state, and therefore are at particularly high risk of facing police interrogations and coercion. As a result, Black children face criminal charges, prosecution, and incarceration without the basic due process rights that adults are entitled to.



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The Anti-Recidivism Coalition (ARC) helps currently and formerly incarcerated people to thrive by providing a supportive network, comprehensive reentry services, and opportunities to advocate for policy change. Our advocacy efforts work towards making our communities safe, healthy, and whole.

In 2020, California passed a law requiring youth under 18 to consult with an attorney before waiving their rights. The legislation was passed with bipartisan support while recognizing that these protections make our communities safer. The California legislature took into consideration testimony (Appendix A) from San Francisco District Attorney Chesa Boudin stating that "as already fully implemented in San Francisco, I know that these protections make our community safer and have not diminished my office's ability to prosecute serious and violent crimes".

By allowing youth to understand their rights, we can ensure the outcome of interrogations are just and lawful, creating greater trust, accountability, and due process for all. For these reasons, we support SB 53 and respectfully requests that you vote yes on this important bill.

Sincerely,

A handwritten signature in black ink that reads "Michael Mendoza". The signature is fluid and cursive, with the first name "Michael" being larger and more prominent than the last name "Mendoza".

Michael Mendoza  
Director of National Advocacy  
Anti-Recidivism Coalition  
[mmendoza@antirecidivism.org](mailto:mmendoza@antirecidivism.org)



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## APPENDIX A

CHESA BOUDIN  
District Attorney

OFFICE OF THE DISTRICT ATTORNEY



July 27, 2020

The Honorable Reginald B. Jones-Sawyer, Sr.  
California State Assembly Member  
Chairperson, Assembly Public Safety Committee  
State Capitol, Room 111  
Sacramento, CA 95814

Fax: 916.319.3745

RE: Support for Senate Bill 203 (Bradford) *Protecting youth in police custody*  
Assembly Public Safety Committee

Dear Chairperson Jones-Sawyer,

I am the elected District Attorney of San Francisco and my mission is to make our city safer and more just for all. To achieve this, I work to build a justice system that recognizes the rights of every individual in our community. I believe we can create a system that our community trusts.

This is why I am pleased to support SB 203, a bill that would ensure youth in police custody understand their rights before deciding whether to give them up. Senate Bill 203 seeks to raise to age 18 protections that already exist in state law for youth under the age of 16. I am especially qualified to speak to the effect of SB 203 because in 2019 the San Francisco Board of Supervisors unanimously passed an ordinance raising to age 18 the same protections envisioned by SB 203. San Francisco Administrative Code §96C protects youth in the custody of police by ensuring they speak with a lawyer before officers conduct interrogation.

I support the establishment of this protection in law and believe it is essential for three reasons: first, youth are still neurologically and socially developing, and young people often do not understand their rights or the consequences of waiving them. Second, the significant power differential between youth—especially Black, Indigenous and youth of color—and armed police officers makes it hard for young people to assert their rights or knowingly and voluntarily waive them. Third, upholding the constitutional rights of our citizens is a critical component of building trust between law enforcement and our communities.

I know some people argue that if youth understand their rights, they will be less likely to waive them, and prosecutors may have fewer confessions in cases they prosecute. First, I object to this reasoning as undermining of the most basic tenets of our justice system. If people waive their rights without understanding them, then those rights are meaningless. More than 50 years ago, the U.S. Supreme Court stated in *Miranda v. Arizona*, "Those who framed our Constitution and the Bill of Rights were ever aware of subtle encroachments on individual liberty. They knew that 'illegitimate and unconstitutional practices get their first footing...by silent

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approaches and slight deviations from legal modes of procedure.” Ensuring that youth understand their rights guarantees that California is upholding the Constitution.

Second, prosecutors rely less and less on confessions to win cases. The near ubiquitous presence of security cameras, increasing existence of electronic information, and better forensic evidence have all pushed confessions from the first tier of tools for prosecutors. There is no question, of course, that a confession lawfully obtained makes proving a case easier. But those of us who value the Constitution over easy wins are bound to support the type of law that SB 203 seeks to enact.

Existing case law and constitutional provisions do not adequately protect the rights of youth, especially those youth experiencing poverty or who are Black, Indigenous, and youth of color. Anachronistic case law largely ignores what the science tells us about youth development and disregards that fact that young people and law enforcement are never on equal footing in an interaction.

Senate Bill 203 rectifies this problem by considering both the brain science and the power dynamic when youth are in the custody of law enforcement. It makes young people’s constitutional rights meaningful by connecting them to a lawyer who will help them understand these rights. As already fully implemented in San Francisco, I know that these protections make our community safer and have not diminished my office’s ability to prosecute serious and violent crimes. I urge your support of this bill.

Sincerely,

Chesa Boudin  
District Attorney

CC: Assembly Member Tom Lackey (Vice Chair)  
Assembly Member Rebecca Bauer-Kahan  
Assembly Member Tyler Diep  
Assembly Member Sydney Kamlager-Dove  
Assembly Member Bill Quirk  
Assembly Member Miguel Santiago  
Assembly Member Buffy Wicks  
Senator Steven Bradford

# **Testimony SB 53 Child Interrogation Protection Act**

Uploaded by: Michael Mendoza

Position: FAV



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January 25, 2022

The Honorable Chairman William C. Smith  
Judicial Proceedings Committee  
2 East  
Miller Senate Office Building  
Annapolis, Maryland 21401

**Re: TESTIMONY IN SUPPORT OF SB 53 BEFORE THE MARYLAND  
SENATE JUDICIARY COMMITTEE**

Dear Chairman Smith and Honorable Members of the Committee:

On behalf of the Anti-Recidivism Coalition, I respectfully submit this testimony for the official record to express our support for SB 53. We are grateful to Delegate Bartlett for her leadership in introducing this bill and appreciate the Maryland Legislature's willingness to address the important issue of protecting children's Constitutional.

ARC is a support network for, and comprised of, formerly incarcerated individuals devoted to changing their lives by becoming leaders in their communities. ARC accomplishes its goals by providing job training, supportive housing, comprehensive case management, and connecting its members to employment and educational opportunities in order to help them acquire the social capital and skills necessary to support themselves and their families.

In 2020, California passed a law requiring youth under 18 to consult with an attorney before waiving their rights. The legislation was passed with bipartisan support while recognizing that these protections make our communities safer. The California legislature took into consideration testimony (Appendix A) from San Francisco District Attorney Chesa Boudin stating that "as already fully implemented in San Francisco, I know that these protections make our community safer and have not diminished my office's ability to prosecute serious and violent crimes".

By allowing youth to understand their rights, we can ensure the outcome of interrogations are just and lawful, creating greater trust, accountability, and due process for all.





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Our very own Board Member Jerome Dixon spent over two decades in adult prisons after falsely confessing to a crime he did not commit at 17 years of age during a 20 hour interrogation when he was just 17 years of age and then tried as an adult. He maintained his innocence before the Board of Parole Hearing who recognized his innocence on record prior to his release. This isn't about guilt or innocence but making sure we protect children.

By allowing youth to understand their rights, we can ensure the outcome of interrogations are just and lawful, creating greater trust, accountability, and due process for all. For these reasons, we support SB 53 and respectfully requests that you vote yes on this important bill.

Sincerely,

Michael Mendoza  
Director of National Advocacy  
Anti-Recidivism Coalition  
[mmendoza@antirecidivism.org](mailto:mmendoza@antirecidivism.org)



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## APPENDIX A

CHESA BOUDIN  
District Attorney

OFFICE OF THE DISTRICT ATTORNEY



July 27, 2020

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Fax: 916.319.3745

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I support the establishment of this protection in law and believe it is essential for three reasons: first, youth are still neurologically and socially developing, and young people often do not understand their rights or the consequences of waiving them. Second, the significant power differential between youth—especially Black, Indigenous and youth of color—and armed police officers makes it hard for young people to assert their rights or knowingly and voluntarily waive them. Third, upholding the constitutional rights of our citizens is a critical component of building trust between law enforcement and our communities.

