

# **Letter of Support for Senate Bill 0120 - City of B**

Uploaded by: City Council Bowie

Position: FAV



# City of Bowie

15901 Fred Robinson Way  
Bowie, Maryland 20716

February 2, 2024

Judicial Proceedings Committee  
Maryland State Senate  
c/o Senator William C. Smith, Jr.  
2 East Miller Senate Office Building  
11 Bladen Street  
Annapolis, MD 21401

Subject: Letter of Support for Senate Bill 0120 - Juvenile Law and Custodial Interrogation

Dear Senator Smith,

I am writing on behalf of the City Council of the City of Bowie to express our support for Senate Bill 0120, a significant piece of legislation aimed at enhancing the rights of juveniles during custodial interrogations. The bill seeks to authorize a child to consult with the child's parent, guardian, or custodian instead of an attorney before a law enforcement officer may conduct a custodial interrogation of the child.

The City of Bowie is committed to promoting the well-being and fair treatment of all individuals, especially our youth. Senate Bill 0120 aligns with this commitment by recognizing the importance of allowing juveniles to consult with their parents, guardians, or custodians before undergoing custodial interrogations. This provision not only ensures the protection of the child's rights but also facilitates a more supportive and informed process for juveniles facing legal questioning.

We believe that involving parents, guardians, or custodians in the custodial interrogation process is a positive step towards promoting fairness, transparency, and the overall welfare of juveniles within the criminal justice system. This approach not only recognizes the unique vulnerabilities of juveniles but also fosters a more collaborative and supportive environment during legal proceedings.

As representatives of the City of Bowie, we urge the members of the Judicial Proceedings Committee to support Senate Bill 0120 and contribute to the advancement of juvenile rights within the legal system. This legislation reflects our shared values of justice, compassion, and the protection of the rights of our youth.

Thank you for your attention to this important matter, and we appreciate your continued efforts to address issues that impact the rights and well-being of individuals in our community.

Sincerely,

A handwritten signature in blue ink, appearing to read "Timothy J. Adams", with a stylized flourish at the end.

Bowie City Council  
Timothy J. Adams  
Mayor

**MCPA-MSA\_SB 52, SB 94, SB 120, SB 326\_Juvenile Cri**

Uploaded by: Natasha Mehu

Position: FAV



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

TO: The Honorable William Smith Jr., Chair and  
Members of the Senate Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee  
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 13, 2024

RE: **SB 52 Juvenile Justice Restoration Act of 2024**  
**SB 94 Juvenile Law – Juvenile Law – Intake and Probation**  
**SB 120 Juvenile Law – Custodial Interrogation – Parental Consultation**  
**SB 326 Juvenile Law – Questioning a Juvenile – Crime of Violence or Crime  
Involving a Firearm**

POSITION: **SUPPORT**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) offer this statement in **SUPPORT** of a handful of bills that have been introduced to fix the state's broken juvenile justice system.

This past year the state has seen a spike in juvenile crimes that have left communities in fear and officials frustrated. Throughout the interim, meetings and briefings were held in local communities and Annapolis in an attempt to sort out the issues and propose solutions. Law enforcement has either participated in or closely followed these discussions. It became apparent that there was not one failing. There are gaps in the system, broken lines of communication and coordination, and a lack of necessary resources and services. The solutions must strike a balance between ensuring that juveniles receive the support and services they need and face the appropriate level of accountability for their actions.

This statement is in support of bills that have been introduced to address those problems and strike that balance. These include adjusting the age and crimes for which youth are subject to the jurisdiction of the juvenile courts. Reinforcing parent and guardian's role in the interrogation process. Expanding juvenile probation terms and conditions. Providing more resources, treatment, and services to juveniles in need. Improving communication, data sharing, and coordination between the Department of Juvenile Services, the state's attorneys' offices, and law enforcement agencies. From start to finish, the processes and procedures for handling juveniles involved in crime must be improved. These proposals are all a step in the right direction.

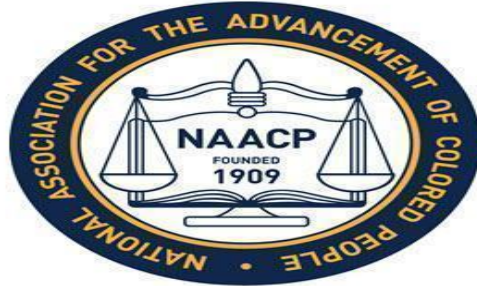
The solution for the rise in juvenile crime is not one-size-fits-all. It will involve closing gaps, improving communication and collaboration, and increasing resources and services. All stakeholders must play their part to fix the system. For these reasons, MCPA and MSA urge a **FAVORABLE** report on **SB 52, SB 94, SB 120, and SB 326**.

532 Baltimore Boulevard, Suite 308  
Westminster, Maryland 21157  
667-314-3216 / 667-314-3236

# **SB 120 Favorable vote.pdf**

Uploaded by: Ryan Coleman

Position: FAV



# Randallstown

P.O. Box 731 Randallstown, MD 21133

Feb 12, 2024  
Immediate Release

Contact: Ryan Coleman, President  
[randallstownnaacp@gmail.com](mailto:randallstownnaacp@gmail.com)

## Randallstown NAACP supports SB 120-Custodial Interrogation - Parental Consultation

Randallstown MD-Statewide, between fiscal year 2021 and fiscal year 2023, among juveniles: gun violations rose 220%, carjackings spiked 85%, and auto theft complaints increased 65%, according to the state's Department of Juvenile Services (DJS). Violent gun crime committed against young people has "increased significantly," especially in Baltimore City. DJS is failing with holding juveniles accountable and ensuring they get the resources not to reoffend.

A juvenile has both a right to counsel and a privilege against self-incrimination in juvenile delinquency proceedings. *In re Gault*, 387 U.S. 1, 32-55 (1979). A juvenile may waive his Fifth Amendment rights and consent to interrogation. *Fare v. Michael C.*, 442 U.S. 707 (1979).

The question of whether a waiver is voluntary and knowing is one to be resolved on the totality of the circumstances surrounding the interrogation. The court must determine not only that the statements were not coerced or suggested, but also that they were not the products of "ignorance of rights or of adolescent fantasy, fright, or despair." *In re Gault*, 387 U.S. at 55. Among the factors to be considered are the juvenile's age, experience, education, background, and intelligence, and whether he has the capacity to understand the warnings given to him, the nature of his Fifth Amendment rights, and the consequences of waiving them. *Fare v. Michael C.*, 442 U.S. at 725. For applications of the totality of the circumstances approach involving juveniles, see *United States v. White Bear*, 668 F.2d 409 (8th Cir. 1982); *United States v. Palmer*, 604 F.2d 64 (10th Cir. 1979); *West v. United States*, 399 F.2d 467 (5th Cir. 1968).

Since confessions by juveniles are given even closer scrutiny than those by adults, Miranda warnings are probably an essential threshold requirement for voluntariness. The presence and co-signature of a parent or guardian is not required for a voluntary

waiver, although it is a factor to be considered and will help dispel any notion that the juvenile was coerced.

SB 120 makes it easier to investigate violent crimes while protecting the civil liberties of juveniles. **The Randallstown NAACP requests a favorable vote on SB 120.**



# **SB0120 Custodial Interrogation of Juveniles -oppos**

Uploaded by: Alicia Pereschuk

Position: UNF

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of **District #43. I am testifying against SB0120 Custodial Interrogation - Parental Consultation.**



**Showing Up for Racial Justice**

This bill would alter the Child Interrogation Protection Act in a way that creates an injustice, by allowing law enforcement to substitute a parent or guardian for access to an attorney.

- Children have the same Constitutional rights to an attorney as adults do. Due Process is the legal requirement that the state must respect a child's right to remain silent and right to counsel.
- Studies show that children waive their Miranda rights at a rate of 90 percent and make false confessions at a much higher rate than adults.<sup>1</sup>
- Children's brains are not fully developed and added to that is the fear and confusion that children face during encounters with police. False confessions not only harm the child but also undermine the police's ability to apprehend the right person.
- Parents too may be fearful of police and just want to have their child home and safe. In the moment many are unlikely to be thinking of the child's constitutional rights and protections..

Finally, if a young mom or dad, whom you know, came to you and said their child had just been taken to a police station for interrogation and they asked you if they should get an attorney for their child, what would you tell that parent? That "Your child will be fine and that you can substitute for the attorney?" That "You probably can get an attorney later on. What would it matter?" And what if it were your child?

