

# **SB 0326 Juvenile Questioning - Crime.pdf**

Uploaded by: Ella Ennis

Position: FAV



Ella Ennis, Legislative Chairman  
Maryland Federation of Republican Women  
PO Box 6040, Annapolis MD 21401  
Email: eee437@comcast.net

February 12, 2024

Senator Will Smith, Chairman  
And Members of the Judicial Proceedings Committee  
Senate of Maryland  
Annapolis, Maryland

Re: **SB 0326** – Juvenile Law -- Questioning of a Juvenile – **FAVORABLE**

Dear Chairman Smith and Committee Members,

The Maryland Federation of Republican Women supports SB 0326 to allow a public safety exception to the Juvenile Interrogation Act of 2022. We are all aware of the increasing number of violent crimes committed by adolescent children in our communities and schools in recent years. The Maryland Department of Juvenile Services, in a September 2023 Baltimore Sun article, reported that:

*Between 2013 and 2022, young people killed in homicides increased by 62.1% (from 29 victims to 47). In Baltimore, arrests of young people for murder rose from 5 in 2017 to 12 in 2022, with 8 in the first 6 months of 2023.*

*The report's chart of Juvenile Complaints by Offense for FY 2023 showed 1,567 complaints of crimes of violence, and 1,611 for non-violent felonies. This is up from 1,329 complaints of crimes of violence and 945 non-violent felonies in 2022. We don't have an accurate picture of how many of the homicides of juveniles were committed by other juveniles.*

We all want parents to be notified and to be involved in decisions affecting their children. This bill requires the officer to make a reasonable effort to contact the parents or guardians of a child where probable cause exists that the child may have committed or been involved in a crime of violence.

If unable to reach the parents, in the effort to keep other children or adults safe, it seems prudent to allow the questioning of the child about the violent crime or the use or possession of a firearm.

The time to stop the violence or avoid further harm by others involved can be very limited. Allowing a police officer to question a child when a crime of violence is committed or a firearm is involved could save lives.

Please give **SB 0326** a **FAVORABLE** report.

Sincerely,  
Ella Ennis  
Legislative Chairman

# **Letter of Support SB326.pdf**

Uploaded by: Mike Dunn

Position: FAV



Feb 12, 2024

Senator William Smith  
Chair, Judicial Proceedings Committee  
11 Bladen Street  
Annapolis, MD 21401

Re: SB 326

Dear Chair Smith, Vice Chair Waldstreicher and Committee members,

I'm writing today on behalf of the Greater Salisbury Committee, in support of Senate Bill 326. We believe this bill is needed and necessary.

The Wicomico County Superintendent of Schools, Dr. Micah Stauffer, has been in a multitude of meetings over the last 6 months on the topic of juvenile justice/juvenile crime, and the impact it is having on the Wicomico County Public Schools. He has met with many of his peer Superintendents from the Lower/Mid-Shore area, as well as many of the State's Attorneys from our area – including Wicomico State's Attorney Jamie Dykes.

We believe SB 326 gets to the heart of the matter. The Child Interrogation Protection Act, or CIPA, has functionally eliminated the ability of law enforcement to interview juvenile suspects. This bill makes one modest change to CIPA that increases our ability to protect both children and public safety in only the most critical contexts. When a child is arrested for a firearms offense, CIPA essentially prevents law enforcement from questioning them about where they obtained the firearm. The same can be said about crimes of violence. We believe SB 326 will help address some unintended consequences of CIPA.

There is a concern among local police agencies, the faith-based community, families, and the business community as a whole that the Juvenile Justice Reform Act, passed by the Maryland General Assembly in 2022, went too far – and has left police with fewer resources to investigate and interview juveniles who may be involved in serious and violent crimes. This is having a negative impact in our schools and a concerning effect in our community.

We urge that SB 326 receive favorable consideration in Committee.