I know some people argue that if youth understand their rights, they will be less likely to waive them, and prosecutors may have fewer confessions in cases they prosecute. First, I object to this reasoning as undermining of the most basic tenets of our justice system. If people waive their rights without understanding them, then those rights are meaningless. More than 50 years ago, the U.S. Supreme Court stated in *Miranda v. Arizona*, "Those who framed our Constitution and the Bill of Rights were ever aware of subtle encroachments on individual liberty. They knew that 'illegitimate and unconstitutional practices get their first footing...by silent

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Second, prosecutors rely less and less on confessions to win cases. The near ubiquitous presence of security cameras, increasing existence of electronic information, and better forensic evidence have all pushed confessions from the first tier of tools for prosecutors. There is no question, of course, that a confession lawfully obtained makes proving a case easier. But those of us who value the Constitution over easy wins are bound to support the type of law that SB 203 seeks to enact.

Existing case law and constitutional provisions do not adequately protect the rights of youth, especially those youth experiencing poverty or who are Black, Indigenous, and youth of color. Anachronistic case law largely ignores what the science tells us about youth development and disregards that fact that young people and law enforcement are never on equal footing in an interaction.

Senate Bill 203 rectifies this problem by considering both the brain science and the power dynamic when youth are in the custody of law enforcement. It makes young people’s constitutional rights meaningful by connecting them to a lawyer who will help them understand these rights. As already fully implemented in San Francisco, I know that these protections make our community safer and have not diminished my office’s ability to prosecute serious and violent crimes. I urge your support of this bill.

Sincerely,

Chesa Boudin  
District Attorney

CC: Assembly Member Tom Lackey (Vice Chair)  
Assembly Member Rebecca Bauer-Kahan  
Assembly Member Tyler Diep  
Assembly Member Sydney Kamlager-Dove  
Assembly Member Bill Quirk  
Assembly Member Miguel Santiago  
Assembly Member Buffy Wicks  
Senator Steven Bradford

**2022 Child Interrogation testimony SB53 .pdf**

Uploaded by: Natalie Spicyn

Position: FAV

Natalie Spicyn MD, MHS, FAAP  
District 41

January 25, 2022

**TESTIMONY IN SUPPORT OF SB 53**  
**Juvenile Law - Juvenile Interrogation Protection Act**

**TO:** Hon. Chairman Smith and the members of the Judicial Proceedings Committee

**FROM:** Natalie Spicyn MD, MHS, FAAP

I am a primary care physician at a community health center in the Park Heights neighborhood of Baltimore, where, as a board-certified pediatrician and adult internal medicine specialist, I care for children, adolescents and adults across the life span. I again write in strong support of SB 53, which reforms current juvenile interrogation practices to bring them in line with what is appropriate given our understanding of the developing adolescent brain.

It is well-known that the area of the brain that is responsible for higher order cognitive processing, the prefrontal cortex, continues to develop well into the 3rd decade of life. In our medical training, physicians are taught to be responsive to the differences in how adolescents and adults approach decision-making and weigh consequences; for example, when counseling an adult about smoking cessation, we focus on risk of developing emphysema or lung cancer, but when counseling an adolescent, we focus on bad breath and stained teeth. This is because we understand that the adolescent brain does not process long term risk, such as that of developing lung cancer in several decades, in the same way the adult brain does; it assigns lower saliency, despite greater gravity of this outcome.

It is easy, then, to understand, why it is inappropriate for an adolescent to be read the standard “adult” set of Miranda rights, in a situation which is intimidating by definition, and then to potentially waive those rights without the benefit of legal counsel. Without fully comprehending the consequences, juveniles in police custody are easily intimidated into false confessions, which is absolutely unacceptable. Indeed, the Supreme Court of the United States has recognized the need to take age into account when a child is read their Miranda rights.

Children, regardless of their physical size or stature, are not just “little adults” when it comes to their cognitive development and processes. SB 53 is common sense legislation that ensures that law enforcement must take extra care to not treat children as little adults, expedient as that might be. I hope you will prioritize passage of SB 53 during this legislative session and respectfully urge a favorable report.

# **SB 53 - Juvenile Interrogation Protection Act.pdf**

Uploaded by: Nathan Rehr

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 45. I am an active member of my community association and a health professional who is interested in eliminating the health disparities that occur with racial discrimination in our society. I am testifying **in support of the Juvenile Interrogation Protection Act (Senate Bill 53)**.



**Senate Bill 53** will require a law enforcement officer to contact a parent/guardian with reasonable notice and provide consultation with an attorney for any child they plan to interrogate. I request that you support this legislation to protect children from the manipulation and fear they can experience during a police interrogation.

Both the United States and Maryland Constitution provide the right to be free from self-incrimination and the right to effective assistance of legal counsel. Although these rights are important for adults, they are even more important for minors, who are often under added pressure to please adult figures of authority and may not understand the motivations a law enforcement official may have for misleading or intimidating them. Minors may also not understand the long-term implications of agreeing to something an adult figure of authority may pressure them to say, which in the case of interrogation by law enforcement can have life-long negative repercussions. These concerns were recognized by the legal community in *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court, which stated that minors had “diminished capacity” and were not able to fully understand the risks and consequences of their actions.

This diminished capacity is most evidently shown in a 2013 study of Maryland counties, where in one-third of the counties visited in the study, 40 to 58 percent of children routinely waived their right to counsel.

A well-known historical example of the consequences of children testifying without the presence of their parents or without having the opportunity to consult with legal counsel is the Central Park Five. In this case, police used intimidation and their role of the authority figure to coerce a group of minors into guilty pleas, even though no evidence for the guilt of the minors existed. As a result, six Black young men were imprisoned for years, only to have their convictions vacated years later. This is a situation that could easily be replayed in Maryland due to our current gap in ensuring minors are provided with the guaranteed legal support that should be guaranteed.

Over 30 other states have legislation that provide these protections, yet Maryland’s willingness to leave youth unprotected in one of the most stressful situations imaginable yields a perverse outcome: false confessions that traumatize and wrongly incriminate children, without making Marylanders any safer.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 53** to ensure children get the help they need before being interrogated by police.

I appreciate your time, service, and consideration.

Sincerely,

**Nathan Rehr**

**450 E. Federal Street Baltimore, MD 21202**

Showing Up for Racial Justice Baltimore

# **JJMU SUPPORT - SB53 Juvenile Interrogation Protect**

Uploaded by: Nick Moroney

Position: FAV



STATE OF MARYLAND  
JUVENILE JUSTICE MONITORING UNIT

**TESTIMONY IN SUPPORT OF SB 53**

**JUVENILE LAW - JUVENILE INTERROGATION PROTECTION ACT**

*Senate Judicial Proceedings Committee*  
**January 27, 2022**

**Submitted by Nick Moroney, director, Juvenile Justice Monitoring Unit (JJMU)**

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**The Juvenile Justice Monitoring Unit (JJMU) supports SB 53.** The JJMU is an independent state agency in the Attorney General's office. We work to prevent abuse and ensure appropriate services in the deep end of Maryland's juvenile justice system. Our reports are at: <https://www.marylandattorneygeneral.gov/pages/jjm/default.aspx>

Police are not required to call parents/guardian or an attorney before a child is interrogated no matter how young the child or how serious the charges. Studies show children do not understand or feel comfortable exercising their due process rights and end up giving them up 90% of the time and make false confessions at rates exponentially higher than adults.

SB 53 will protect children and young people by making sure parents are informed and a public defender has been consulted when young people are taken into custody and before they are questioned or subjected to an interrogation or interview. Such situations can involve an unconscionable misbalance of power as young people face legal jeopardy alone.

Children and young people have not yet developed a sufficient level of self-confidence to defend their best interests in such a predicament. We also know that young people make impulsive decisions and yet we currently leave them alone facing authority figures who can influence, for better or worse, their entire future life and career trajectory. The bill should be supported because it offers a modicum of protection to children and young people in potentially precarious situations and at a time when they most need and are entitled to legal help.