It is for these reasons that I am encouraging you to vote against **SB0120 Custodial Interrogation - Parental Consultation.**

Thank you for your time, service, and consideration.

Sincerely,  
Alicia Pereschuk  
321 W 28<sup>th</sup> St  
Baltimore MD 21211  
Showing Up for Racial Justice Baltimore

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<sup>1</sup> <https://abcnews.go.com/US/30000-children-age-10-arrested-us-2013-fbi/story?id=65798787>

**SB120\_AnitaLampel\_Unfavorable.pdf**

Uploaded by: Anita Lampel

Position: UNF

BILL#SB120\_AnitaLampel\_UNFAV

Date of Hearing 2/13/2024

Anita Lampel

Bethesda, MD, 20817

**TESTIMONY ON SB#120 - POSITION: UNFAVORABLE**  
**Juvenile Law-Custodial Interrogation-Parental Consultation**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Anita Lampel

**OPENING: My name is Anita Lampel. I am a resident of District 16. I am submitting this testimony against SB#120, Juvenile Law-Custodial Interrogation-Parental Consultation.**

I am a retired psychologist, who headed a large Child-Adolescent Mental Health Department and subsequently was a Court-appointed expert in numerous cases involving juveniles. I consulted with Departments of Juvenile Justice and helped draft legislation at the state level. I belong to Adat Shalom Reconstructionist Congregation and am a member of the Women's Democratic Club of Montgomery County. From multiple perspectives—moral, ethical, psychological—this bill is wrong. It violates all the research we have on children offering false confessions, children confused in interrogation settings, and puts parents in the role of attorneys.

My experience with the children in the justice system was saddening. Often they are behind in reading and other skills at school. Their parents try to help, to intervene, and are NOT equipped to tell their child whether they should answer questions or how they should answer questions that may put their child in jeopardy of juvenile court, detention, or even adult court and prison. Would your mother have been able to do that when you were 14? Mine certainly would not have been. And mine would have been emotionally overwhelmed at the idea that her daughter had been picked up and faced criminal charges.

Please consider carefully all the research that helped the Legislature decide just last year that children need attorneys before answering questions that put them in jeopardy of their futures. You acted wisely then. Do so again.

**I respectfully urge this committee to return an unfavorable report on SB#120.**

**SB0120-2024.pdf**

Uploaded by: ANNA RUBIN

Position: UNF

SB120\_AnnaRubin\_UNFAV  
Feb. 12, 2024  
Anna Rubin  
Columbia, MD 21045

TESTIMONY ON SB120 POSITION: UNFAVORABLE

Juvenile Law - Custodial Interrogation - Parental Consultation

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Dr. Anna Rubin

My name is Anna Rubin. I am a resident of District 13. I am submitting this testimony against SB052, the Juvenile Law - Custodial Interrogation - Parental Consultation Act. I am a White member of Columbia Jewish Congregation and act as the co-chair of its Social Action Committee and a member of the CJC Standing for Racial Justice Committee. I am also co-chair of the Indivisible Howard County Immigration Action Team.

Jewish tradition focuses a great deal on nurturing, educating and caring for children. We are taught that the Divine encompasses both justice and mercy, but some prosecutors and lawmakers scapegoat Black children rather than nurture them as the divine beings we know all children are. I thank God that my Latino son never was suspected of a crime or was apprehended in his young years because he would have had no idea what Miranda rights were. Why should a child not have the same protection as an adult?

- I am opposed to SB120 because the proposed changes do not enhance community safety. This bill undermines important provisions of the Juvenile Justice Restoration Act and ignores over 20 years of research and data on the most effective ways to hold kids accountable and improve safety. SB120 targets the Child Interrogation Protection Act, a crucial piece of legislation passed into law in the past few years to protect the rights and dignity of children.
- Children must be given the opportunity to speak to a lawyer prior to a custodial interrogation by law enforcement – SB52's stipulation that parents, guardians, or custodians of a child can consent to the custodial interrogation of a child without the child's consultation with an attorney is simply insufficient.

I am very concerned that the proposed changes may steamroll intake, and lead to coerced confessions from children and their parents who do not understand the child's Miranda rights as has been well-documented before this situation was reformed. This proposed law is not based on data – it seems to be based on a response to inflammatory media and dangerous notions of predatory black and minority youth. And it seems to be a response of police and states' attorneys to enhance their reputations as 'tough on crime' rather than serving the safety of the community.

I respectfully urge this committee to return an unfavorable report on SB120.

Sincerely,  
Dr. Anna Rubin



# **SB0120\_ArielleJuberg\_UnFav.pdf**

Uploaded by: Arielle Juberg

Position: UNF



Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are working with the Campaign for Justice, Safety, and Jobs. I am a resident of District 8. **I am testifying against SB0120 Custodial Interrogation - Parental Consultation.**



**Showing Up for Racial Justice**

This bill would alter the Child Interrogation Protection Act in a way that creates an injustice, by allowing law enforcement to substitute a parent or guardian for access to an attorney.

- Children have the same constitutional rights to an attorney as adults do. Due Process is the legal requirement that the state must respect a child's right to remain silent and right to counsel.
- Studies show that children waive their Miranda rights at a rate of 90 percent and make false confessions at a much higher rate than adults.<sup>1</sup>
- Children's brains are not fully developed, and they may experience fear and confusion in encounters with police. *False confessions not only harm the child but also undermine the police's ability to apprehend the right person.*
- Parents too may be fearful of police and just want to have their child home and safe. In the moment, many are unlikely to be thinking of the child's constitutional rights and protections.

The root cause of crime in Maryland is not twelve-, thirteen-, or fourteen-year-olds. The root cause is *systems* that fail communities and children, who then make bad decisions. To make our state safer, we need attention and investment in systems that prevent crime and systems that interact with children accused of crimes.

It is for these reasons that I am encouraging you to vote against **SB0120 Custodial Interrogation - Parental Consultation.**

Thank you for your time, service, and consideration.

Sincerely,

Arielle Juberg  
3411 Upton Road  
Baltimore, MD 21234  
Showing Up for Racial Justice Baltimore

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<sup>1</sup> <https://abcnews.go.com/US/30000-children-age-10-arrested-us-2013-fbi/story?id=65798787>

**SB0120\_BetsyBiben-Seligman\_UNFAV.pdf**

Uploaded by: Betsy Biben-Seligman

Position: UNF

Betsy Biben-Seligman

**TESTIMONY ON SBI20 - UNFAVORABLE**  
**Juvenile Law - Custodial Interrogation - Parental Consultation**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Betsy Biben-Seligman

**OPENING:** My name is Betsy Biben-Seligman. My husband and I have been home owners in Kensington since 1986 and before then my husband Richard Seligman and I rented in Silver Spring. We submit this testimony in opposition of SBI20, Juvenile Law - Custodial Interrogation - Parental Consultation.

I was so proud of my State of Maryland until recently. When I learned about Custodial Interrogation bill I was shocked. Could this really be Maryland and not in the Deep South? The terms as laid out in this bill are vastly inappropriate.

Although I agree that parents should be more involved with their children's court cases this suggested bill is totally unfair and wrong. This bill suggests that parents understand the law and know how to advise their children on legal matters. Would wealthy parents who were not lawyers understand the law and a child's rights? Would wealthy parents decide they won't hire an attorney? Would you legislators not hire an attorney for you child who is arrested? The answers of course NO. This law would both create greater economic barriers and develop deeper racist standing.

The reason this is deficient is that parents neither understand the law nor how to advise their children on legal matters such as invoking their 5th Amendment right to remain silent and thereby not incriminating themselves. Parents are not aware of 4th amendment requirements for a warrant based upon probable cause before allowing search of themselves and/or property.

No child should be interrogated without consulting a lawyer.

**I respectfully urge this committee to return an unfavorable report on SBI20.**

**SB120\_CarolStern\_Unfavorable.pdf**

Uploaded by: CAROL STERN

Position: UNF

February 12, 2024

Carol Stern  
4550 North Park Avenue, Apt T106  
Chevy, Chase, MD 20815

**TESTIMONY ON SB52 - POSITION: UNFAVORABLE)**  
**Juvenile Law - Custodial Interrogation - Parental Consultation**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** My name is Carol Stern. I am a resident of District 16. I am submitting this testimony against SB120-Juvenile Law - Custodial Interrogation - Parental Consultation. I am a member of Adat Shalom Reconstructionist Congregation. I also provide this testimony as a mother and grandmother.