Sincerely,

Mike Dunn, President/CEO, Greater Salisbury Committee

**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  
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667-314-3216 / 667-314-3236

**SB 326 - Carozza Testimony\_FINAL.pdf**

Uploaded by: Senator Mary Beth Carozza

Position: FAV

MARY BETH CAROZZA  
Legislative District 38  
Somerset, Wicomico,  
and Worcester Counties

Education, Energy, and  
the Environment Committee

Executive Nominations Committee



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

February 13, 2024

The Senate Judicial Proceedings Committee

SB 326 Juvenile Law – Questioning of a Juvenile – Crime of Violence or Crime  
Involving a Firearm

Statement of Support by Bill Sponsor Senator Mary Beth Carozza

Thank you Chair Smith, Vice Chair Waldstreicher, and members of the distinguished Senate Judicial Proceedings Committee for this opportunity to present Senate Bill 326 – Juvenile Law – Questioning of a Juvenile – Crime of Violence or Crime Involving a Firearm, which would provide a narrow supplement to already existing exceptions to the current juvenile interrogation law to address the juvenile crime wave that is afflicting Maryland.

The Child Interrogation Protection Act, or CIPA, has functionally eliminated the ability of law enforcement to interview juvenile suspects. In my three counties, there has **not** been a single instance of a juvenile agreeing to speak with an investigator after the CIPA-mandated attorney consultation. Cooperation from juveniles during investigations even with the most violent crimes like rape and murder has plummeted across the State, if not outright disappeared. This bill makes a modest change to current law (CIPA), a simple revision that is fully intended to increase our ability to protect both children and increase public safety in our neighborhoods and communities.

Senate Bill 326 permits law enforcement to conduct a custodial interview with a juvenile prior to their consultation with a lawyer if that juvenile wants to speak to investigators and if there is probable cause to believe the juvenile has committed a crime of violence or a crime involving a firearm. As this Committee has heard in hearings from advocates across the political spectrum, children are **not** producing firearms themselves – they are getting them on the street, where they are widely available, from their peers and **adults**.

Unfortunately, however, when a child is arrested for a firearms offense, CIPA essentially prevents law enforcement from questioning them about where they obtained the firearm. The same can be said about crimes of violence – investigations into the involvement of **older, adult suspects** in cases of significant violence are hampered by the inability of investigators to interview juveniles.

**Nothing** about this bill requires a juvenile to answer questions – juveniles can choose to remain silent, and investigators are constitutionally obligated to respect that decision. Juveniles will still be advised of their right to speak with a lawyer and their right to remain silent, and a court will later review both whether the juvenile’s decision to speak with investigators was voluntary and whether the statement they provided was voluntarily given.



Before I ask this Committee to hear from this panel, I'd like to correct two inaccuracies I've heard about CIPA. First, that the Child Interrogation Protection Act simply extends to juveniles the same constitutional protections that adults have been afforded. This is wrong. Juveniles and adults have enjoyed the same constitutional rights in the context of custodial interrogations even prior to CIPA – in fact, as the constitution requires, courts have always examined juvenile statements with greater scrutiny. What CIPA does is impose a **mandatory requirement** that a child speak with a lawyer **prior** to speaking with investigators. While this is well-intentioned, it does **not** strike the appropriate balance between due process and public safety. This bill, and others that the General Assembly will consider, like House Bill 169, which prevents lying to juveniles during custodial interrogations, strive to find a more appropriate balance.

And second, there's been discussion here and in the House Judiciary Committee about the cost of juvenile false confessions to the State. Although the science is clear that juveniles are more susceptible to coercive interrogation techniques, based on data provided by the National Registry of Exonerations, there has **not** been a single individual in Maryland exonerated after falsely confessing to a crime as a juvenile. So when the question is asked – how much have false confessions given by juveniles cost the State of Maryland – the answer is \$0. What this tells me is that the **constitutional** analysis courts in Maryland have always engaged in, which takes into consideration a juvenile's age and their individual capacity to understand what is going on, has provided **adequate safeguards**, and will continue to do so.

