

NATIONAL
JUVENILE JUSTICE
NETWORK

Melissa Coretz Goemann
National Juvenile Justice Network
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FAVORABLE

**Testimony in Support of House Bill 269
Child Interrogation Protection Act**

Dear Chairman Clippinger and Members of the House Judiciary Committee:

My name is Melissa Coretz Goemann and I am submitting this testimony in support of HB 269 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 HB 269 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.¹ 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.² In a study of youth who self-reported confessing, 35% reported falsely confessing.³ 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

¹ 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>.

² 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>.

³ 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.⁴

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.⁵ It is time for us to right this wrong and pass HB 269.

Respectfully submitted,

Melissa Coretz Goemann

⁴ 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>.

⁵ 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.