The Jewish text that shapes my religious and moral conviction that juveniles must be treated as children and not adults is the directive issued in Deuteronomy 16:20, "Tzedek, tzedek tirdof - Justice, justice shall you pursue." The Jewish sages explain that the word tzedek is repeated not only for emphasis but to teach us that in our pursuit of justice, our means must be as just as our ends. Rabbi Mordecai Kaplan wrote "teach us to respect the integrity of every human soul be it that of a friend or stranger, child or adult." When we are working to reform our criminal justice system, we must demand that it operates in accordance with these deeply held Jewish beliefs.

In 2022, I wrote testimony in favor of both the Child Interrogation Protection Act (CIPA) and the Juvenile Justice Reform Act (JJRA). These laws have made a real difference because every day in Maryland, children entangled in the legal justice system can no longer be questioned without an attorney present. Because of these laws, children do not have to endure the injustice of facing criminal charges, prosecution, and incarceration without their basic due process rights protected.

Unfortunately SB 120, will definitely rollback some of the most important key provisions of these two 2022 laws. Children must be given the opportunity to speak to a lawyer prior to a custodial interrogation by law enforcement – SB120's stipulation that a child can consult with their parent, guardian, or custodian instead of an attorney before a law enforcement officer may conduct a custodial interrogation is simply insufficient.

As a mother of two children and a grandmother of three, I cannot imagine allowing my children or grandchildren to be treated as an adult by the police, in detention or in any court proceeding without an attorney present. This lack of justice must be protected in our state. A child must be treated as a child. Without the reforms in both CIPA and JJRS, the criminalization and incarceration of black and brown youth, who are disproportionately targeted by our justice system, will not be protected.

**I respectfully urge this committee to return an unfavorable report on SB120.**

# **SB0120 Custodial Interrogation of Juveniles -oppos**

Uploaded by: Christina Nemphos

Position: UNF

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of Maryland District 40 and live in the Medfield neighborhood of Baltimore. **I am testifying against SB0120 Custodial Interrogation - Parental Consultation.**



**Showing Up for Racial Justice**

This bill would alter the Child Interrogation Protection Act in a way that creates an injustice, by allowing law enforcement to substitute a parent or guardian for access to an attorney.

- Children have the same Constitutional rights to an attorney as adults do. Due Process is the legal requirement that the state must respect a child's right to remain silent and right to counsel.
- Studies show that children waive their Miranda rights at a rate of 90 percent and make false confessions at a much higher rate than adults.<sup>1</sup>
- Children's brains are not fully developed and added to that is the fear and confusion that children face during encounters with police. False confessions not only harm the child but also undermine the police's ability to apprehend the right person.
- Parents too may be fearful of police and just want to have their child home and safe. In the moment many are unlikely to be thinking of the child's constitutional rights and protections.

Finally, if a friend or family member came to you and said their child had just been taken to a police station for interrogation and they asked you if they should get an attorney for their child, what would you tell that parent? **In considering the best interest of the child, you would absolutely recommend that they speak with an attorney.** And what if it were your own child?

It is for these reasons that I am encouraging you to vote **against SB0120 Custodial Interrogation - Parental Consultation.**

Thank you for your time, service, and consideration.

Sincerely,  
Christina Bell Nemphos  
1301 W 42<sup>nd</sup> St, Baltimore, Md 21211  
Showing Up for Racial Justice Baltimore

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<sup>1</sup> <https://abcnews.go.com/US/30000-children-age-10-arrested-us-2013-fbi/story?id=65798787>

# **SB0120 Custodial Interrogation of Juveniles -oppos**

Uploaded by: Daryl Yoder

Position: UNF



Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of District 44A. **I am testifying against SB0120 Custodial Interrogation - Parental Consultation.**



**Showing Up for Racial Justice**

This bill would alter the Child Interrogation Protection Act in a way that creates an injustice, by allowing law enforcement to substitute a parent or guardian for access to an attorney.

- Children have the same Constitutional rights to an attorney as adults do. Due Process is the legal requirement that the state must respect a child's right to remain silent and right to counsel.
- Studies show that children waive their Miranda rights at a rate of 90 percent and make false confessions at a much higher rate than adults.<sup>1</sup>
- Children's brains are not fully developed and added to that is the fear and confusion that children face during encounters with police. False confessions not only harm the child but also undermine the police's ability to apprehend the right person.
- Parents too may be fearful of police and just want to have their child home and safe. In the moment many are unlikely to be thinking of the child's constitutional rights and protections..

Finally, if a young mom or dad whom you know came to you and said their child had just been taken to a police station for interrogation and they asked you if they should get an attorney for their child, what would you tell that parent? That "Your child will be fine and that you can substitute for the attorney?" That "You probably can get an attorney later on. What would it matter?" And what if it were your child?

It is for these reasons that I am encouraging you to vote against **SB0120 Custodial Interrogation - Parental Consultation.**

Thank you for your time, service, and consideration.

Sincerely,  
Daryl Yoder  
309 Glenmore Ave.  
Catonsville, MD 21228  
Showing Up for Racial Justice Baltimore

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<sup>1</sup> <https://abcnews.go.com/US/30000-children-age-10-arrested-us-2013-fbi/story?id=65798787>

**SB0120\_DavidFriedman\_UNFAV.pdf**

Uploaded by: David Friedman

Position: UNF

February 13, 2024  
David M. Friedman  
Silver Spring, MD 20905

**TESTIMONY ON SB0120 - POSITION: UNFAVORABLE**  
**Juvenile Law - Custodial Interrogation - Parental Consultation**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** David M. Friedman

**My name is David Friedman. I am a resident of District 14 in Colesville/Cloverly. I am submitting this testimony against SB0120, Juvenile Law - Custodial Interrogation - Parental Consultation.**

I am an active member of Oseh Shalom, a Jewish Reconstructionist congregation located in Laurel, MD. Jewish tradition emphasizes that the Divine encompasses both justice and mercy and that all of us deserve a life with dignity, respect and safety. I also closely followed the testimony, compelling stories, and research that resulted in passage of the Child Interrogation Protection Act (CIPA) in 2022. CIPA was developed after years of extensive research and deliberations among lawmakers, law enforcement, prosecutors, defense attorneys, youth advocates and the community. SB0120 is an effort driven entirely by fear and hyperbole to roll back youth justice reforms only recently enacted by the General Assembly without any solid evidence, a step backward in achieving the common goal of improving public safety for everyone including our kids in Maryland.

This bill appears to be addressing two myths about CIPA, i.e. that it prevents law enforcement officers from talking to youth when investigating a crime OR that they are hindered from doing their jobs due to unavailability or inaccessibility of attorneys. While CIPA protects the legal rights of a child taken into custody, it does allow officers to interrogate a child without counsel when they reasonably believe there is an imminent threat to public safety and the questions are limited to those necessary to protect against the threat. CIPA also established the Youth Access to Counsel hotline through the Maryland Office of the Public Defender through which law officers can reach an attorney 24/7. Most importantly, CIPA guarantees that a child will have an attorney present to provide age and developmentally-appropriate explanation of their rights. SB0102's stipulation that parents, guardians, or custodians of a child can consent to the custodial interrogation of a child without the child's consultation with an attorney is simply insufficient protection for the human rights of children (and I would argue for their parents as well). Studies show that children make better decisions with legal support..

**I respectfully urge this committee to return an unfavorable report on SB0120.**

**SB120\_EmilyBlank\_againstpdf (1).pdf**

Uploaded by: Emily Blank

Position: UNF

Date of Hearing 2/13/2024

Emily C. Blank  
Brentwood, MD

**TESTIMONY ON SBI 20 EmilyBlank - POSITION:/UNFAVORABLE**  
**Juvenile Law-Custodial Interrogation-Parental Consultation**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Emily C. Blank

**My name is Emily Blank. I am a resident of District 47a. I am submitting this testimony against (SBI 20)**

I am a member of Congregation Oseh Shalom in Laurel, MD. I retired from teaching economics at Howard University in May 2023.

I am strongly of the opinion that every citizen accused of a crime is entitled to a lawyer; a parent or guardian is not enough protection for a vulnerable child, and a child may not be sophisticated enough to even know that s/he needs a lawyer.

