

**Testimony of Ebby Stoutmiles on behalf of Juvenile Law Center and Montgomery County's
Commission on Juvenile Justice
Senate Bill 53 (Cross-filed with House Bill 269)
January 27, 2022**

Hello Madam Chairwoman and members of the committee, thank you for the opportunity to support Senate Bill 53. My name is Ebby Stoutmiles. I am State Policy Advocate for Juvenile Law Center and Citizen Commissioner on Montgomery County's Commission on Juvenile Justice.

I am testifying in both capacities to urge the legislature to support this bill and protect vulnerable youth in our State. I have four points I would like to touch upon:

- A couple of examples of current practice in action, In Maryland, in 2019, there were two instances of police questioning elementary school children for playing with play money. Their parents were not notified until after the police asked the children questions and Secret Service was called. Even when questioning does not lead to an arrest, the potential trauma of these interactions for youth is significant.
- The protections in this bill are vital, it is so good because it is our opinion that Miranda itself and an attempt at contacting a Parent or Guardian just isn't sufficient protection for youth. The bill provides the protection of consultation with legal counsel to ensure the child's legal interest is protected.
- Children should not be expected to understand concepts like their "rights." Even if the police gave perfect Miranda warnings, and even if they taught kids all about Miranda, kids would still not fully appreciate the warnings because (1) the warnings are too abstract and (2) the kids are under stress and in a moment of "hot cognition" where they are not making the most measured decisions. That is why it is so important that kids have counsel.
- Children are susceptible to coercion and false confession. Gaining a false confession by interrogating children without counsel enables the actual perpetrators to wander the streets. The likelihood of a false confession is too high to forgo procedural safeguards.

If we wish for Maryland to have a fair and equitable justice system, we must ensure that youth are not coerced and incarcerated simply because they are children and do not understand their constitutional rights. The Juvenile Interrogation Protection Act would better protect children's rights and better meet their needs. For these reasons, we urge the legislature to pass Senate Bill 53 and House Bill 269.