**For these reasons, the JJMU supports SB 53 and respectfully urges the committee to give the bill a favorable report.**

**SB0053-FAV-DTMG-1-27-22.pdf**

Uploaded by: Olivia Bartlett

Position: FAV





**Olivia Bartlett, DoTheMostGood**

**Committee:** Judicial Proceedings

**Testimony on:** SB0053 – Juvenile Law – Juvenile Interrogation Protection Act

**Position:** Favorable

**Hearing Date:** January 27, 2022

**Bill Contact:** Senator Jill Carter

DoTheMostGood (DTMG) is a progressive grass-roots organization with more than 3000 members across all districts in Montgomery County as well as a number of nearby jurisdictions. DTMG supports legislation and activities that keep residents healthy and safe in a clean environment and which promote equity across all our diverse communities. DTMG strongly supports SB0053 because it will require basic protections for children who are taken into custody by law enforcement.

SB0053 will strengthen and clarify the requirements for parental notification and legal representation for children taken into custody by law enforcement, including school resource officers. Specifically, SB0053 will require:

- law enforcement to notify parents or guardians of a child that they have the child in custody, including the child's location, the reason for the child being taken into custody, and how to make immediate in-person contact with the child.
- for the child to have an opportunity to consult with an attorney before law enforcement can interrogate the child.
- the recording of custodial interrogations of children.

Children are vulnerable and lack the developmental maturity, experience, and perspective necessary to withstand interrogation by authorities when faced with criminal accusation. The commonsense measures in SB0053 will protect children from false confessions, which are very common in custodial interrogations when parents or counsel are not present.

Therefore, DTMG strongly supports SB0053 and urges a **FAVORABLE** report on this bill.

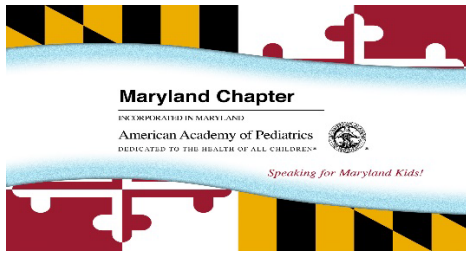
Respectfully submitted,

Olivia Bartlett  
Co-Lead, DoTheMostGood Maryland Team  
oliviabartlett@verizon.net  
240-751-5599

# **SB0053\_FAV\_MDAAP\_Juvenile Interrogation Protection**

Uploaded by: Pam Kasemeyer

Position: FAV



TO: The Honorable William C. Smith, Jr., Chair  
Members, Senate Judicial Proceedings Committee  
The Honorable Jill P. Carter

FROM: Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman  
Christine K. Krone

DATE: January 27, 2022

RE: **SUPPORT** – Senate Bill 53 – *Juvenile Law – Juvenile Interrogation Protection Act*

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The Maryland Chapter of the American Academy of Pediatrics (MDAAP) is a statewide association representing more than 1,100 pediatricians and allied pediatric and adolescent healthcare practitioners in the State and is a strong and established advocate promoting the health and safety of all the children we serve. On behalf of MDAAP, we submit this letter of **support** for Senate Bill 53.

Senate Bill 53 strengthens the requirements for notification of a child's parent, guardian, or custodian when a child is taken into custody. It also requires the Police Training and Standards Commission to adopt rules concerning age-appropriate language to be used to advise a child of their rights when taken into custody. Further, Senate Bill 53 provides children in legal custody to have a consultation with an attorney and further clarifies what is permissible with respect to interrogation of a child.

Years of research on brain development has demonstrated that the frontal lobes, which are the seat of reasoned judgment and higher order cognitive decision making, develop late and continue to develop in late adolescence into early adulthood, rendering the adolescent brain consequentially distinct from the adult brain, with implications related to the adolescent's ability to weigh the consequences of a decision to waive counsel. Based on these undisputed findings, the American Academy of Child and Adolescent Psychiatry, in a 2013 policy statement, expressed its belief juveniles should always have counsel present when interrogated by law enforcement (see attached).

The United States Supreme Court has recognized these biological and developmental differences in their recent decisions on the juvenile death penalty, juvenile life without parole, and the interrogations of juvenile suspects. In particular, the Supreme Court has recognized that there is a heightened risk that juvenile suspects will falsely confess when pressured by police during the interrogation process. Research also demonstrates that when in police custody, many juveniles do not fully understand or appreciate their rights, options, or alternatives.

Passage of Senate Bill 53 will help ensure that minors have the appropriate legal counsel and advice to assist them in responding to a custodial interrogation. MDAAP strongly urges a favorable report.

**For more information call:**

Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman  
Christine K. Krone  
410-244-7000

# Interviewing and Interrogating Juvenile Suspects

Approved by Council, March 7, 2013

Research has demonstrated that brain development continues throughout adolescence and into early adulthood. The frontal lobes, responsible for mature thought, reasoning and judgment, develop last. Adolescents use their brains in a fundamentally different manner than adults. They are more likely to act on impulse, without fully considering the consequences of their decisions or actions.

The Supreme Court has recognized these biological and developmental differences in their recent decisions on the juvenile death penalty, juvenile life without parole and the interrogations of juvenile suspects. In particular, the Supreme Court has recognized that there is a heightened risk that juvenile suspects will falsely confess when pressured by police during the interrogation process. Research also demonstrates that when in police custody, many juveniles do not fully understand or appreciate their rights, options or alternatives.<sup>1,2,3,4</sup>

Accordingly, the American Academy of Child and Adolescent Psychiatry believes that juveniles should have an attorney present during questioning by police or other law enforcement agencies. While the Academy believes that juveniles should have a right to consult with parents prior to and during questioning, parental presence alone may not be sufficient to protect juvenile suspects. Moreover, many parents may not be competent to advise their children on whether to speak to the police and may also be persuaded that cooperation with the police will bring leniency. There are numerous cases of juveniles who have falsely confessed with their parents present during questioning.

Furthermore, the Academy recommends that when interviewing juvenile suspects, police should use terms and concepts appropriate to the individual's developmental level. Any written material should also be geared to the person's grade level and cognitive capacity. In general, it is not sufficient to simply read or recite information to a juvenile. Ensuring meaningful understanding will usually require asking the individual to explain the information conveyed in his or her own words.

When administering Miranda warnings, many jurisdictions use the version and forms developed for adult suspects. Research demonstrates that these warnings are often too complex and advanced for most juveniles. For this reason, the Academy recommends that police and other law enforcement authorities should utilize simplified Miranda warnings developed specifically for use with juvenile suspects.<sup>5</sup> Ideally, an attorney should be present when Miranda Warnings are administered to juvenile suspects.

Finally, the Academy recommends that all interviews of juvenile suspects should be video recorded. The ability to review such a permanent record is integral to the subsequent assessment of the juvenile, his or her comprehension of the Miranda warnings, and the nature, setting and circumstances of the interrogation.

#### References

1. Grisso, T. "Juveniles' Capacities to Waive Miranda Rights - An Empirical Analysis." *California Law Review*, 68:6, 1980.
2. Rogers, R., Hazelwood, L., Sewell, K., Shuman, T., and H. Blackwood. "The Comprehensibility and Content of Juvenile Miranda Warnings." *Psychology, Public Policy and Law*, 14:1, 2008.
3. Grisso, T. "The Competence of Adolescents as Trial Defendants." *Psychology, Public Policy and Law*, 3:1, 1997.
4. Viljoen, J.L., Zapf, P.A. and R. Roesch. "Adjudicative Competence and Comprehension of Miranda Rights in Adolescent Defendants: A Comparison of Legal Standards." *Behav. Sci. Law*, 25:1-19.
5. Report 102B of the Criminal Justice Section of the American Bar Association, February 2010.