While one would hope that a parent or guardian would have the best interest of the child at heart, a lawyer would be more knowledgeable about how to protect the child and is legally OBLIGATED to have the best interests of a child at heart. If adults are entitled to lawyers, why would children not have the same entitlement?

I am also strongly opposed to allowing children to be placed in the adult system, a current practice in Maryland.. Children in the adult system are often placed in solitary confinement, which, according to Amnesty International, is torture. Children who do not have rehabilitative support designed for children (and which is unavailable in the adult system) are more likely to become adult offenders. Finally, 80% of juveniles charged as adults have their charges dropped. **I respectfully urge this committee to return an unfavorable report on SB#I20.**

**SB 120- MOPD Unfavorable.pdf**

Uploaded by: Evelyn Walker

Position: UNF



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
CHIEF OF EXTERNAL AFFAIRS

**ELIZABETH HILLIARD**  
ACTING DIRECTOR OF GOVERNMENT RELATIONS

## **POSITION ON PROPOSED LEGISLATION**

**BILL: SB 120 - Custodial Interrogation - Parental Consultation**

**FROM: Maryland Office of the Public Defender**

**POSITION: Unfavorable**

**DATE: February 12, 2024**

The Maryland Office of the Public Defender strongly urges the Committee to issue an unfavorable report on Senate Bill 120.

In 2022, Maryland passed the Child Interrogation Protection Act (“CIPA”). As the law currently stands, a parent has the right to be notified of their child’s custodial status; this right belonging to the parent is distinct from the child’s independent right to an attorney at all stages of a legal proceeding, and the additional right to consult with counsel created by CIPA prior to a custodial interrogation.

Evidence suggests that the presence of a parent neither increases juveniles’ assertion of their rights nor mitigates the coercive circumstances inherent in police interrogations.<sup>1</sup> Many parents are unaware that their presence or participation in their child’s interrogation can fail to protect their child’s right against self-incrimination. Further, a majority of adults misunderstand their legal rights and protections within a criminal setting, especially involving custodial interrogations, which means many parents lack the necessary information in order to adequately assist their children prior to a custodial interrogation.

Parents cannot replace legal counsel for a child, especially when the child is accused of delinquency or criminal acts. Attorneys with the Office of the Public Defender are trained, using the latest science and peer reviewed studies, about adolescent brain development, speaking to young clients, identifying key differences between children and adults for advisements.

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<sup>1</sup> Naomi E. S. Goldstein, Emily Haney-Caron, Marsha Levick & Danielle Whiteman, Waving Goodbye to Waiver: A Developmental Argument Against Youth’s Waiver of Miranda Rights, 21 LEG. & PUB. 1, 52 (2018) (citing Thomas Grisso & Carolyn Pomicter, Interrogation of Juveniles: An Empirical Study of Procedures, Safeguards, and Rights Waiver, 1 LAW & HUM. BEHAV. 321, 340 (1997)).



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
CHIEF OF EXTERNAL AFFAIRS

**ELIZABETH HILLIARD**  
ACTING DIRECTOR OF GOVERNMENT RELATIONS

Children are entitled to legal protections as individuals—separate and apart from their parents. Every child has the right to understand their legal rights and protections. Children also have the right to understand what it means to abandon their rights, and that any waiver of their rights must be knowingly, intelligently, and voluntarily made. Accordingly, CIPA must remain as written to protect the children of Maryland’s constitutional rights.

**Therefore the Maryland Office of the Public Defender strongly urges the Committee to issue an unfavorable report on Senate Bill 120.**

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**Submitted by: Maryland Office of the Public Defender, Government Relations Division.**

**Authored by: Evelyn Walker Assistant Public Defender, [evelyn.walker@maryland.gov](mailto:evelyn.walker@maryland.gov).**



# **SB 120 - ACLU Testimony - Parent Consultation (Feb**

Uploaded by: Frank Patinella

Position: UNF



## Testimony for the Senate Judicial Proceedings Committee

February 13, 2024

### SB 120 - Juvenile Law - Custodial Interrogation - Parent Consultation

FRANK PATINELLA  
SENIOR POLICY  
ADVOCATE

#### OPPOSE

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OF MARYLAND

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SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland (ACLU) opposes SB 120, which seeks to eliminate the legal protections guaranteed to children under the Child Interrogation Protection Act (CIPA) by authorizing a child to consult with the child's parent, guardian, or custodian instead of an attorney before a law enforcement officer may conduct a custodial interrogation.

The Child Interrogation Protection Act, which was passed by the General Assembly in 2022, already ensures that law enforcement makes a reasonable effort to contact the parent or guardian of a child who is taken into police custody. Further, CIPA also requires that law enforcement contact an attorney when a child is taken into custody for interrogation, to ensure that the child understands their Miranda rights in age and development-appropriate terms. The Office of the Public Defender (OPD) established a hotline that is open every day throughout the day and night so that an attorney can be contacted at any time.

Parents and guardians are not a substitute for a trained lawyer. One study showed that well over 90% of adults were not fully aware of their own Miranda rights<sup>1</sup>. And for those who could recall their Miranda rights, most showed misconceptions about its meaning. Allowing law enforcement to skirt the requirement of ensuring legal consultation for a child taken into custody, essentially removes an indispensable layer of protection for that child. Further, immigrant children would experience a disproportionate burden of risk due to their immigrant status, real or perceived.

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<sup>1</sup> General Knowledge and Misknowledge of Miranda Rights: Are Effective Miranda Advisements Still Necessary? *Psychology, Public Policy, and Law*, 2013, Vol. 19, No. 4, 432-442.  
<https://concept.paloaltou.edu/resources/translating-research-into-practice-blog/most-americans-do-not-have-a-complete-understanding-of-their-miranda-rights/>

SB 120 would also likely increase the rate of false confessions given to law enforcement during an interrogation. Law enforcement is known to use confusing tactics and threats during interrogations, which puts a significant amount of stress and anxiety on children. One study showed that children are three times more likely to falsely confess than adults during a custodial interrogation.<sup>2</sup>

Most importantly, the ACLU contends that a child has the right to legal consultation prior to a custodial interrogation, as an individual, independent of a parent or guardian's opinion or desire. In his opinion on CIPA's constitutionality, Attorney General Anthony Brown, wrote, "we see no basis to conclude that [CIPA's] attorney-consultation requirement violates the constitutional rights of children or their parents."<sup>3</sup> The opinion also reported that while the Supreme Court has not directly addressed the issue of parental rights in decisions related to custodial interrogations, there have been many related cases that have "focused on the individual liberty interests of the child, implying that these rights are paramount and, thus, prevail over a parent's interest in the care, custody, and control of their child."

Lastly, CIPA already guarantees that law enforcement has the tools that it needs to address public safety concerns. If there is a reasonable belief that a child has information about a serious threat to public safety, then the police can ask the child questions without first notifying the child's parent, guardian, or custodian, and without first allowing the child to consult with an attorney. Based on recent legislative briefings, law enforcement has expressed trepidation about using this provision to avoid the risk of legal violations. In response, the ACLU recommends that state lawmakers, state attorneys, and law enforcement develop clear guidance and training on how the police can effectively utilize this provision instead of working to gut the protections afforded to children under CIPA.

For the foregoing reasons, the ACLU asks for an unfavorable report on SB 120.

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<sup>2</sup> What's Best for Kids is Best for Everyone. January 2024. Maryland Youth Justice Coalition. [https://www.md youthjustice.org/\\_files/ugd/42b2a9\\_db7a00a63fe74865a401276619ec705b.pdf](https://www.md youthjustice.org/_files/ugd/42b2a9_db7a00a63fe74865a401276619ec705b.pdf)

<sup>3</sup> 2024 Op. Atty. Gen. Md. 109.

[https://www.marylandattorneygeneral.gov/Pages/Opinions/recent%20requests/110823\\_EE\\_Letter.pdf](https://www.marylandattorneygeneral.gov/Pages/Opinions/recent%20requests/110823_EE_Letter.pdf)

# **SB0120 Custodial Interrogation of Juveniles -oppos**

Uploaded by: Holly Powell

Position: UNF

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of **District 46. I am testifying against SB0120 Custodial Interrogation - Parental Consultation.**



**Showing Up for Racial Justice**

This bill would alter the Child Interrogation Protection Act in a way that creates an injustice, by allowing law enforcement to substitute a parent or guardian for access to an attorney.

