

SUPPORT HB 76 – Custodial Interrogation of Minors - Admissibility

MARYLAND ALLIANCE FOR JUSTICE REFORM
Working to end unnecessary incarceration and build strong, safe communities



To: Chair Luke Clippinger and House Judiciary Committee members January 26, 2023
From: Phil Caroom, MAJR executive committee

Maryland Alliance for Justice Reform (MAJR - www.ma4jr.org) strongly supports HB 76 to prevent unintended mishandling of children’s prosecutions during custodial interrogations.

Current Maryland statutes provide that reasonable efforts should be made to notify a parent of the child's arrest and that the child should have an attorney’s advice– unless the officer decides there is a need related to “public safety” that requires a quicker interrogation. See Md. Code, Courts & Jud.Proc.Art., sec. 3 - 8A - 14.2.

With or without an attorney being present, current case still permits a police officer to use deception, perhaps misrepresenting the status of evidence in police possession. For example, Maryland’s highest court has stated, “[W]e permit the police to... use some amount of deception in an effort to obtain a suspect's confession.” Winder v. State, 362 Md. 275, 305 (2001)-emphasis added.

However, several studies, publicized by the American Psychological Association, have shown that police can induce juvenile suspects to give false confessions at a rate approximately three times higher than adult suspects, as reported by the American Psychological Association. See <https://www.apa.org/pi/families/resources/newsletter/2014/12/adolescent-false-confessions>

Other states such as Illinois, Oregon and Utah have already adopted laws to bar such dangerous tactics by police interrogators of juveniles. More states actively considering such bills include Ohio, Colorado, and New York.

For all these reasons, Maryland Alliance for Justice Reform urges that the Committee pass HB 76 so that police officers’ use of deception that will not serve induce false confessions and lead to unjust convictions.

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PLEASE NOTE:

This testimony is offered for Maryland Alliance for Justice Reform and not for the Md. Judiciary.