Example of a simplified Miranda Warning: (5)

1. *You have the right to remain silent. That means you do not have to say anything.*
2. *Anything you say can be used against you in court.*
3. *You have the right to get help from a lawyer.*
4. *If you cannot pay a lawyer, the court will get you one for free.*
5. *You have the right to stop this interview at any time.*
6. *Do you want to have a lawyer?*
7. *Do you want to talk to me?*

**SB53 - FAV - Samantha Blau, JUFJ.pdf**

Uploaded by: Rianna Lloyd

Position: FAV

February 27, 2022

Samantha Blau  
Baltimore, MD 21224



THINK JEWISHLY. ACT LOCALLY.

**TESTIMONY IN SUPPORT OF SB53/HB269**  
**Juvenile Law - Juvenile Interrogation Protection Act**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Samantha Blau, on behalf of Jews United for Justice (JUFJ)

**My name is Samantha Blau, I am a resident of Baltimore's Patterson Place neighborhood, in District 46. I am also a former educator with over ten year's experience working with students and teachers in Baltimore City and across the state of Maryland. As a teacher, an organizer, and a resident of Baltimore I submit this testimony on behalf of Jews United for Justice in favor of SB53/HB269, Juvenile Law - Juvenile Interrogation Protection Act. JUFJ organizes 6,000 Jews and allies from across Maryland in support of local social, racial, and economic justice campaigns.**

In the Jewish tradition we describe children as a Divine trust and guarantors of the future. The Book of Psalms (127 v.3) declares "children are an inheritance from the Lord." The Maryland General Assembly passed the "Blueprint for Maryland's Future" to fully and equitably fund education because this body acknowledged that children are the hope of the future, and as I submit testimony on this bill for the fourth year in a row I hope that we can follow through on the words we often speak and the values we claim to have.

It is our sacred duty to treat children lovingly and humanely and doing so makes them healthier adults. Despite this, children do not have many rights in our society and here in Maryland we are not doing enough to protect the due process rights of our kids. Right now, a police officer in Maryland can pick a child up for questioning, determine that the child has waived their right to counsel, and go about questioning them. SB53 would change that, by mandating that young people have access to legal counsel before being interrogated by police.

Before I can pick up my nieces and nephews from summer camp, the camp facility needs prior authorization from their parents and I need to produce a state issued photo ID. I wonder how, in a society that claims to value children, their futures, and their safety, we can currently allow a police officer - a stranger - to take possession of a child and not notify their parent or guardian. How can we allow this stranger to make a potentially life-altering decision for them, like the decision as to whether they understand their Miranda rights? Studies show that children waive their Miranda rights at a rate of 90%<sup>1</sup> and make false confessions at a higher rate than adults<sup>2</sup>. Kids should be provided with legal counsel to ensure they act fully understanding their rights and what is happening - a well-informed adult to guide them and prevent false confessions.

On behalf of JUFJ, I urge this committee to **issue a favorable report on SB53/HB269 as swiftly as possible.** I care about our children and they need this bill to become law.

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<sup>1</sup> <https://jlc.org/issues/youth-interrogations>

<sup>2</sup> <https://abcnews.go.com/US/30000-children-age-10-arrested-us-2013-fbi/story?id=65798787>

# **SB 53 - Juvenile Interrogation Protection Act.pdf**

Uploaded by: Sam Chan

Position: FAV



Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD **District 43**. I am testifying **in support of the Juvenile Interrogation Protection Act (Senate Bill 53)**.



**Senate Bill 53** will require a law enforcement officer to contact a parent/guardian with reasonable notice and provide consultation with an attorney for any child they plan to interrogate. I request that you support this legislation to protect children from the manipulation and fear they can experience during a police interrogation.

Both the United States and Maryland Constitution provide the right to be free from self-incrimination and the right to effective assistance of legal counsel. Although these rights are important for adults, they are even more important for minors, who are often under added pressure to please adult figures of authority and may not understand the motivations a law enforcement official may have for misleading or intimidating them. Minors may also not understand the long-term implications of agreeing to something an adult figure of authority may pressure them to say, which in the case of interrogation by law enforcement can have life-long negative repercussions. These concerns were recognized by the legal community in *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court, which stated that minors had “diminished capacity” and were not able to fully understand the risks and consequences of their actions.

This diminished capacity is most evidently shown in a 2013 study of Maryland counties, where in one-third of the counties visited in the study, 40 to 58 percent of children routinely waived their right to counsel.

A well-known historical example of the consequences of children testifying without the presence of their parents or without having the opportunity to consult with legal counsel is the Central Park Five. In this case, police used intimidation and their role of the authority figure to coerce a group of minors into guilty pleas, even though no evidence for the guilt of the minors existed. As a result, six Black young men were imprisoned for years, only to have their convictions vacated years later. This is a situation that could easily be replayed in Maryland due to our current gap in ensuring minors are provided with the guaranteed legal support that should be guaranteed.

Over 30 other states have legislation that provide these protections, yet Maryland’s willingness to leave youth unprotected in one of the most stressful situations imaginable yields a perverse outcome: false confessions that traumatize and wrongly incriminate children, without making Marylander’s any safer.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 53** to ensure children get the help they need before being interrogated by police.

I appreciate your time, service, and consideration.

Sincerely,

**Sam Chan**

**38 E. 26<sup>th</sup> St. Baltimore MD 21218**

Showing Up for Racial Justice Baltimore

**SB 53\_ Youth, Education and Justice Clinic\_fav.pdf**

Uploaded by: Sam Kebede

Position: FAV

**Testimony in Support of Senate Bill 53 (Favorable)  
Juvenile Law – Juvenile Interrogation Protection Act**

To: Senator William C. Smith, Jr., and Members of the Judicial Proceedings Committee

From: Samuel Kebede and Tamia Morris, Student Attorneys, Youth, Education and Justice Clinic, University of Maryland Francis King Carey School of Law, 500 W. Baltimore Street, Baltimore, MD 21201 (admitted to practice pursuant to Rule 19-220 of the Maryland Rules Governing Admission to the Bar)

Date: January 22, 2022

We are student attorneys in the Youth, Education and Justice Clinic (“the Clinic”) at the University of Maryland Francis King Carey School of Law. The Clinic represents children who have been excluded from school through suspension, expulsion, and other means, as well as individuals who are serving life sentences for crimes they committed when they were children (“juvenile lifers”) and who are now eligible to be considered for parole. We write in support of Senate Bill 53, which seeks to enhance legal protections for children before, during, and after a custodial interrogation.

Police interrogation is inherently intimidating, frightening, and confusing to adults. False confessions are a major contributor to wrongful convictions. The coercive tactics law enforcement officers often use during interrogations have caused adults to testify falsely.<sup>1</sup> However, for children in police custody, the intimidation, fear, and confusion is exponentially worse. Children are “particularly vulnerable to external influence . . . experience a heightened reaction to stress . . . struggle to accurately assess risks,” and do not understand the long-term consequences of their actions or decisions, putting them at even greater risk of confessing falsely.<sup>2</sup> Therefore, children are uniquely susceptible in custodial interrogation settings.<sup>3</sup>

Senate Bill 53 takes the urgent and necessary step to protect children and their rights in custodial interrogation settings by prohibiting police officers from interrogating a child until, and after, an attorney has consulted with the child. Importantly, this bill prohibits waiver of the attorney consultation, lessening the opportunity for coercion. Thus, this bill ensures that a child, and his or her guardians, will be provided full explanation and counsel on how to proceed in custodial

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<sup>1</sup> See generally Saul M. Kassir et al., *Police-Induced Confessions: Risk Factors and Recommendations*, 34 L. & HUM. BEHAV. 49 (2009), <https://web.williams.edu/Psychology/Faculty/Kassin/files/White%20Paper%20online%20%2809%29.pdf>.

<sup>2</sup> Megan Crane et al., *The Truth About Juvenile False Confessions*, 16 INSIGHTS ON L. & SOC’Y 2, 14 (2016), <https://olis.leg.state.or.us/liz/2017R1/Downloads/CommitteeMeetingDocument/109353#:~:text=It%20is%20estimated%20that%20false,commit%20than%20their%20adult%20counterparts>.