Let me close by bringing the necessity of this bill home by highlighting victims in my Senate district. On July 4<sup>th</sup>, 2023, a juvenile-involved shooting took place in Salisbury, Maryland, and one fourteen-year-old was murdered and seven others were severely wounded. The ability of the Wicomico County Sheriff's Office and State's Attorney Office to investigate and prosecute those involved has been **limited** by the current law, and other suspected shooters from the incident have yet to be charged, which means the **victims and the families** have **yet** to receive justice.

This legislation is a focused, narrow, common-sense approach to addressing the rise in juvenile crime by allowing juveniles with the narrow exemption to be questioned by law enforcement, with the intention of protecting children and juveniles, and increasing public safety across the State of Maryland.

Mr. Chair and Vice Chair, I respectfully urge the Senate Judicial Proceedings Committee Members for a favorable report on Senate Bill 326. Thank you for your kind attention and consideration.

# **SB0326 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 in opposition of SB326, Questioning of a Juvenile - Crime of Violence or Crime Involving a Firearm.** This bill would expand the cases where law enforcement can bypass the Child Interrogation Protection Act, or CIPA, to include any case where they have probable cause that a child committed certain violent crimes or a crime involving a firearm.



The Child Interrogation Protection Act, or CIPA, was passed by the Maryland General Assembly in 2022 with broad support. **CIPA recognizes that children are different from adults**, and as such, requires that an attorney is consulted when a child is first interrogated by police to ensure that the child understands their rights. CIPA also requires that the child's parents are notified when the child is taken into custody.

As we're all aware, children are different from adults in terms of brain development and should therefore be treated differently than adults when interacting with the justice system. This is a principle regularly recognized by the Supreme Court. Children may be fearful, confused or intimidated when in police custody and may struggle to fully understand complex legal concepts or the role of attorneys. They may feel pressure to be compliant or be afraid to ask questions. **Due to this, children tend to waive their Miranda rights at extremely high rates** (some studies showing rates of 90%)<sup>1</sup> **and are far more likely than adults to make false confessions**<sup>2</sup>. Not only is this harmful to the children in question, it hinders the objectives of law enforcement.

**This bill unacceptably broadens the circumstances in which the police don't have to follow the protections laid out by CIPA.** By adding exceptions, CIPA is rendered useless because police would only have to follow it with juveniles charged with the most minor crimes. We must continue to protect the rights of all children, regardless of the circumstances under which they are brought into contact with police.

It should be noted that **CIPA does not create additional rights for children or prevent children from speaking during police interrogations.** It merely requires that a child consult with an attorney and that their guardians be notified so that they fully understand the situation and their rights prior to deciding whether to speak with police. Additionally, the law also has an exception in place for emergency situations, where police may speak with children as long as their questions are focused on a safety concern.

Again, CIPA passed in 2022 with broad support from the Maryland General Assembly. If the protections of CIPA are diminished, we know that Black and Brown children bear the brunt of the risk, as they are more likely to be targeted for unnecessary stops and searches which can escalate into arrests or other interactions with the justice system that can have long term impacts on a child's life. We must be proactive in regards to protecting the rights of children who come into contact with law enforcement. CIPA for all children -- no exceptions!

It is for these reasons that I am encouraging you to vote **against SB326**.

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://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/)

<sup>2</sup> <https://www.law.northwestern.edu/legalclinic/wrongfulconvictionsyouth/understandproblem/>

**SB0326\_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 in opposition of SB326, Questioning of a Juvenile - Crime of Violence or Crime Involving a Firearm.**



**Showing Up for Racial Justice**

The Child Interrogation Protection Act, or CIPA, was passed by the Maryland General Assembly in 2022 with broad support. **CIPA recognizes that children are different from adults**, and as such, requires that an attorney is consulted when a child is first interrogated by police to ensure that the child understands their rights. CIPA also requires that the child's parents are notified when the child is taken into custody.