- Children have the same Constitutional rights to an attorney as adults do. Due Process is the legal requirement that the state must respect a child's right to remain silent and right to counsel.
- Studies show that children waive their Miranda rights at a rate of 90 percent and make false confessions at a much higher rate than adults.<sup>1</sup>
- Children's brains are not fully developed and added to that is the fear and confusion that children face during encounters with police. False confessions not only harm the child but also undermine the police's ability to apprehend the right person.
- Parents too may be fearful of police and just want to have their child home and safe. In the moment many are unlikely to be thinking of the child's constitutional rights and protections..

Finally, if a young mom or dad, whom you know, came to you and said their child had just been taken to a police station for interrogation and they asked you if they should get an attorney for their child, what would you tell that parent? That "Your child will be fine and that you can substitute for the attorney?" That "You probably can get an attorney later on. What would it matter?" And what if it were your child?

It is for these reasons that I am encouraging you to vote against **SB0120 Custodial Interrogation - Parental Consultation.**

Thank you for your time, service, and consideration.

Sincerely,

**Holly Powell**

**2308 Cambridge Street**

**Baltimore, Maryland 21224**

Showing Up for Racial Justice Baltimore

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<sup>1</sup> <https://abcnews.go.com/US/30000-children-age-10-arrested-us-2013-fbi/story?id=65798787>

# **Cagri Testimony SB 120\_Feb 13 2024.pdf**

Uploaded by: Ilhan Cagri

Position: UNF



**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.

◆ silverspringjustice.wordpress.com ◆ Facebook: ssjusticecoalition ◆ Twitter: @SilverCoalition ◆

◆ silverspringjustice@gmail.com ◆

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.<sup>1</sup>

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.

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



**YEJ Clinic – SB 120 (Oppose).pdf**

Uploaded by: Jamie Polinsky

Position: UNF

CLINICAL LAW PROGRAM

**Testimony in *Opposition* of Senate Bill 120  
Juvenile Law – Custodial Interrogation - Parental Consultation**

To: Senator William J. Smith, Jr., and Members of the Judicial Proceedings Committee

From: Jamie Polinsky and Jordyn Garcia, Student Attorneys, Youth, Education and Justice Clinic, University of Maryland Francis King Carey School of Law, 500 W. Baltimore Street, Baltimore, MD 21201 (admitted to practice pursuant to Rule 19-220 of the Maryland Rules Governing Admission to the Bar)

Date: February 12, 2024

We are student attorneys in the Youth, Education and Justice Clinic (“the Clinic”) at the University of Maryland Francis King Carey School of Law. The Clinic represents children who have been excluded from school through suspension, expulsion, and other means, as well as individuals who are serving life sentences for crimes they committed when they were children or young adults.

We write in opposition to Senate Bill 120, which seeks to eliminate some recent legal protections provided to children before and during a custodial interrogation. SB 120, upon initial review, may seem to transfer decision-making authority regarding a child's legal rights during custodial interrogations from a lawyer to the parent. However, that is not so. The current law, enacted in 2022, requires that a child consult with an attorney<sup>1</sup> *and* that the police officer “ma[k]e an effort reasonably calculated to give actual notice to the parent, . . . that the child will be interrogated.”<sup>2</sup> To be clear, the attorney does not make decisions on behalf of the child client; rather, the attorney informs the client of their rights and advises accordingly. The proposed amendments set forth in SB 120 repeal the requirement that a child in a custodial interrogation setting consult with an attorney. In its place, SB 120 allows parents or guardians to decide – on their own – that such consultation is not necessary. In essence, SB 120 removes the attorney and substitutes the parent as the adviser. Unlike the attorney, however, SB 120 makes it clear that the parent is also the decider.

The concerns here are twofold. First, while parents often understand their children deeply and strive to act in their best interests, they – and their children – benefit from professional expertise and input when necessary. For instance, parents seek medical care

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<sup>1</sup> Md. Code Ann., Cts. & Jud. Proc. § 3-8A-14.2 (b)(1) (West 2022)

<sup>2</sup> *Id.* at §3-8A-14.2(b)(2).

for their sick children and educational guidance from teachers. Consulting professionals helps ensure the safety, health, development, and best interests of their children. Likewise, in cases involving custodial interrogations, children need – and deserve – legal counsel, as attorneys are uniquely positioned to provide advice that accounts for their short- and long- term interests.

Second, even for adults, law enforcement interrogation is inherently intimidating, and frightening. Coercive and deceptive law enforcement techniques have caused adults to confess falsely.<sup>3</sup> For children in police custody, the intimidation, fear, and confusion are exponentially worse. Children are “particularly vulnerable to external influence;...they experience a heightened reaction to stress;...they tend to focus on immediate rewards rather than long-term consequences, such as the idea that a kid can go home if he confesses; and struggle to accurately assess risks,” and do not understand the long-term consequences of their actions or decisions, putting them at even greater risk of confessing falsely.<sup>4</sup> Therefore, children are uniquely susceptible in custodial interrogation settings.<sup>5</sup>

When their children are in custodial interrogation settings, parents also feel immense pressure and stress. Considering these pressures, along with the reality that many adults do not fully understand or appreciate the nuances of their rights, parents are not best suited to advise children in custodial settings of their rights and, as SB 120 would allow, decide to waive the child’s need to consult with an attorney before the interrogation. Parents may believe (or be persuaded) that bringing an attorney into a custodial interrogation will cause their child to become more involved with the juvenile justice system than if their child were to simply answer the police officer’s questions and comply. Accordingly, parents may be pressured or incentivized to waive their child’s right to consult with an attorney without fully understanding, appreciating, and assessing the possible short- and long-term harms to their child. While SB 120 purports to support parents’ rights to decide that their child need not consult with an attorney, in practice it would take advantage of the reality that police interrogation is inherently intimidating, frightening, and confusing to all – adults and children alike.

Custodial interrogations are moments of immense pressures and potentially severe legal consequences that can last lifetimes and have generational impact. Two years ago, Maryland’s General Assembly declared that, considering these potential consequences, children subjected to custodial interrogations need to consult with an attorney. Parents simply are not an adequate substitute for a trained, objective lawyer who is positioned to

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<sup>3</sup> See generally Saul M. Kassin et al., *Police-Induced Confessions: Risk Factors and Recommendations*, 34 L. & HUM. BEHAV. 49 (2009),

<https://web.williams.edu/Psychology/Faculty/Kassin/files/White%20Paper%20online%20%2809%29.pdf>.

<sup>4</sup> Megan Crane et al., *The Truth About Juvenile False Confessions*, 16;2 INSIGHTS ON L. & SOC’Y 10, 14 (2016), [https://www.prisonpolicy.org/scans/aba/Juvenile\\_confessions.pdf](https://www.prisonpolicy.org/scans/aba/Juvenile_confessions.pdf).

<sup>5</sup> For example, a “study of 340 exonerations found that 42% of juveniles had falsely confessed, as compared with only 13% of adults.” *Id.* at 12.

assess and advise consistent with the best interests of the child and, in the end, justice. For these reasons, the Clinic asks for an unfavorable report on SB 120.

This written testimony is submitted on behalf of the Youth, Education, and Justice Clinic at the University of Maryland Francis King Carey School of Law and not on behalf of the School of Law or the University of Maryland, Baltimore.

# **Custodial Interrog Juveniles opposed SB 0120 1**

Uploaded by: Jan Kleinman

Position: UNF

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of District 40. As a parent myself, and a former child of two parents, I am keenly aware that I am no lawyer, and neither were my parents. While my parents and I as a parent did our best to steer our children in the moral direction, we did not know the details of the law. **I am testifying against SB0120 Custodial Interrogation - Parental Consultation.**



**Showing Up for Racial Justice**

This bill would alter the Child Interrogation Protection Act in a way that creates an injustice, by allowing law enforcement to substitute a parent or guardian for access to an attorney.

- Children have the same Constitutional rights to an attorney as adults do. Due Process is the legal requirement that the state must respect a child's right to remain silent and right to counsel.
- Studies show that children waive their Miranda rights at a rate of 90 percent and make false confessions at a much higher rate than adults.<sup>1</sup>
- Children's brains are not fully developed and added to that is the fear and confusion that children face during encounters with police. False confessions not only harm the child but also undermine the police's ability to apprehend the right person.
- Parents too may be fearful of police and just want to have their child home and safe. In the moment many are unlikely to be thinking of the child's constitutional rights and protections.