<sup>3</sup> For example, a “study of 340 exonerations found that 42% of juveniles had falsely confessed, as compared with only 13% of adults.” *Id.* at 12.

interrogation settings by an attorney whose sole purpose is to advocate zealously on the child's behalf.

However, as Senate Bill 53 recognizes, it is not enough that a child consult with an attorney, given the lifelong consequences of any custodial interrogation. As has been documented thoroughly, children often do not understand the traditional *Miranda* warnings police officers must give prior to custodial interrogations.<sup>4</sup> Despite this lack of understanding, several studies have found that children “waive” these rights approximately 90% of the time.<sup>5</sup> The United States Supreme Court has held that a child's age is relevant for a court when determining whether the child believed they were free to leave the place of police interrogation, which is a critical component of the *Miranda* analysis.<sup>6</sup> Thus, adopting age-appropriate *Miranda* warnings, as Senate Bill 53 urges the Court of Appeals to do, is not only a positive step, but a necessary measure to minimize unjust outcomes.

Senate Bill 53 is also a necessary measure for racial justice in Maryland. The requirements and protections set forth in the bill understand the reality that Black children and other children of color are substantially more likely than White children to have negative interactions with police officers and the juvenile and criminal justice systems as a whole.<sup>7</sup> In 2018, children of color made up 45% of Maryland's youth population (ages 11 to 17), but comprised over 70% of youth who were referred to the Maryland Department of Juvenile Services for intake.<sup>8</sup> This same year, 62% of Black youth were referred to intake, more than doubling the 29.4% of White youth who were referred.<sup>9</sup>

Many Black children are taught at young ages to comply with police officers, out of fear for their physical safety and their lives. Thus, for Black children who are criminalized in every walk of life and understand deeply the physical risk of law enforcement interaction, the custodial atmosphere is especially intense. Out of sheer fear for their safety and their lives, Black children, as well as children from other racially marginalized groups, are pressured to tell police officers what they believe the officers want to hear. This reality further emphasizes the importance of prohibiting

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<sup>4</sup> See Kristen Henning & Rebba Omer, *Vulnerable and Valued: Protecting Youth from the Perils of Custodial Interrogation*, 52 ARIZ. ST. L.J. 883, 898 (2020) (youth often misunderstand the right to silence and “the role of attorneys,” and “researchers [have] found that the majority of youth aged fourteen and younger did not comprehend at least one of their *Miranda* rights”).

<sup>5</sup> Lorelei Laird, *Police Routinely Read Juveniles Their Miranda Rights, But Do Kids Really Understand Them?*, A.B.A., Aug. 1, 2016,

[https://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/).

<sup>6</sup> *J. D. B. v. North Carolina*, 564 U.S. 261, 271-277 (2011).

<sup>7</sup> In October 2019, the incarceration rate for children in Maryland per 100,000 was 29 for White children and 182 for Black children. THE SENTENCING PROJECT, BLACK DISPARITIES IN YOUTH INCARCERATION (2021), <https://www.sentencingproject.org/publications/black-disparities-youth-incarceration/>

<sup>8</sup> GOVERNOR'S OFFICE OF CRIME CONTROL & PREVENTION, MARYLAND'S ANNUAL DISPROPORTIONATE MINORITY CONTACT PLAN FY 2019: STATEWIDE AND JURISDICTION DATA 3 (May 14, 2019),

[https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/MD-FY18-DMC-PLAN\\_508.pdf](https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/MD-FY18-DMC-PLAN_508.pdf).

<sup>9</sup> *Id.* at 4.

Maryland police officers from interrogating a child until they have the protections that only an attorney can afford.

In sum, Maryland's children need the protections (and rights) of parental notification, attorney consultation, and age-appropriate *Miranda* warnings. Indeed, these protections are interrelated. Each is necessary to protect children. For these reasons, we ask for a favorable report on this bill.

This written testimony is submitted on behalf of the Youth, Education, and Justice Clinic at the University of Maryland Francis King Carey School of Law and not on behalf of the School of Law or the University of Maryland, Baltimore.

**2022 NASW SB 53 Senate Side.pdf**

Uploaded by: Scott Tiffin

Position: FAV

**Testimony before Judicial Proceedings Committee  
Support  
SB 53 – Juvenile Law - Juvenile Interrogation Protection Act  
January 27, 2022**

On behalf of the National Association of Social Workers Maryland Chapter, Forensic Committee Maryland's Chapter of the National Association of Social Workers (NASW–MD), would like to express our support for SB 53 -- Juvenile Interrogation Protection Act.

This legislation would require that an attorney be present before a law enforcement officer interrogates a child and that the child's parents, guardian, or custodian be notified of the child's location.

Many complications and problems could be avoided when a child has an attorney present during an interrogation. Children are uniquely in need of an attorney during interrogation because they may not fully understand their rights or police questions because their brains are not fully developed, and the criminal justice system can be especially intimidating to children. These concerns are more significant when the child has intellectual challenges.

Additionally, attorneys can provide for the child's best interest. Many children involved with the legal system are also involved with other public, and private service agencies and gathering information from these agencies can be complicated. An attorney can ensure the child is getting the best possible services available.

National Association of Social Workers-Maryland Chapter requests a favorable report for SB 269. If you have any questions, please feel free to contact Mary Beth DeMartino, Executive Director, NASW MD ([mdemartino.naswmd@socialworkers.org](mailto:mdemartino.naswmd@socialworkers.org))

# **SB 53 - Juvenile Interrogation Protection Act.docx**

Uploaded by: Tamara Todd

Position: FAV



Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice. I am a resident of MD District 10 and a parent. I am testifying **in support of the Juvenile Interrogation Protection Act (Senate Bill 53)**.



**Senate Bill 53** will require a law enforcement officer to contact a parent/guardian with reasonable notice and provide consultation with an attorney for any child they plan to interrogate. I request that you support this legislation to protect children from the manipulation and fear they can experience during a police interrogation.

Both the United States and Maryland Constitution provide the right to be free from self-incrimination and the right to effective assistance of legal counsel. Although these rights are important for adults, they are even more important for minors, who are often under added pressure to please adult figures of authority and may not understand the motivations a law enforcement official may have for misleading or intimidating them. Minors may also not understand the long-term implications of agreeing to something an adult figure of authority may pressure them to say, which in the case of interrogation by law enforcement can have life-long negative repercussions. These concerns were recognized by the legal community in *Miller v. Alabama*, 132 S. Ct. 2455 (2012), the United States Supreme Court, which stated that minors had “diminished capacity” and were not able to fully understand the risks and consequences of their actions.

This diminished capacity is most evidently shown in a 2013 study of Maryland counties, where in one-third of the counties visited in the study, 40 to 58 percent of children routinely waived their right to counsel.

A well-known historical example of the consequences of children testifying without the presence of their parents or without having the opportunity to consult with legal counsel is the Central Park Five. In this case, police used intimidation and their role of the authority figure to coerce a group of minors into guilty pleas, even though no evidence for the guilt of the minors existed. As a result, six Black young men were imprisoned for years, only to have their convictions vacated years later. This is a situation that could easily be replayed in Maryland due to our current gap in ensuring minors are provided with the guaranteed legal support that should be guaranteed.

Over 30 other states have legislation that provide these protections, yet Maryland’s willingness to leave youth unprotected in one of the most stressful situations imaginable yields a perverse outcome: false confessions that traumatize and wrongly incriminate children, without making Marylander’s any safer.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 53** to ensure children get the help they need before being interrogated by police.

I appreciate your time, service, and consideration.

Sincerely,

Tamara Todd

221 Northway Rd, Reisterstown MD, 21136

Showing Up for Racial Justice Baltimore

# **Testimony 2022 Juvenile interrogation Senate - To**

Uploaded by: Toby Ditz

Position: FAV

January 25, 2022  
Toby Ditz  
Baltimore, MD 21217

**TESTIMONY IN SUPPORT OF SB0053: Favorable**  
**Juvenile Interrogation Protection Act**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the **Judicial Proceedings Committee**

**FROM:** Toby Ditz

My name is Toby Ditz, and I have lived in Baltimore City's District 40 for over thirty-five years. This testimony is in support of SB0053 Juvenile Law–Juvenile Interrogation Protection Act.