**This bill unacceptably broadens the circumstances in which the police don't have to follow the protections laid out by CIPA.** By adding exceptions, CIPA is rendered useless because police would only have to follow it with juveniles charged with the most minor crimes. We must continue to protect the rights of all children, regardless of the circumstances under which they are brought into contact with police.

As we're aware, children are different from adults in terms of brain development and should therefore be treated differently than adults when interacting with the justice system. This is a principle regularly recognized by the Supreme Court. Children may be fearful, confused or intimidated when in police custody and may struggle to fully understand complex legal concepts or the role of attorneys. They may feel pressure to be compliant or be afraid to ask questions. **Due to this, children tend to waive their Miranda rights at extremely high rates** (some studies showing rates of 90%)<sup>1</sup> **and are far more likely than adults to make false confessions**<sup>2</sup>. Not only is this harmful to the children in question, it hinders the objectives of law enforcement. Furthermore, if the protections of CIPA are diminished, we know that Black and Brown children will bear the brunt of the risk, as they are more likely to be targeted for unnecessary stops and searches.

It should be noted that **CIPA does not create additional rights for children or prevent children from speaking during police interrogations.** It merely requires that a child consult with an attorney and that their guardians be notified so that they fully understand the situation and their rights prior to deciding whether to speak with police. Additionally, the law also has an exception in place for emergency situations, where police may speak with children as long as their questions are focused on a safety concern.

I am very concerned about gun violence in our state. The best way to reduce gun violence is to use evidence-based strategies to prevent violence in the first place – not to reduce the rights of children. It is for these reasons that I am encouraging you to vote **against SB326.**

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://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/)

<sup>2</sup> <https://www.law.northwestern.edu/legalclinic/wrongfulconvictionsyouth/understandproblem/>

# **SB0326 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 in opposition of SB326, Questioning of a Juvenile - Crime of Violence or Crime Involving a Firearm.** This bill would expand the cases where law enforcement can bypass the Child Interrogation Protection Act, or CIPA, to include any case where they have probable cause that a child committed certain violent crimes or a crime involving a firearm.



**Showing Up for Racial Justice**

The Child Interrogation Protection Act, or CIPA, was passed by the Maryland General Assembly in 2022 with broad support. **CIPA recognizes that children are different from adults**, and as such, requires that an attorney is consulted when a child is first interrogated by police to ensure that the child understands their rights. CIPA also requires that the child's parents are notified when the child is taken into custody.

As we're all aware, children are different from adults in terms of brain development and should therefore be treated differently than adults when interacting with the justice system. This is a principle regularly recognized by the Supreme Court. Children may be fearful, confused or intimidated when in police custody and may struggle to fully understand complex legal concepts or the role of attorneys. They may feel pressure to be compliant or be afraid to ask questions. **Due to this, children tend to waive their Miranda rights at extremely high rates** (some studies showing rates of 90%)<sup>1</sup> **and are far more likely than adults to make false confessions**<sup>2</sup>. Not only is this harmful to the children in question, it hinders the objectives of law enforcement.

**This bill unacceptably broadens the circumstances in which the police don't have to follow the protections laid out by CIPA.** By adding exceptions, CIPA is rendered useless because police would only have to follow it with juveniles charged with the most minor crimes. We must continue to protect the rights of all children, regardless of the circumstances under which they are brought into contact with police.

It should be noted that **CIPA does not create additional rights for children or prevent children from speaking during police interrogations.** It merely requires that a child consult with an attorney and that their guardians be notified so that they fully understand the situation and their rights prior to deciding whether to speak with police. Additionally, the law also has an exception in place for emergency situations, where police may speak with children as long as their questions are focused on a safety concern.

Again, CIPA passed in 2022 with broad support from the Maryland General Assembly. If the protections of CIPA are diminished, we know that Black and Brown children bear the brunt of the risk, as they are more likely to be targeted for unnecessary stops and searches which can escalate into arrests or other interactions with the justice system that can have long term impacts on a child's life. We must be proactive in regards to protecting the rights of children who come into contact with law enforcement. CIPA for all children -- no exceptions!