My son was once accused of shoplifting, and as a parent, I was terrified myself! My judgement at that time was in no way a substitute for the clear-minded thinking of an attorney.

If your child were in trouble with the law, would you consider that your own judgement in that first moment was equal to that of an attorney's? In fact, our parental judgement can only be strengthened by that of an attorney's!

It is for these reasons that I am encouraging you to vote against **SB0120 Custodial Interrogation - Parental Consultation.**

Thank you for your time, service, and consideration.

Sincerely,  
**Jan Kleinman**  
**816 Union Ave.**  
**Baltimore, MD 21211**  
Showing Up for Racial Justice Baltimore

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<sup>1</sup> <https://abcnews.go.com/US/30000-children-age-10-arrested-us-2013-fbi/story?id=65798787>

**SB0120\_Jeffrey Rubin\_UNFAV.pdf**

Uploaded by: Jeffrey Rubin

Position: UNF

February 13, 2024

Jeffrey S. Rubin  
Potomac, MD 20854

**TESTIMONY ON SB0120 - POSITION: UNFAVORABLE**  
**Juvenile Law - Custodial Interrogation - Parental Consultation**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Jeffrey S. Rubin

**My name is Jeffrey S. Rubin. I am a resident of District 15. I am submitting this testimony against SB0120, Juvenile Law – Custodial Interrogation – Parental Consultation.**

During the past two years there has been an uptick in youth-related crime concerning carjacking and the use of firearms. However, the overall amount of crime committed by youth is less than during the pre-pandemic period. Nonetheless, the media have made this a recurrent story, which has been reinforced by some law enforcement officials and politicians who favor a ‘tough on crime’ policy. As the narrative of rising crime spreads fear among the public, even moderate legislators are tempted to adopt more severe treatment of youth as a way of responding to the understandable, but inaccurate perceptions propagated in the media marketplace. Such reactions by government leaders are misguided and harmful. They must be resisted.

Proponents of this bill will contend that access to an attorney is unnecessary because a parent, guardian, or custodian would be capable of guiding the youth when facing the prospect of such an interrogation. However, this is a flawed argument. People often are not knowledgeable about the nuances of the law. In the stressful setting of a confrontation with law enforcement officials, there is a distinct possibility that neither youths nor their adult guides would be capable of making informed decisions. Having access to an attorney is vital to a child, even more so than it is for adults in custody. The evidence has shown that all too often youths make false confessions when they face custodial interrogation.

The consequences of false confessions are severe. If they lead to imprisonment, that often results in repeated altercations with the legal system. Rather than promoting public safety, it is undermined. The cost is not only measured in terms of the derailment of individual lives, personal suffering, and the financial expense of housing the incarcerated. Maryland jurisdictions have been justifiably required to compensate with sizable financial awards individuals convicted of crimes they did not commit, based on false confessions they had provided as teenagers.

**I respectfully urge this committee to issue an unfavorable report on SB0120.**



**SB 120\_JoShifrin\_Unfavorable (2).pdf**

Uploaded by: Jo Shifrin

Position: UNF

**SB 120\_ JoShifrin\_UNFAV**

**Hearing Date: February 13, 2024**

**Jo Shifrin**

**Bethesda, MD 20817**

**TESTIMONY ON SB 120- POSITION: UNFAVORABLE**  
**Juvenile Law - Custodial Interrogation - Parental Consultation**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Jo Shifrin

**My name is Jo Shifrin. I am a resident of District 16. I am submitting this testimony against SB 120, Juvenile Law - Custodial Interrogation - Parental Consultation.**

I am a Jewish retiree, and a Bethesda resident for the last 10 years. Jewish values hold that all of us deserve a life with dignity, respect, and safety. Jewish tradition also teaches that in a just world, all people would have what the *Torah* calls *dey machsoro*, that is, resources sufficient for their needs. Our tradition also teaches that the divine encompasses both justice and mercy. It is unfortunate that some lawmakers are guided by fear, choosing punishment over rehabilitation..

In 2022, Maryland passed the Child Interrogation Protection Act, which made tremendous progress in how the state treats juveniles who come in contact with the juvenile justice system. The law ensured that children who are subject to interrogation by law enforcement:

- are properly afforded their constitutional right to counsel,
- required parental notification that the child would be interrogated, and
- that the child would be read their Miranda rights, provided in a way commensurate with their developmental age.

The reasons that these protections are so important, is that young people:

- are far more vulnerable to falsely confessing because they have less impulse control,
- are more prone to risky decision-making,
- are more susceptible to the promise of immediate rewards, and
- are more likely to comply with authority.

But the proposed legislation, SB 120, undermines that prior law and ignores more than 20 years of data, research, and experience on the most effective way to hold children accountable for their misbehaviors. “According to the National Registry of Exonerations, 36 percent of all exonerees were younger than 18 years old at the time of the alleged offense. In a study of youth

who self-reported confessing, 35% reported falsely confessing. By allowing a process to continue that leads to so many false confessions, we are not only severely harming our young people but are causing significant detriment to public safety by not holding accountable the person who actually committed the offense.”<sup>1</sup>

**I respectfully urge this committee to return an unfavorable report on SB 120.**

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<sup>1</sup> According to the testimony of the National Juvenile Justice Network.

# **SB0120 Custodial Interrogation of Juveniles -oppos**

Uploaded by: John Ford

Position: UNF

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of **District 46 and a resident of Baltimore City**. I protested during the Trump administration our government's cruel and unscientific practice of caging and separating children and am equally opposed to it when Democrats do it. **I am testifying against SB0120 Custodial Interrogation - Parental Consultation.**



**Showing Up for Racial Justice**

This bill would alter the Child Interrogation Protection Act in a way that creates an injustice, by allowing law enforcement to substitute a parent or guardian for access to an attorney.

- Children have the same Constitutional rights to an attorney as adults do. Due Process is the legal requirement that the state must respect a child's right to remain silent and right to counsel.
- Studies show that children waive their Miranda rights at a rate of 90 percent and make false confessions at a much higher rate than adults.<sup>1</sup>
- Children's brains are not fully developed and added to that is the fear and confusion that children face during encounters with police. False confessions not only harm the child but also undermine the police's ability to apprehend the right person.
- Parents too may be fearful of police and just want to have their child home and safe. In the moment many are unlikely to be thinking of the child's constitutional rights and protections..

Finally, if a young mom or dad, whom you know, came to you and said their child had just been taken to a police station for interrogation and they asked you if they should get an attorney for their child, what would you tell that parent? That "Your child will be fine and that you can substitute for the attorney?" That "You probably can get an attorney later on. What would it matter?" And what if it were your child?

It is for these reasons that I am encouraging you to vote against **SB0120 Custodial Interrogation - Parental Consultation.**

Thank you for your time, service, and consideration.

Sincerely,

**John Ford**  
**529 S East Ave, Baltimore, MD 21224**  
Showing Up for Racial Justice Baltimore

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<sup>1</sup> <https://abcnews.go.com/US/30000-children-age-10-arrested-us-2013-fbi/story?id=65798787>

**SB1202024.pdf**

Uploaded by: Karen Caplan

Position: UNF

My name is Karen Caplan. I am a resident of Silver Spring, in District 18. I am writing today in opposition to SB120, Juvenile Law—Custodial Interrogation—Parental Consultation. This bill would undo the previously passed legislation requiring that a child consult with an attorney before they can be interrogated, instead allowing them to consult with a parent, guardian, or custodian.

I will be frank. Everything we know about the psychology of children and teenagers tells us that they are not equipped to make informed and reasoned decisions in tense situations involving authority figures. This is why we see false confessions and false implications of peers from children with such frequency, a truth which is well-documented and extensively studied.<sup>1</sup> Parents and guardians, while they may have the best interests of their children in mind, are not disinterested parties. Usually, they are not attorneys. And they too, in the face of authority, may be coerced into making decisions that put children in jeopardy, especially when they come from historically overpoliced communities.

Police and State's Attorneys will tell you that the existing legislation makes their job harder. Making certain that children understand their rights is, in fact, not always easy. It is, however, the right thing to do. And of course what is easy may not serve justice. False confessions lead to false indictments and false convictions and they divert attention away from actual perpetrators. Surely this is exactly the opposite of the result that police and State's Attorneys are seeking.