I was so sorry to see that this bill did not get out of your Committee last year. It would be a very fitting follow-up to the suite of reforms enacted by the General Assembly in 2021, and I thank Senator Jill Carter for sponsoring it.

I first became interested in juvenile interrogation policy when working with neighborhood organizations in West Baltimore. We had been monitoring the City's progress on police reform under the terms of the Consent Decree, and in the summer of 2019, I participated in a people's town hall attended by about 50 of my neighbors and fellow Baltimoreans. We gathered at the Douglas Memorial Community Church to comment on the Baltimore Police Department's new draft policy on custodial interrogations, which was then being revised to meet Consent Decree standards of constitutional policing. The draft policy protected younger children, but allowed 16 and 17-year olds to waive their rights to silence even when a lawyer and guardian were not present.

The people at the Douglas Memorial Church split up into five or six worktables for about thirty minutes to talk about the draft. Then the spokesperson for each group stood up one after the other to summarize. We were unanimous: no minor of any age should ever be interrogated without a parent and lawyer present. Parents were especially adamant; they pointed out that the law held *them* responsible for their children's welfare. We also emphasized that our youth, despite their superficial bravado, are typically afraid of the police, and many have also

experienced trauma. We also knew from experience how easily children can be made to tell the story that their questioners want to hear—and the experts on childhood emotional and cognitive development back us up. Above all, the law, we said, should not treat our Black youths as if they were adults. That is how Black childhood gets criminalized.

In the end, the Baltimore Police Department strengthened its protections for all minors, and its final policy now acknowledges explicitly that even older minors cannot be expected to fully comprehend or evaluate their rights. (“Youths ...are more susceptible than adults to Custodial interrogation pressures.” [#1207 “Draft Youth Interrogation s,”](#) approved by Consent Decree Monitoring Team, January 6, 2020, p. 3 ; p. 5.)

This is the right bill, with the right answer: no child or youth should be subject to custodial interrogations without the guaranteed opportunity to first speak with a lawyer. Unbiased policing requires this answer. Respect for the rights of vulnerable populations requires this answer.

**I respectfully urge a favorable report on SB0053.** Thank you.

# **Tracey Akins Senate Written Testimony SB53.pdf**

Uploaded by: Tracey Akins

Position: FAV

Submitted by: Mr. Tracey Akins, A directly impacted teen from Belcamp, MD (Harford County)

**Senate Bill 35**  
**Juvenile Court – Jurisdiction**  
**Child Interrogation Protection Act**  
**Support**

Sen. William Smith and Honorable Senate Judiciary Proceeding Committee,

My name is **Tracey Akins**. I am now 47 years old. I have lived in Harford County all my life. I am one of seven children. My mother was a single parent. I grew up in a black neighborhood in Edgewood, Maryland. When I was a young male around the age of 15, I started running around with the wrong crowd of people. One day, a “friend” and I decided to hook school to go see his girlfriend, who happened to be white. I stayed for a few minutes and then left to hang out at a family member's house for a while.

Then I returned back to the girlfriend’s house where my friend let me in and I sat down and watched TV. My friend went back into the bedroom with his girlfriend as I continued to watch TV. About 30 to 45 minutes later I heard someone banging on the front door and yelling. The girl came out of the room and then my friend followed her out. In fear, we jumped off the three-story balcony. While walking back home, a car started following us with a white male driver. He yelled out the window of the car that my friend was going to jail.

A day later two Harford County detectives knocked on my mother’s door. It was in the morning. My mother answered and invited them in. My Mom called me downstairs and said these detectives wanted to talk to me. After talking for a while, they asked my mother if they could take me to the police station to talk to me and they would bring me back. My Mother said OKAY and asked them would they bring me home because I had school. They told her yes.

I walked out with the detectives and got into the back of the car without handcuffs. They took me to the State Police Barracks in Bel Air, Maryland. The two detectives walked me into the room,

and I sat across from them. They started asking me questions about what took place at the girlfriend's house. They never read me my rights. They never asked me if I wanted a lawyer. Or if I wanted my mother there with me. They took a hair sample from me and at that time I didn't know why.

After hours of questioning, I began getting upset because they acted like they didn't believe me. I was tired and hungry. I wanted to go home. They gave me a lie detector test. I didn't even know what that was. They never explained why except it was necessary if I wanted to go home. I took it and they still questioned me over and over again for a few more hours. I was there for so many hours I lost count. They finally took me home. I remember being exhausted.

A few weeks later my mother got a summons in the mail saying I was going to be charged with rape, and six other charges. My Mother explained I was in a lot of trouble, and I could go to jail. Someone told my mother to get me a lawyer. So, she took me to see a public defender by the name of Amanda Bowl. She read the charges and told me I could go to jail for 25 years and that I should take a jury trial, so I did. I didn't know what that even meant, and my mother didn't either. Amanda told me it was best for what I was being charged with.

A few months later I went to court. I was on trial for four days. Being questioned over and over again. These 12 people looking at me and taking notes. There were big words being used that I didn't even know how to say or spell, and I had a learning disability and wasn't very good at understanding the meaning of what they were even saying about me or to me.

The girlfriend entered the courtroom. She walked up and took a seat. She testified that it was me that had raped her that day in her room. She pointed me out. I couldn't believe it. I felt like this trial went on forever getting harder to understand. Finally, the Judge said the jury could leave the courtroom. I knew at this time it was her word against mine. I had no idea what was happening.

My lawyer walked me into the hallway, where I sat in a chair for a long time. I waited for the jury to make their decision. How could this be? I never did anything wrong. But at this time, I had no control of the outcome. A few hours went by, and the jury came back into the courtroom.

They had found me not guilty. The trauma I had to go through is still lasting within me today. I could have lost my whole life, for something I have never done. It still hurts me today, to think about such a mean and nasty act on a woman by any man. And that's what I had been accused of by this white girl. If it wasn't for my lawyer, who was a public defender, I wouldn't have gone free that day.

I wish someone would have told my mother and me about Miranda rights. Just maybe what I went through with the police would not have ever happened. The saddest thing about all of this is that it still happens today. This type of interrogation is still happening daily and that's why we need this Child Interrogation Protection Act passed right now. My life was spared but so many other black children are still being affected and losing their lives because their rights are being taken away from them.

Tracey Akins,

*Tracey Akins*

A Directly Impacted Teen



**testimony.SB53.pdf**

Uploaded by: Zainab Chaudry

Position: FAV



January 27, 2022

Honorable Senator William C. Smith, Jr.  
Chair, Senate Judicial Proceedings Committee  
Miller Senate Office Building, 2 East  
Annapolis, MD 21401

**Re: Testimony in SUPPORT of SB53 – Juvenile Law - Juvenile Interrogation Protection Act**

Dear Chair William C. Smith, Jr. and Senate Judicial Proceedings Committee Members:

On behalf of the Council on American-Islamic Relations, I thank you for this opportunity to testify in support of Senate Bill 53 entitled Juvenile Law - Juvenile Interrogation Protection Act. CAIR is America's largest Muslim civil rights and advocacy organization.

When police take a person into custody, they are required by law to advise them of their Miranda rights – the right to remain silent and that anything they say can be used against them in court. However, Miranda rights do not apply to individuals who are questioned without being officially taken into custody, and the circumstances are drastically different when minors are taken into custody versus adults. Children are less likely than adults to be able to understand the complex legalities involved with submitting to questioning by police.

Studies show that children are also far more likely than adults to make false confessions. A study of exonerations found that 42 percent of exonerated juveniles had falsely confessed, compared with 13 percent of adults.<sup>1</sup> As proven by the Central Park Five case, uncertainty, intimidation tactics and coercion in the absence of a parent or attorney, as well as environmental and personal factors, can induce fear and compel a child to misspeak – thereby compromising due process, leading to serious consequences and hindering justice.