It is for these reasons that I am encouraging you to vote **against SB326**.

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://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/)

<sup>2</sup> <https://www.law.northwestern.edu/legalclinic/wrongfulconvictionsyouth/understandproblem/>

# **SB0326 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 in opposition of SB326, Questioning of a Juvenile - Crime of Violence or Crime Involving a Firearm.** This bill would expand the cases where law enforcement can bypass the Child Interrogation Protection Act, or CIPA, to include any case where they have probable cause that a child committed certain violent crimes or a crime involving a firearm.



The Child Interrogation Protection Act, or CIPA, was passed by the Maryland General Assembly in 2022 with broad support. **CIPA recognizes that children are different from adults**, and as such, requires that an attorney is consulted when a child is first interrogated by police to ensure that the child understands their rights. CIPA also requires that the child's parents are notified when the child is taken into custody.

As we're all aware, children are different from adults in terms of brain development and should therefore be treated differently than adults when interacting with the justice system. This is a principle regularly recognized by the Supreme Court. Children may be fearful, confused or intimidated when in police custody and may struggle to fully understand complex legal concepts or the role of attorneys. They may feel pressure to be compliant or be afraid to ask questions. **Due to this, children tend to waive their Miranda rights at extremely high rates** (some studies showing rates of 90%)<sup>1</sup> **and are far more likely than adults to make false confessions**<sup>2</sup>. Not only is this harmful to the children in question, it hinders the objectives of law enforcement.

**This bill unacceptably broadens the circumstances in which the police don't have to follow the protections laid out by CIPA.** By adding exceptions, CIPA is rendered useless because police would only have to follow it with juveniles charged with the most minor crimes. We must continue to protect the rights of all children, regardless of the circumstances under which they are brought into contact with police.

It should be noted that **CIPA does not create additional rights for children or prevent children from speaking during police interrogations.** It merely requires that a child consult with an attorney and that their guardians be notified so that they fully understand the situation and their rights prior to deciding whether to speak with police. Additionally, the law also has an exception in place for emergency situations, where police may speak with children as long as their questions are focused on a safety concern.

Again, CIPA passed in 2022 with broad support from the Maryland General Assembly. If the protections of CIPA are diminished, we know that Black and Brown children bear the brunt of the risk, as they are more likely to be targeted for unnecessary stops and searches which can escalate into arrests or other interactions with the justice system that can have long term impacts on a child's life. We must be proactive in regards to protecting the rights of children who come into contact with law enforcement. CIPA for all children -- no exceptions!

It is for these reasons that I am encouraging you to vote **against SB326**.

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://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/)

<sup>2</sup> <https://www.law.northwestern.edu/legalclinic/wrongfulconvictionsyouth/understandproblem/>

**SB 0326 - 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 326 - Questioning of a Juvenile – Crime of Violence or Crime Involving a Firearm**

**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 326.

In 2022, Maryland passed the Child Interrogation Protection Act (“CIPA”). After the passage of that bill the Maryland Office of the Public Defender created the Youth Access to Counsel Hotline, which allows children across the State of Maryland to speak to attorneys prior to a custodial interrogation and to be advised of their rights. In passing CIPA, the Maryland Legislature recognized that the indisputable and fundamental differences between children and adults justify treating children differently than we do adults.

By carving out crimes of violence and offenses involving firearms, the proposed legislation seeks to repeal CIPA and once again put vulnerable and impressionable children at risk of involuntarily waiving their rights or making false confessions. The protections are arguably more important for more serious crimes, because those are the situations that carry the highest penalties, and that a child becomes most vulnerable to the harms that custodial interrogations have been shown to cause.