We are currently living in an atmosphere of media-driven public outrage about "youth crime." Notwithstanding the question of whether or not this outrage is supported by data, this committee and this legislature must not allow the current narrative to push it to enact legislation that runs counter to the rights of children, what we know about child and adolescent psychology, and to actual public safety.

Respectfully, I urge you to return an unfavorable report on SB120.

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<sup>1</sup> See, among many other places where you can find this documentation, <https://www.law.northwestern.edu/legalclinic/wrongfulconvictionsyouth/understandproblem/>

# **SB0120 Custodial Interrogation of Juveniles -oppos**

Uploaded by: Lindsay Keipper

Position: UNF



Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of **District 46**. **I am testifying against SB0120 Custodial Interrogation - Parental Consultation.**



**Showing Up for Racial Justice**

This bill would alter the Child Interrogation Protection Act in a way that creates an injustice, by allowing law enforcement to substitute a parent or guardian for access to an attorney.

- Children have the same Constitutional rights to an attorney as adults do. Due Process is the legal requirement that the state must respect a child's right to remain silent and right to counsel.
- Studies show that children waive their Miranda rights at a rate of 90 percent and make false confessions at a much higher rate than adults.<sup>1</sup>
- Children's brains are not fully developed and added to that is the fear and confusion that children face during encounters with police. False confessions not only harm the child but also undermine the police's ability to apprehend the right person.
- Parents too may be fearful of police and just want to have their child home and safe. In the moment many are unlikely to be thinking of the child's constitutional rights and protections..

Finally, if a young mom or dad, whom you know, came to you and said their child had just been taken to a police station for interrogation and they asked you if they should get an attorney for their child, what would you tell that parent? That "Your child will be fine and that you can substitute for the attorney?" That "You probably can get an attorney later on. What would it matter?" And what if it were your child?

It is for these reasons that I am encouraging you to vote against **SB0120 Custodial Interrogation - Parental Consultation.**

Thank you for your time, service, and consideration.

Sincerely,

**Lindsay Keipper**

**2425 Fleet St.**

Showing Up for Racial Justice Baltimore

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<sup>1</sup> <https://abcnews.go.com/US/30000-children-age-10-arrested-us-2013-fbi/story?id=65798787>

**SB120\_RanZeimer\_UNFAV.pdf**

Uploaded by: Ran Zeimer

Position: UNF

2/13

Ran Zeimer

Baltimore 21231

## **Juvenile Law - Custodial Interrogation - Parental Consultation**

- **Hearing Date: 2/13**
- **Bill Number: SB120**
- **Position: UNFAVORABLE**
- **Full Bill Name: Juvenile Law - Custodial Interrogation - Parental Consultation**
- **Committee Chair: Senator Will Smith**
- **Committee Vice Chair: Senator Jeff Waldstreicher**
- **Committee: Judicial Proceedings Committee (JPR)**

Committees: Senate Judicial Proceedings

Senate Sponsor: Senator Watson

**FROM:** Ran Zeimer

My name is Ran Zeimer, I am a resident of District 46. I am submitting this testimony against SB120 Juvenile Law - Custodial Interrogation - Parental Consultation

All of us deserve a life with dignity, respect, and safety. But here in Maryland, some elected officials try to make us fear children so they can score political points, keeping us divided and distracted so we won't demand what our families truly need. Jewish tradition teaches that the Divine encompasses both justice and mercy, but these prosecutors and lawmakers scapegoat Black children rather than nurture them as the divine beings as we know all children are.

SB120 targets the Child Interrogation Protection Act, a crucial piece of legislation to protect the rights of children.

We also want to urge the committee to resist any additional efforts to roll back youth justice reforms, like SB120 would do.

Children must be given the opportunity to speak to a lawyer prior to a custodial interrogation by law enforcement – SB120's stipulation that a child can consult with their parent, guardian, or custodian instead of an attorney before a law enforcement officer may conduct a custodial interrogation is simply insufficient.

**I respectfully urge this committee to return an unfavorable report on SB120.**

# **SB0120 Custodial Interrogation of Juveniles -oppos**

Uploaded by: Rebecca Shillenn

Position: UNF

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of **District 45**, and a parent of **several Baltimore kids**. I am testifying against **SB0120 Custodial Interrogation - Parental Consultation**.



**Showing Up for Racial Justice**

This bill would alter the Child Interrogation Protection Act in a way that creates an injustice, by allowing law enforcement to substitute a parent or guardian for access to an attorney.

- Children have the same Constitutional rights to an attorney as adults do. Due Process is the legal requirement that the state must respect a child's right to remain silent and right to counsel.
- Studies show that children waive their Miranda rights at a rate of 90 percent and make false confessions at a much higher rate than adults.<sup>1</sup>
- Children's brains are not fully developed and added to that is the fear and confusion that children face during encounters with police. False confessions not only harm the child but also undermine the police's ability to apprehend the right person.
- Parents too may be fearful of police and just want to have their child home and safe. In the moment many are unlikely to be thinking of the child's constitutional rights and protections.

I'm the parent of a 13-year-old, and in theory, could be considered as a replacement for an attorney under SB0120, despite having no law degree and little understanding of what would be best for my child in that situation. It is terrifying to think that a child's entire future could be put treated so casually by Maryland's legislature.

It is for these reasons that I am encouraging you to vote against **SB0120 Custodial Interrogation - Parental Consultation**.

Thank you for your time, service, and consideration.

Sincerely,

**Rebecca Shillenn**

**5401 Elsrode Avenue Baltimore MD 21214**

Showing Up for Racial Justice Baltimore

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<sup>1</sup> <https://abcnews.go.com/US/30000-children-age-10-arrested-us-2013-fbi/story?id=65798787>

# **Eckel Oppose SB0120 Custodial Interrogation of Juv**

Uploaded by: Rianna Eckel

Position: UNF

Dear Members of the Judicial Proceedings Committee,

My name is Rianna Eckel and I'm a resident of the 43<sup>rd</sup> District. I am submitting this testimony as a member of Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. **I am testifying against SB0120 Custodial Interrogation - Parental Consultation.**



Showing Up for Racial Justice

This bill would alter the Child Interrogation Protection Act in a way that creates an injustice, by allowing law enforcement to substitute a parent or guardian for access to an attorney.

- Children have the same Constitutional rights to an attorney as adults do. Due Process is the legal requirement that the state must respect a child's right to remain silent and right to counsel.
- Studies show that children waive their Miranda rights at a rate of 90 percent and make false confessions at a much higher rate than adults.<sup>1</sup>
- Children's brains are not fully developed and added to that is the fear and confusion that children face during encounters with police. False confessions not only harm the child but also undermine the police's ability to apprehend the right person.
- Parents too may be fearful of police and just want to have their child home and safe. In the moment many are unlikely to be thinking of the child's constitutional rights and protections..

Finally, if a young mom or dad, whom you know, came to you and said their child had just been taken to a police station for interrogation and they asked you if they should get an attorney for their child, what would you tell that parent? That "Your child will be fine and that you can substitute for the attorney?" That "You probably can get an attorney later on. What would it matter?" And what if it were your child?

It is for these reasons that I am encouraging you to vote against **SB0120 Custodial Interrogation - Parental Consultation.**

Thank you for your time, service, and consideration.

Sincerely,  
Rianna Eckel  
2300 Hunter St, Baltimore MD 21218  
Showing Up for Racial Justice Baltimore

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<sup>1</sup> <https://abcnews.go.com/US/30000-children-age-10-arrested-us-2013-fbi/story?id=65798787>

# 2024Custodial Interrogaton-Parental Consultation -

Uploaded by: Steven Asin

Position: UNF



February 13, 2024

Steven G. Asin  
Bethesda, MD 20817

**TESTIMONY ON SB0120 - POSITION: UNFAVORABLE**  
**Juvenile Law – Custodial Interrogation – Parental Consent**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Steven G. Asin

**My name is Steven G. Asin. I am a resident of District 16. I am submitting this testimony in opposition SB0120.**

I am a 73-year-old attorney whose career and retirement have been devoted to providing representation to persons charged with or convicted of crimes who cannot afford to retain a lawyer to represent them, including children who have been prosecuted as adults.

