



TESTIMONY IN OPPOSITION TO SB 120
Senate Judicial Proceedings Committee, February 13, 2024

My name is Ilhan Cagri. I am a resident of Silver Spring, in District 20. I am testifying on behalf of the Silver Spring Justice Coalition in opposition to SB 120 Juvenile Law – Custodial Interrogation – Parental Consultation.

The Silver Spring Justice Coalition (SSJC) is a coalition of community members, faith groups, and civil and human rights organizations from throughout Montgomery County committed to eliminating harm caused by police and empowering those communities most affected by policing.

SSJC testified in favor of the Child Interrogation Protection Act (CIPA) last year and was heartened by its passage. Prior to the law change, no consideration was given to the fact that children’s ability to grasp the complicated and intimidating concepts that arise during a custodial interrogation is significantly diminished by their age.

SB 120 weakens CIPA by eliminating the requirement that children are provided with an age and developmentally appropriate explanation of their Miranda rights by requiring an attorney be consulted when a child is first interrogated by law enforcement. SSJC sees no need to remove this protection. While we know parents act in their children’s best interests, they cannot replace an attorney in providing the type of advice that is needed to ensure that a child understands the rights they are being asked to waive. The removal of an attorney consultation will most negatively impact our most vulnerable communities, specifically, people of color, immigrant communities, the undereducated, those persons in poverty, and people with mental health issues, communities that have historically been marginalized and overpoliced. These are exactly the communities where a parent may be more susceptible to threats, intimidation, coercion, or fear and may be more reluctant to assert their children’s rights. I know of one such family, an immigrant family, whose underage son served years of a prison sentence for a crime he was exonerated from because the parents and child were unfamiliar with their rights in the initial stages of interrogation.

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Studies show that children waive their Miranda rights at a rate of 90 percent and make false confessions at a higher rate than adults. One study found that children are three times more likely to falsely confess than adults. In fact, leading law enforcement organizations, such as the International Association of Chiefs of Police, also agree that children are particularly likely to give false confessions during the pressure-cooker of police interrogation.¹

To be clear, CIPA does not prevent police from speaking to children in emergency situations. Police may seek out information necessary to protect against a threat to public safety.

Further, CIPA does not mandate that children remain silent during interrogations. Once a child has consulted with an attorney, they can make the decision to exercise their right to remain silent or to speak to police as any adult would. Existing law simply attempts to ensure children understand these rights before proceeding with an interrogation.

It is unfortunate that in recent months, law enforcement, prosecutors, and certain media outlets have mischaracterized the state of youth crime in Maryland. Public narrative, often agenda driven and sensationalist, cannot drive policy, particularly regarding a law that was only recently enacted with broad support from the legislature, and for which we do not yet have sufficient data as to its salutary or deleterious effects. The attempt to reword and weaken CIPA protections goes against the will of the legislature and the Maryland public.

For these reasons we urge you to issue an unfavorable report.

¹ <https://www.law.northwestern.edu/legalclinic/wrongfulconvictionsyouth/understandproblem/>