The Supreme Court has long recognized that police interrogation tactics “can induce a frighteningly high percentage of people to confess to crimes that they never committed.”<sup>1</sup> The risk of false confessions is multiplied when a child is the subject of an interrogation: children are much more likely than adults to falsely confess,<sup>2</sup> and children account for more than one-third of all false confessions.<sup>3</sup> Further, *In re Gault* the Supreme Court cautioned against the inevitable

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<sup>1</sup> *Corley v. United States*, 556 U.S. 303, 320-21 (2009).

<sup>2</sup> See American Bar Association Insights on Law & Society 16.2 available at [https://www.prisonpolicy.org/scans/aba/Juvenile\\_confessions.pdf](https://www.prisonpolicy.org/scans/aba/Juvenile_confessions.pdf) (“Another study of 340 exonerations found that 42% of juveniles studied had falsely confessed, compared with only 13% of adults.”).

<sup>3</sup> National Registry of Exonerations, Table: Age and Mental Status of Exonerated Defendants Who Falsely Confess (April 10, 2022).

risk of obtaining a false confession from a child in noting that “*authoritative opinion has cast formidable doubt upon the reliability and trustworthiness of confessions by children.*”

In 2011, the Supreme Court again recognized the differences between children and adults when they ruled that age is a relevant factor for purposes of giving Miranda warnings.<sup>4</sup> There the Court found, “A child's age is far “more than a chronological fact.” It is a fact that “generates commonsense conclusions about behavior and perception.” Such conclusions apply broadly to children as a class. And, they are self-evident to anyone who was a child once himself, including any police officer or judge.”<sup>5</sup> Research has also shown that children and adolescents think and act differently from adults. They are more vulnerable to the pressures of their environments, and have a tendency to comply with demands of authority figures and because the parts of their brain that assist with judgment, decision making, and future planning are not fully developed.<sup>6</sup>

The Child Interrogation Protection Act was a monumental step forward for the children of Maryland, who because of this Act, are now given the tools to understand their constitutional rights when accused of a crime or delinquent act. At its inception, this law put Maryland at the forefront of progress by recognizing children should be afforded protections prior to a custodial interrogation. The legislation is sound, effective, and has already had a considerable impact throughout the State, with over 300 consultations by attorneys since it took effect on October 1, 2023.

**Accordingly, the Maryland Office of the Public Defender strongly urges the Committee to issue an unfavorable report on Senate Bill 326.**

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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) and Sara Wendel Assistant Public Defender, [sara.wendel@maryland.gov](mailto:sara.wendel@maryland.gov).**

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<sup>4</sup> *J.D.B. v. North Carolina*, 564 U.S. 261 (2011).

<sup>5</sup> *Id.* at 272.

<sup>6</sup> Steinberg, L. (2007). Risk Taking in Adolescence: New Perspectives From Brain and Behavioral Science. *Current Directions in Psychological Science*, 16(2), 55-59. <https://doi.org/10.1111/j.1467-8721.2007.00475.x>

# **SB 326 - Interrogation on Crimes of Violence - ACL**

Uploaded by: Frank Patinella

Position: UNF



## Testimony for the Senate Judiciary Proceedings Committee

February 13, 2024

### SB 326 — Juvenile Law – Questioning of a Juvenile – Crime of Violence or Crime Involving a Firearm

FRANK PATINELLA  
SENIOR POLICY  
ADVOCATE

#### OPPOSE

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PRESIDENT

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EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland opposes SB 326, which seeks to allow law enforcement officers to conduct a custodial interrogation of child, without first allowing them to consult with an attorney if: 1) probable cause exists for an officer to believe the child committed a crime of violence or crime involving a firearm and; 2) law enforcement officer has made reasonable efforts to give notice to the parent or guardian that their child will be interrogated.

The Child Interrogation Protection Act (CIPA), requires that law enforcement contact an attorney when a child is taken into custody for an 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.

