

TESTIMONY IN SUPPORT OF BILL HB0269 - FAVORABLE
Juvenile Law - Juvenile Interrogation Protection Act

TO: Chair Clippinger, Vice Chair Moon, and
members of the Judiciary Committee

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

Feb 2, 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.¹ 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.² 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.³ 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 HB0269, to make sure Maryland's children get the legal protections they deserve.

¹ "Interviewing and Interrogating Juvenile Suspects"

https://www.aacap.org/aacap/Policy_Statements/2013/Interviewing_and_Interrogating_Juvenile_Suspects.aspx

² 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>

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