

Dear Members of the Judiciary 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 Child Interrogation Protection Act (House Bill 269)**.



House Bill 269 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 the several hundred 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 House Bill 269** to ensure children get the help they need before being interrogated by police.

I appreciate your time, service, and consideration.

Sincerely,

Lindsay Keipper

Lilly Chapa

Liz Simon-Higgs

Holly Powell

Christina Pham Linhoff

John Ford

Showing Up for Racial Justice Baltimore