CIPA guarantees that law enforcement has the tools that it needs to address imminent and serious 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 questions without first notifying the child's parent, guardian, or custodian, and without first allowing the child to consult with an attorney. Law enforcement is limited to asking questions related to the suspected safety threat. SB 326 seeks to expand the public safety carve out to include crimes of violence and crimes involving a firearm.

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. Just like adults, kids are innocent until proven guilty and the type of offense they've been charged with should not indicate whether or not they should know their Miranda rights. Further, SB 326 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>1</sup> Legal consultation is needed to not only guarantee that the child understands their Miranda rights, but also to ensure that child is not coerced into giving false information.

For the foregoing reasons, the ACLU of Maryland requests an unfavorable vote on SB 326.

AMERICAN CIVIL  
LIBERTIES UNION  
FOUNDATION OF  
MARYLAND

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<sup>1</sup> What's Best for Kids is Best for Everyone. January 2024. Maryland Youth Justice Coalition.  
[https://www.md youth justice.org/\\_files/ugd/42b2a9\\_db7a00a63fe74865a401276619ec705b.pdf](https://www.md youth justice.org/_files/ugd/42b2a9_db7a00a63fe74865a401276619ec705b.pdf)

# **SB0326 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 in opposition of SB326, Questioning of a Juvenile - Crime of Violence or Crime Involving a Firearm.** This bill would expand the cases where law enforcement can bypass the Child Interrogation Protection Act, or CIPA, to include any case where they have probable cause that a child committed certain violent crimes or a crime involving a firearm.



The Child Interrogation Protection Act, or CIPA, was passed by the Maryland General Assembly in 2022 with broad support. **CIPA recognizes that children are different from adults**, and as such, requires that an attorney is consulted when a child is first interrogated by police to ensure that the child understands their rights. CIPA also requires that the child's parents are notified when the child is taken into custody.

As we're all aware, children are different from adults in terms of brain development and should therefore be treated differently than adults when interacting with the justice system. This is a principle regularly recognized by the Supreme Court. Children may be fearful, confused or intimidated when in police custody and may struggle to fully understand complex legal concepts or the role of attorneys. They may feel pressure to be compliant or be afraid to ask questions. **Due to this, children tend to waive their Miranda rights at extremely high rates** (some studies showing rates of 90%)<sup>1</sup> **and are far more likely than adults to make false confessions**<sup>2</sup>. Not only is this harmful to the children in question, it hinders the objectives of law enforcement.

**This bill unacceptably broadens the circumstances in which the police don't have to follow the protections laid out by CIPA.** By adding exceptions, CIPA is rendered useless because police would only have to follow it with juveniles charged with the most minor crimes. We must continue to protect the rights of all children, regardless of the circumstances under which they are brought into contact with police.

It should be noted that **CIPA does not create additional rights for children or prevent children from speaking during police interrogations.** It merely requires that a child consult with an attorney and that their guardians be notified so that they fully understand the situation and their rights prior to deciding whether to speak with police. Additionally, the law also has an exception in place for emergency situations, where police may speak with children as long as their questions are focused on a safety concern.

Again, CIPA passed in 2022 with broad support from the Maryland General Assembly. If the protections of CIPA are diminished, we know that Black and Brown children bear the brunt of the risk, as they are more likely to be targeted for unnecessary stops and searches which can escalate into arrests or other interactions with the justice system that can have long term impacts on a child's life. We must be proactive in regards to protecting the rights of children who come into contact with law enforcement. CIPA for all children -- no exceptions!

It is for these reasons that I am encouraging you to vote **against SB326.**

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://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/)

<sup>2</sup> <https://www.law.northwestern.edu/legalclinic/wrongfulconvictionsyouth/understandproblem/>

# **Cagri Testimony SB 326\_Feb13 2024.pdf**

Uploaded by: Ilhan Cagri

Position: UNF



**TESTIMONY IN OPPOSITION TO SB 326  
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 326 Juvenile Law – Questioning of a Juvenile – Crime of Violence or Crime Involving a Firearm.

