



January 31, 2022

The Honorable Luke Clippinger
House Judiciary Committee
House Office Building - Room 101
Annapolis, MD 21401

RE: Support – HB 269: Juvenile Law - Child Interrogation Protection Act

Dear Chairman Clippinger and Honorable Members of the Committee:

The Maryland Psychiatric Society (MPS) and the Washington Psychiatric Society (WPS) are state medical organizations whose physician members specialize in diagnosing, treating, and preventing mental illnesses, including substance use disorders. Formed more than sixty-five years ago to support the needs of psychiatrists and their patients, both organizations work to ensure available, accessible, and comprehensive quality mental health resources for all Maryland citizens; and strive through public education to dispel the stigma and discrimination of those suffering from a mental illness. As the district branches of the American Psychiatric Association covering the state of Maryland, MPS and WPS represent over 1000 psychiatrists and physicians currently in psychiatric training.

MPS/WPS support HB 269: Juvenile Law - Child Interrogation Protection Act. Decades of case law has guided us on the importance of recognizing the difference between adults and juveniles in legal proceedings. These differences are apparent in a number of ways. For instance, as early as the 1960's, the limitations in the reliability of child witnesses were studied and demonstrated. Those limitations have been attributed to differences in child memory, susceptibility and suggestibility.

Over the past twenty years, due to technological advancements, the medical field has begun to understand that brain development continues into the mid-twenties. In particular, the frontal lobe of the brain that controls problem-solving and judgment is underdeveloped. In contrast, the amygdala that controls the perception of emotions and rewards is overactive. This combination results in the poor impulse control and high risk-taking behaviors common in adolescents.

System-involved youth typically exemplify the negative results of this time of development. Worsening matters, youth who might be connected to illegal activities often have other factors that further reduce their capacities, such as lower cognitive abilities or impulse control problems due to mental health disorders. Understanding this pattern has resulted in legal protections for youth, such as examinations of juvenile competency or waiver hearings, during which the capacities of youth can be accurately assessed prior to legal proceedings.

That is why the American Academy of Child Adolescent Psychiatry believes that greater protections for youth who offer police statements should be established. An explanation and waiver of Miranda Rights is insufficient for youth. The language used to explain Miranda Rights is not well-suited for



**Washington
Psychiatric Society**

most youth and is especially problematic for youth who might be functioning at lower cognitive levels than their chronological age reveals. As a result, the frequency of waivers that are not intelligent and/or knowing is much greater.

Considering what we now understand about youth, especially youth who are connected to legal matters, the likelihood for poor outcomes when youth are interviewed without the protections of a parent or an attorney consultation first is significant. Soliciting statements from youth in emotionally charged situations - youth who are more susceptible, suggestible, and impulsive to being with – results in poor outcomes. It is not surprising that the rate of false confessions in youth is so high. Providing the protections proposed in HB 269 would move to correct this problematic practice.

Therefore, MPW/WPS asks for a favorable report on HB 269. If you have any questions with regard to this testimony, please feel free to contact Thomas Tompsett Jr. at tommy.tompsett@mdlobbyist.com.

Respectfully submitted,
The Maryland Psychiatric Society and the Washington Psychiatric Society
Legislative Action Committee