



Policy Foundation of Maryland

Committee: Judiciary

Testimony on: HB0269 - "Juvenile Law – Juvenile Interrogation Protection Act"

Sponsor: Del. Bartlett, Del. Bagnall, Del. Chang, Del. Crutchfield, Del. Davis, Del. W. Fisher, Del. Henson, Del. Lehman, Del. Pena-Melnyk, Del. Rogers, Del. Ruth, Del. Williams, Del. Wilson

Organization: POLICY FOUNDATION OF MARYLAND

Person Submitting: Sarahia Benn, Executive Dir. of Policy Foundation, Member of MD Legislative Coalition

Position: Favorable

Hearing Date: February 2, 2022

Mr. Chairman and Members of the Committee,

Thank you for allowing testimony today in support of HB0269. Policy Foundation of Maryland is a grassroots organization focused on State and County level legislation and policies that impacts marginalized communities and veterans affairs. Judicial and criminal justice reform legislation is of massive importance to these communities particularly due to how impacted these communities have been historical and currently. 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.

A child was allowed to give up important constitutional rights: Juvenile Justice laws in America have remained relatively archaic. Children have been allowed for far too long to waive their constitutional rights without understanding what those rights mean or the consequences of waiving them. This has been an asset to helping assist in the school to prison pipeline which has continued to marginalize the multiply marginalized further. Children in custody whether they are being charged or not who are under the age of 18 must have the opportunity to understand their rights and that can only happen with the help of a qualified professional attorney.

False Confessions: [A study of exonerations](#) found that 42% of exonerated juveniles had falsely confessed to crimes they did not commit in comparison to 13% of adults. Below are some reasons Children falsely confess.

- a. Children's brain development, specifically the area related to reasoning, continues to mature well into early adulthood.
- b. Children and adolescents differ from adults in the way they behave, solve problems, and make decisions which is why all experts have advised that an attorney should be present with anyone under 18 during any police questioning.
- c. Excessively long interrogations include repeated requests for information, continuous pressure, disinformation/confusion, fear inducement, the possibility of bullying, intensity, befriending and a litany of other methods of eliciting confessions.
- d. "There are no laws protecting juveniles from interrogation tactics that are legal with adults, and studies indeed suggest that police tend to use the same types of questioning strategies with youths and adults alike ([Redlich, Silverman, Chen, & Steiner](#), 2004)." (Update some states have changed California & New York to name a few)
- e. "Adolescents are more likely to base their decisions on immediate, rather than longer range consequences (Grisso et al., 2003) and young adolescents are less likely than older adolescents to consider the seriousness of the charges or the amount of evidence against them when making Miranda waiver decisions ([Abramovitch, Peterson-Badali, & Rohan](#), 1995)."

Juvenile Justice in Maryland: Recent remote facility was shut down with a price tag of almost 6 million dollars. Maryland has no future if we keep wasting money on warehousing our juveniles instead of finding ways to reach them. With unimpeachable evidence that children make false confessions from the Central Park five as a glaring example to all and numerous other incidents in Maryland wherein there is the ability to [prosecute a child 7 years or older](#), we have to protect children's constitutional rights to not be interrogated without professional representation. It's the right thing to do to ensure that our system is not negatively impacting marginalized communities which stifles progress in these communities, which stifles progress in our greater Maryland community.

Amendment: Require police to video all interrogations of minors to prevent police from extracting false confessions. This will be called the Central Park Five Amendment. Preserve our youth.

For these reasons we urge you to vote favorably for HB0269.

Respectfully submitted,



Sarahia Benn

(Policy Foundation of Maryland, Member of Maryland legislative Coalition)

Sarahiabenn@gmail.com

(Dedicated to Black History Month)

“None of us are free until we are all free.”

— **Dr. Martin Luther King Jr.**

(Dedicated to Dr. Martin Luther King Jr. & his life of service)