SB120 targets the Child Interrogation Protection Act by allowing parents to waive their child's right to speak to a lawyer prior to custodial interrogation by law enforcement. Children who have been arrested and become the subject of custodial interrogation are more likely than others to come from homes with fractured parent-child relationships. In this circumstance, a parent's judgment regarding whether their child should be subjected to custodial interrogation may not be in the child's best interest. Even if this is not the case, the judgment of parents, even when acting in good faith and with a heartfelt concern for what is best for their child, is no substitute for the advice of counsel that that the United States Supreme Court's *Miranda* decision and its progeny held that every citizen has a right to consider before agreeing to custodial interrogation.

**I respectfully urge this committee to return an UNFAVORABLE report on SB0120.**

**SB 0120\_Susan Tafler\_UNFAV.pdf**

Uploaded by: Susan Tafler

Position: UNF

February 13, 2024

Susan Tafler, Odenton, Maryland 21113

**TESTIMONY ON SB 0120 - POSITION: UNFAVORABLE--- Juvenile Law—Custodial  
Interrogation—Parental Consultation**

TO: Chair William C. Smith, Jr., Vice Chair, Jeff Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Susan Tafler, on behalf of Jews United for Justice

My name is Susan Tafler. I am a resident of Odenton in District 21. On behalf of Jews United for Justice, I am submitting this testimony against SB120 Juvenile Law—Custodial Interrogation—Parental Consultation, sponsored by Senators Watson, Carozza, and West. JUFJ organizes 6,000 Jewish Marylanders and allies from across the state in support of social, racial, and economic justice campaigns.

Jewish history and values have long recognized the differing capacities of children and adults. *Yetzer harah*, the “evil inclination,” is seen as a drive toward pleasure that can be tempered by *yetzer hatov*, the “good inclination” or moral sense that leads to benefits toward oneself and society. The ability to “tame” the basic instincts, *yetzer harah*, with higher level reasoning, *yetzer hatov*, grows stronger as we mature, warranting different treatment of children and adults.

I taught high school biology for a good number of years, so I know what teenagers are like. In my classroom, I certainly had my share of kids who were immature, impulsive, and disruptive, and a few who got themselves into trouble in school or their community. I did feel confident that given support and steady guidance those young troublemakers would eventually mature and settle down to turn into some pretty good adults. Teenagers are kids, and because they are kids, they often do not think about the consequences of their actions, even if that action is a serious crime. And teenagers certainly do not understand their legal options when they get in trouble.

That is why I supported the passage of the Child Interrogation Protection Act in 2022, to ensure that youth have legal consultation before police can question them, and why I am opposed to SB120. This legislation will repeal an excellent law, which helps kids understand their legal rights and the best course of action they could take to get the support and help they need. SB120 would authorize a child to consult with the child's parent or guardian instead of an attorney before a law enforcement officer may conduct a custodial interrogation of the child. While parents may think they have the best interests of their children at heart, they do not have the legal expertise of lawyers and cannot properly understand the legal ramifications facing their child. Parents should not be able to waive their child's legal rights.

Kids are kids, but they are still people. They deserve the same rights and justice that we all do. On behalf of Jews United for Justice, I respectfully urge this committee to return an unfavorable report on SB120.

# **SB0120 Custodial Interrogation of Juveniles -oppos**

Uploaded by: Theresa Columbus

Position: UNF

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of **District 43-A. I am testifying against SB0120 Custodial Interrogation - Parental Consultation.**



**Showing Up for Racial Justice**

This bill would alter the Child Interrogation Protection Act in a way that creates an injustice, by allowing law enforcement to substitute a parent or guardian for access to an attorney.

- Children have the same Constitutional rights to an attorney as adults do. Due Process is the legal requirement that the state must respect a child's right to remain silent and right to counsel.
- Studies show that children waive their Miranda rights at a rate of 90 percent and make false confessions at a much higher rate than adults.<sup>1</sup>
- Children's brains are not fully developed and added to that is the fear and confusion that children face during encounters with police. False confessions not only harm the child but also undermine the police's ability to apprehend the right person.
- Parents too may be fearful of police and just want to have their child home and safe. In the moment many are unlikely to be thinking of the child's constitutional rights and protections..

Finally, if a young mom or dad, whom you know, came to you and said their child had just been taken to a police station for interrogation and they asked you if they should get an attorney for their child, what would you tell that parent? That "Your child will be fine and that you can substitute for the attorney?" That "You probably can get an attorney later on. What would it matter?" And what if it were your child?

It is for these reasons that I am encouraging you to vote against **SB0120 Custodial Interrogation - Parental Consultation.**

Thank you for your time, service, and consideration.

Sincerely,  
Theresa Columbus  
712 Gorsuch Ave Apt. 1  
Baltimore, MD 21218

Showing Up for Racial Justice Baltimore

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<sup>1</sup> <https://abcnews.go.com/US/30000-children-age-10-arrested-us-2013-fbi/story?id=65798787>

**\_SB120 Toby Ditz UNFAV.pdf**

Uploaded by: Toby Ditz

Position: UNF

Toby Ditz  
Baltimore, 21217 (D40)

Feb. 13, 2024

**TESTIMONY ON SB#120 POSITION: UNFAVORABLE**  
**Juvenile Law-Custodial Interrogation–Parental Consultation**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Toby Ditz

I am a longtime resident of Bolton Hill in Baltimore City in D40. I oppose **SB 120**.

I come to the table as fearful as anyone about violent crime. In fact, police statistics for my district show that there has been a substantial uptick in armed carjackings in my neighborhood this fall and winter—some committed by children and youths, some by adults. My very close friend was beaten at gunpoint in December in front of his house just after dropping us off around the corner, and just two weeks ago a 77 year-old neighbor was so violently assaulted during a carjacking that he was hospitalized with severe injuries and had to have surgery. We feel frightened and vulnerable.

Even so, I still believe this bill is the wrong response. As study after study has shown, including the work of your own Juvenile Justice Commission, arresting more children and failing to protect their rights when entangled in the justice system will not reduce crime and will blight the futures of minors who might otherwise be helped.

The original CIPA law passed by this body rightfully strengthened its protections for minors facing custodial interrogation. We know that our youth, despite their superficial bravado, are typically afraid of police, and many have also experienced trauma. Even my own district police captain said to me privately at a community meeting two months ago that children can easily be made to tell the story that their questioners want to hear. And studies show that even older minors cannot be expected to fully comprehend or evaluate their rights.

Yet here we are in danger of capitulating in an election year to the same hyped up racist media narratives about dangerous black youths that plagued us the 1990s and to false claims that the current reforms “tie the hands of the police and prosecutors.” Don’t retreat from your own best work. Don’t let fear and racial bias stop your reforms in their tracks before they have barely had time to be implemented.

Instead of this reactionary lurch backward to the era of mass arrest and incarceration, let’s have the courage of our convictions and invest real resources in major support services, diversion

programs, and, where truly necessary, in carceral services that are tailored toward children and their rehabilitation. You and I know that we are not doing this on anywhere near the scale needed. In fact, at a recent panel on youth justice held at my synagogue, Beth Am, Vinny Schiraldi, Secretary of the Department of Juvenile Services, said that among the most painful aspects of his job was noticing “how thinned out” services for youth had become throughout the state over the last decade. That is what we need to fix. Rolling back protections for minors is not the answer.

I oppose this unwise, backward-looking bill. It will not make people like me safer, and it will not build better futures for our youth, especially black minors: **I respectfully urge this committee to return an unfavorable report on SB 120.**



**sb120.pdf**

Uploaded by: Linda Miller

Position: INFO

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Matthew J. Fader  
Chief Justice

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 120  
Juvenile Law – Custodial Interrogation – Parental Consultation  
**DATE:** January 18, 2024  
(2/13)

**COMMENT PAPER**

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The Judiciary respects the separation of powers doctrine and acknowledges that the legislature is the policy-making branch. We comment only to note that the use of the term “custodian” could be read to, as it often is in juvenile law, the Department of Juvenile Services, if the child is in detention or community detention. The term may also be read to include a local department of social services, if the child is in that agency’s shelter or foster care. For a child in kinship care or another informal care arrangement, the term could be read to apply to the kinship caregiver or other caregiver. As a result, the bill would give the agency, the kinship caregiver, or the other caregiver authority to by-pass the child’s parent or guardian and decide independently whether the child should speak with an attorney, a decision with possibly vital consequences for the child. That may be the intention of the bill but, should that not be the intention, the Judiciary wanted to bring it to your attention.

cc. Hon. Ron Watson  
Judicial Council  
Legislative Committee  
Kelley O’Connor