Children of color are disproportionately over-policed, and are far more likely to suffer adverse consequences and become entangled in the criminal justice system. Loopholes and tactics in policing practices further erode trust. It's a known fact that some police departments use questioning techniques designed to elicit confessions.<sup>2</sup>

CAIR was alerted of one case in Maryland where a minor was told by an officer that he was "free to leave" and nothing he said would result in an arrest "that day." He did not have an attorney present, and his guardian had not been notified. Police proceeded to charge with him with a crime and take him into custody the subsequent day.

In *J.D.B. v. North Carolina*, the Supreme Court was asked to decide whether the age of a child subjected to police questioning is relevant to determination of being in police custody.<sup>3</sup> In that case, a 13-year-old 7<sup>th</sup> grader was escorted from his classroom by a uniformed police officer and questioned about his knowledge and involvement in a string of neighborhood burglaries. The boy's parents or attorney were not notified or present. He confessed and was released by the officer, then later charged by the State of North Carolina with breaking and entering and larceny.

In a 5-4 decision, the U.S. Supreme Court held that Miranda custody analysis includes consideration of a juvenile suspect's age, specifically, whether a child's age would have affected how a reasonable person in their position would perceive their freedom to leave.

This Supreme Court ruling that a child's age is relevant in the determination of their being in police custody because of a perceived power imbalance preventing them from walking away on their own free will, is all the more reason why parents/guardians and attorneys should be notified before the questioning of minors. This bill would require that, while also mandating that the notice include the child's location, the reason for their being taken into custody, and instructions on how to make immediate in-person contact.

CAIR strongly supports protecting due process for Maryland children, and we respectfully urge a favorable report. Thank you for your consideration.

Sincerely,

Zainab Chaudry, Pharm.D.  
Director, CAIR Office in Maryland  
Council on American-Islamic Relations  
Email: [zchaudry@cair.com](mailto:zchaudry@cair.com)  
Phone: 410-971-6062

#### References:

1. Gross, S. and Shaffer, M. *Exonerations in the United States, 1989-2012: Report by the National Registry of Exonerations*. **University of Michigan Law School Publication**. <https://repository.law.umich.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1091&context=other>. Accessed February 1, 2021
2. Starr, D. This psychologist explains why people confess to crimes they didn't commit. Science Magazine. <https://www.sciencemag.org/news/2019/06/psychologist-explains-why-people-confess-crimes-they-didn-t-commit>. Accessed February 1, 2021.
3. <https://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-jdb-v-north-carolina>

# Written Testimony for SB 53, Juvenile Interrogatio

Uploaded by: Allan Culver

Position: UNF

**Bill Number: SB 53**  
**Allan J. Culver, State's Attorney for Carroll County**  
**Opposed**

**WRITTEN TESTIMONY OF ALLAN J. CULVER,**  
**STATE'S ATTORNEY FOR CARROLL COUNTY,**  
**IN OPPOSITION OF SENATE BILL 53 – JUVENILE LAW**  
**JUVENILE INTERROGATION PROTECTION ACT**

I write in opposition to Senate Bill 53, Juvenile Law – Juvenile Interrogation Protection Act, adopting certain requirements for charging and questioning juveniles. The requirements included in Senate Bill 53 would effectively eliminate the ability to question a juvenile in custody for even the most violent crimes, such as rape and murder. Requiring that a juvenile consult with an attorney and that law enforcement attempt to contact the juvenile's parent, guardian or custodian prior to questioning are unnecessary logistical hurdles designed to eliminate the ability for law enforcement to question a juvenile.

Questioning witnesses and suspects is an important tool in law enforcement investigation to reach the truth and obtain a just outcome. Often the questioning begins as a consensual encounter and develops into a custodial interrogation. Law enforcement are already aware of the many factors of a custodial interrogation for Miranda purposes but determining custodial interrogation can be a difficult legal analysis. As a result, many law enforcement officers err on the side of caution and will review Miranda with suspects even when the questioning has not risen to a custodial interrogation. Under Senate Bill 53 law enforcement will be deterred from taking a conservative analytical approach on custodial interrogation with juveniles because it will effectively end the ability to question the juvenile.

If the concern that produced Senate Bill 53 is that juvenile's rights are being violated during custodial interrogations, then simply require that all juvenile custodial interrogations be audio and video recorded. In today's high-tech world, it is a rare occasion where a custodial interrogation cannot be audio and video recorded. It is in the best interest of all parties involved that a juvenile custodial interrogation be audio and video recorded. Such an interrogation can then be reviewed prior to any trial by the court and barred from being used against a juvenile if the court has any concerns about the interrogation.

Statements given by suspects are not only used at trial but are often used to further investigations. Information that law enforcement officers receive from questioning individuals involved in a criminal investigation may lead to the recovery of evidence and the identification of other suspects. This benefit is no different with juveniles. Under Senate Bill 53 law enforcement would lose this opportunity to further their investigation. In Carroll County we had an attempted murder case where during their interrogations the juvenile suspects admitted to having a "hit list" of other targets. By receiving this information law enforcement was able to notify these individuals on the hit list and take measures to ensure their safety prior to any possibility of the juveniles being released into the community.

Statements given by juveniles during criminal investigations can also work to the juvenile's benefit. In 2018 I handled a home invasion case where a juvenile and four (4) adult codefendants had a firearm, broke into a home, and took items from the home. The juvenile suspect was detained and agreed to provide a statement. The juveniles statement limited the juvenile's culpability in the case. Based upon the juvenile's statement law enforcement were able to confirm the juvenile's limited culpability which significantly benefited the juvenile in the disposition of the case.

I urge an unfavorable report to Senate Bill 53 as this new law effectively ends the ability of law enforcement to question juveniles in custody.

# **MCPA-MSA-SB 53-Juvenile Interrogation Act \_Oppose.**

Uploaded by: Andrea Mansfield

Position: UNF



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

TO: The Honorable William C. Smith, Jr. Chairman and  
Members of the Judicial Proceedings Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee  
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE:

RE: **SB 53 Juvenile Law – Juvenile Interrogation Protection Act**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 53**. This bill requires certain procedures to be followed when taking a juvenile into custody and interviewing and interrogating a juvenile.

Model policies exist for the interviewing and interrogation of juveniles to ensure consistency with the limitations in maturity and emotional development characteristic of juveniles. The model policies recognize that special care must be taken to ensure that any statement made by a juvenile in custody is voluntary and consistent with the Constitution, Supreme Court, and Maryland appellate court precedent. SB 53 does not adopt best practices, however. Under SB 53, before a custodial interrogation of a juvenile can begin, consultation with an attorney is required and *cannot* be waived, regardless of the individual circumstances of the individual being questioned. This requirement goes beyond best practices and the standards required by the Constitution, the Supreme Court, and Maryland appellate courts.

Police are expected, and trained, to be mindful of a person's age and experience when conducting an interview. Currently, many juveniles exercise their constitutional right to remain silent without the mandatory provisions of SB 53. Many juveniles speak with investigators and, when they do, the interview is scrupulously reviewed by prosecutors, challenged by defense attorneys, and ruled upon by judges. Judges do not hesitate to exclude from evidence a statement taken in violation of a person's rights. Simultaneously, a statement given by a juvenile who freely and voluntarily chooses to speak should be admissible.

MCPA and MSA recognize, and agree with, the very important goal of ensuring that statements are voluntary and rights are protected. SB 53, however, does not strike an appropriate balance between public safety and enhanced process for juveniles.

For these reasons, MCPA and MSA **OPPOSE SB 53**.



# **Juvenile Interrogation Annapolis 2022.pdf**

Uploaded by: Ryan Massey

Position: UNF

**Bill Number: SB53**

**Ryan Massey, Former-Homicide Detective, Baltimore County Police**

**Department Opposed**

**WRITTEN TESTIMONY OF RYAN MASSEY**  
**BALTIMORE COUNTY POLICE DEPARTMENT HOMICIDE DETECTIVE**  
**IN OPPOSITION OF SENATE BILL 53**  
**CHILD INTERROGATION PROTECTION ACT**

I write in opposition to Senate Bill 53 because it restrains the ability of law enforcement to investigate crimes in a timely and complete manner. A blanket set of rules, prohibiting the interrogation of a juvenile arrestee does not serve the public interest and could potentially endanger the public. It would prevent the timely recovery of dangerous and deadly weapons, prevent the timely identification of other victims, prevent the timely identification of other involved individuals and would allow more opportunity for the destruction of evidence.

