



## **SB 53 – SUPPORT**

### **JUVENILE LAW – JUVENILE INTERROGATION PROTECTION ACT (JIPA)**

Senate Judicial Proceedings Committee

*Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:*

Takoma Park Mobilization is a grassroots organization with 2,300 members that advocates at every level of government, to ensure equal treatment and justice for all. We are in SUPPORT of SB 136.

The passage of SB 53 will increase protection for children facing interrogation by prohibiting a law enforcement officer from interrogating a child until the child has consulted with an attorney and until notice has been provided to the child's parent, guardian, or custodian. Bill passage would also protect children by requiring parental notice, to include instructions on how to contact the child, and the reason for the custody.

**Youth interrogation practices have increasingly racially disparate impacts.** Despite lip service about their intentions to reduce racial disparities in the justice system by governments and law enforcement agencies, racial disparities in arrests have increased nationally according to the Sentencing Project<sup>1</sup>. Studies also indicate that while Black children disproportionately face arrest, youth of all races commit crimes at roughly the same rates. All of this indicates that Black and Brown children are at disproportionately high risk of facing police interrogations, and thus disproportionately are subject to the coercion, resulting trauma, and especially, racially disparate incarceration, that can result from these interrogations.

Recently, I witnessed police at a Montgomery County school who had interrogated a child following an altercation that did not involve weapons. Unfortunately, teachers and school administrators facilitated access to the child without thinking about the impact on her. From my conversations with our Montgomery County administrators, who are by and large caring and conscientious professionals, are not aware of how students are at risk during police interactions and interrogations. Only lawyers are qualified to protect children during police interrogations. (Teachers' and school administrators' presence, when allowed, can compound children's feelings of being surrounded by authority. Conversely for other students, their trust in school staff that might be present can provide false reassurance during interrogations with police. Either way, the result is bad for the child.)

**Even well-educated adults have trouble navigating police interrogations, and with children, they can lead to trauma.** A couple of years back, my good friend Tiffany Kelly, a Maryland resident in Montgomery County, faced her son being interrogated by police. Her ten-year-old child with special needs child, who is Black, had carried play money on the school bus, and police later pulled the child out of class to interrogate him. This was a traumatic experience. If any one of us considers the maturity of a 10-year-old, or even a 17-year-old -- perhaps our own child, a nephew or niece, or a neighbor -- we can immediately empathize with the fear that would create, even with the most outwardly calm and measured of law enforcement officers. Now imagine an officer who is being harsh or even physical (which is unfortunately not rare), and consider the impact on the child, the fear they would feel in the situation, and what the child might say or do to escape the situation.

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<sup>1</sup> <https://www.sentencingproject.org/publications/racial-disparities-in-youth-commitments-and-arrests/>

**Interrogations of youth are unreliable and lead to false convictions.** The National Registry of Exonerations reports that 36% of exonerated defendants under age 18 falsely confessed (compared to a still very high 10% of adults)<sup>2</sup>, and in one study of youth wrongful conviction cases, nearly 35% involved unreliable statements by a youth witness<sup>3</sup>. In the tragic cases of the Central Park Five, the Englewood Four, and the Harlem Park Three, with which many of you are familiar, false confessions and false witnesses led to 12 teens being falsely convicted and caged for a combined 210 years<sup>4</sup>.

It's far past time we align our state with international human rights standards, eliminate the stain on our state, and join with many other states who have already advanced similar policies. Maryland must stop this obvious violation of children's rights. Maryland already has a shameful record when it comes to juvenile incarceration and the racial disparities and horrors that result.

**We urge a favorable report on SB 52**

*Submitted for Takoma Park Mobilization by Katie Stauss  
301-793-2352  
January 25, 2022*

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<sup>2</sup> <https://www.ma4jr.org/juvenile-interrogation/>

<sup>3</sup> Arresting Development, Convictions of Innocent Youth, 62 Rutgers L. Rev. 887 (2009-2010)

<sup>4</sup> "Children should never be interrogated without a lawyer present. Here's why" | ERIKA N. FOUNTAIN, SYDNEY BAKER and EMILY HANEY-CARON, Baltimore Sun, March 1, 2021