Law enforcement already ensures that all persons are treated in the same manner, preserving every person's constitutional rights. Every single person being interrogated must be advised of his/her Miranda rights. It is well known that law enforcement has the burden of ensuring that the arrestee, regardless of his/her age, has a clear understanding of those rights, prior to any waiver. In crimes such as murder, juvenile offenders are automatically charged as adults, which prevent the offender from being placed in the juvenile system from the beginning, and in nearly every instance result in adult prosecution.

The following are cases that the Baltimore County Homicide Unit has investigated. The following examples illustrate why I am opposed to this bill:

On 7/2/07, Carl Lackl who was a witness to a murder in Baltimore City was shot and killed in Baltimore County. An extensive investigation was completed and Jonathan Cornish (16y.o.) was arrested for killing Mr. Lackl. Cornish was targeted to murder Lackl because he was a juvenile and was seeking membership into a gang (Bloods). Five other people were charged with murder and related charges. Is it reasonable to require Cornish's parents to be notified when he is joining a gang and killing a witness who cooperated with a police investigation? Is it responsible when such extensive planning went into murdering Mr. Lackl? Will others target more juveniles to commit murder?

On 05/14/08, Lewin Powell (16 y.o.) beat his mother to death and then waited for his father to return home and beat him with a baseball bat. He was caught by officers fleeing the family home. Is it at all reasonable to require that Powell's father be present, when he had the clear intention of killing him?

On 02/02/08, Nicholas Browning (15 y.o.) shot his mother, father and two brothers to death and then tossed the gun on the side of a nearby road. In this instance, both parents are dead and a dangerous and deadly weapon was unsecured in the community. Don't we have a responsibility to take immediate action in the name of public safety?

On 8/27/12, Daneil Borowy was shot at Perry Hall High School during a "school shooting". The suspect Robert Gladden (15 y.o) was arrested at the scene. In an age of Mass Shootings,

should his parent have been located to get answers?

On 05/21/18, four juveniles went on a burglary spree, utilizing a stolen vehicle from a burglary on a previous date. During the course of one of those burglaries, one of the juveniles killed Baltimore County Police Officer Amy Caprio with the stolen vehicle. That driver, Dawtna Harris (15 y.o.), was arrested while trying to flee the neighborhood. The other three juveniles were able to flee the area on foot after stealing a handgun during that burglary, which resulted in several nearby schools to be placed on a lock down status for several hours. Harris' mother had previously plead for assistance from the state juvenile system, stating that she could not control her son and that he was likely to seriously injure or kill someone. Does it make sense that Harris' mother would be required to be notified and present for an interrogation? Does it make sense that there be any delay in the effort to identify the other three juveniles who were involved in the crime spree and were actively on the run in the community with a stolen handgun?

Beyond these examples, one should consider the situations where the parents are involved in the underlying criminal activity that led to the arrest, situations where the parents are involved in the criminal justice system themselves and situations where parents do not have the juvenile's best interest in mind. Additionally, such requirements would increase the amount of time that every juvenile offender is in custody.

These are just a few examples of why Senate Bill 53 should be opposed.

**sb53.pdf**

Uploaded by: Sara Elalamy

Position: UNF

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Joseph M. Getty  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 53  
Juvenile Interrogation Protection Act  
**DATE:** January 12, 2022  
(1/27)  
**POSITION:** Oppose as drafted

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The Maryland Judiciary opposes Senate Bill 53 as drafted. This bill would amend the Courts and Judicial Proceedings Article and the Criminal Procedure Article regarding notice to the parent or guardian that a child is taken into custody and the interrogation of that child, in both delinquency and criminal cases.

The Judiciary has no position on the policy aims of this legislation but opposes the language on page 3, lines 23 through 25, which dictate to the Court of Appeals the manner in which it must adopt Rules wholly within the Court's authority. This provision with its specificity is an interference with the Court's exercise of its rule-making authority. Under Article IV § 18(a) of the Maryland Constitution, the Court of Appeals is empowered to regulate the practice and procedure in, and the judicial administration of, the courts of this State.

cc. Hon. Jill Carter  
Judicial Council  
Legislative Committee  
Kelley O'Connor

# **SB 53 - Written Testimony.pdf**

Uploaded by: Scott Shellenberger

Position: UNF

**Bill Number: SB 53**  
**Scott D. Shellenberger, State's Attorney for Baltimore County**  
**Opposed**

**WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,**  
**STATE'S ATTORNEY FOR BALTIMORE COUNTY,**  
**IN OPPOSITION OF SENATE BILL 53**  
**JUVENILE INTERROGATION PROTECTION ACT**

I write in opposition to Senate Bill 53 that substantially hampers law enforcements ability to investigate crimes and goes well beyond the protections afforded under the Constitution. This bill also ignores some practical realities of some of the most heinous violent crimes that can be committed by juveniles.

On February 2, 2008, Nicholas Browning, who was 15 years old, shot his father in the head, shot his mother in the head and killed his younger brothers. All four died. Browning was 6'2" tall, 200lbs with an IQ of 125 and was an honor student. Browning wore gloves and had a spare magazine on him. This was a cold and calculated murder.

If Senate Bill 53 was in effect who do the police call for notification? Who does the lawyer call when consulting with the parents?

The gun Browning used was missing and hidden. Can the police conduct a public safety interview to retrieve the gun? The Supreme Court says you can in New York v. Quarles. Senate Bill 53 only has an exception if "necessary to protect an individual from imminent threat to the life of the individual." That would not apply in the Browning case.

The problem that Senate Bill 53 presents is not a problem for just one case.

Also in 2008, Lewin Powell, who was 16 years old, beat his mother to death with a baseball bat. When his father arrived home, he tried to beat him to death. Powell was a student at McDonogh and beat his mother to death because she kept asking about his failing school grades.

Who do the police call in the Powell case? The dead mother or the father he just tried to kill? Do the police not have the right to find out where Mrs. Powell's body is hidden?

In both of these cases, police followed the Constitution of the United States. They followed the dictates of the Supreme Court and the Court of Appeals. The Supreme Court in JDB v. North Carolina already tells Judges they must consider the age of the Defendant when ruling on the admissibility of statements.

All these Defendants were properly advised of their rights.

What do police do about the sexual child abuse case that occurs between siblings or step siblings? If son is suspected of sexually abusing his sister, how will the police ever get to the truth if the parents have to be consulted prior to questioning? If

questioning is blocked by the parents and a case cannot move forward, more sexual assaults may occur on the sister.

The requirement that the child consult with a private attorney or attorney provided by the public defender before any conversation is practically unrealistic. It will be rare that a child will be able to retain private counsel in a time period conducive to a timely conversation. In addition, the public defenders office will not provide an attorney to a yet uncharged person without a qualification process and more time than practicable. Ironically, this scenario will, on occasion, cause harm to the child. If an officer has sufficient probable cause to arrest or detain, the child may have information which will exonerate him and cause his release. With this legislation, the officer will not be able to talk to the child because he can't locate a parent or an attorney cannot be timely provided to the child.

If they have to wait to contact parents and attorneys, juvenile Defendants will actually be held longer while waiting for contact.

Finally, the bill is constitutionally flawed in that it allows for "simpler" Miranda warnings so the juvenile understands them. The Supreme Court says Miranda is Miranda. Simple warnings are not permitted.

Passing Senate Bill 53 goes well beyond the constitutional protections for all other citizens of the United States. Each of the above Defendant's had an attorney for trial and reviewed the facts of their clients' cases to make sure the constitutional guarantees afforded Defendants had been complied with.

I urge an unfavorable report.