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 326 weakens CIPA by amending the law to allow interrogation without an attorney consultation if there is suspicion of a crime of violence or a firearms offense. The current law requires an attorney be consulted when a child is first interrogated by law enforcement.

This change to the current law is unnecessary because there is no urgency to protect the public here. This clause would only apply after the commission of a crime, and therefore, there would presumably be enough time to provide an attorney for the child.

SSJC feels that this exception to the requirement 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. These are exactly the communities where a parent (not to mention the child) may be more susceptible to threats, intimidation, coercion, or fear

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

◆ silverspringjustice@gmail.com ◆

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.

Studies show that children 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. Furthermore, the same interrogation tactics that can cause youthful suspects to falsely confess, can also cause them to falsely implicate their peers. They may be particularly vulnerable even to unintentional suggestions during interrogation, due to an inherent desire to please authority figures or a simple desire to end the unpleasant experience of being at the police station, or just so they can go home.<sup>1</sup> False confessions not only harm the child but also undermine the police's ability to apprehend the right person.

To be clear, 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 their rights in an age and developmentally appropriate manner 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/>

**Custodial Interrogation Juveniles SB0326 12FEB**

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 of District 40. I am also the parent of two (now adult) sons, who remembers all too well how poor a teenager's judgement can be. This bill would expand the cases where law enforcement can bypass the Child Interrogation Protection Act, or CIPA, to include any case where they have probable cause that a child committed certain violent crimes or a crime involving a firearm.



**Showing Up for Racial Justice**

The Child Interrogation Protection Act, or CIPA, was passed by the Maryland General Assembly in 2022 with broad support. **CIPA recognizes that children are different from adults**, and as such, requires that an attorney is consulted when a child is first interrogated by police to ensure that the child understands their rights. CIPA also requires that the child's parents are notified when the child is taken into custody.

As we're all aware, children are different from adults in terms of brain development and should therefore be treated differently than adults when interacting with the justice system. This is a principle regularly recognized by the Supreme Court. Children may be fearful, confused or intimidated when in police custody and may struggle to fully understand complex legal concepts or the role of attorneys. They may feel pressure to be compliant or be afraid to ask questions. **Due to this, children tend to waive their Miranda rights at extremely high rates** (some studies showing rates of 90%)<sup>1</sup> **and are far more likely than adults to make false confessions**<sup>2</sup>. Not only is this harmful to the children in question, it hinders the objectives of law enforcement.

**This bill unacceptably broadens the circumstances in which the police don't have to follow the protections laid out by CIPA.** By adding exceptions, CIPA is rendered useless because police would only have to follow it with juveniles charged with the most minor crimes. We must continue to protect the rights of all children, regardless of the circumstances under which they are brought into contact with police.

It should be noted that **CIPA does not create additional rights for children or prevent children from speaking during police interrogations.** It merely requires that a child consult with an attorney and that their guardians be notified so that they fully understand the situation and their rights prior to deciding whether to speak with police. Additionally, the law also has an exception in place for emergency situations, where police may speak with children as long as their questions are focused on a safety concern.

Again, CIPA passed in 2022 with broad support from the Maryland General Assembly. If the protections of CIPA are diminished, we know that Black and Brown children bear the brunt of the risk, as they are more likely to be targeted for unnecessary stops and searches which can escalate into arrests or other interactions with the justice system that can have long term impacts on a child's life. We must proactively protect the rights of children who come into contact with law enforcement. The General Assembly wisely did so with CIPA last session. Bravo. Do not undo that hard, righteous work. CIPA for all children -- no exceptions!

It is for these reasons that I am encouraging you to vote **against SB326**.

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://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/)

<sup>2</sup> <https://www.law.northwestern.edu/legalclinic/wrongfulconvictionsyouth/understandproblem/>

# **SB0326 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 in opposition of SB326, Questioning of a Juvenile - Crime of Violence or Crime Involving a Firearm.** This bill would expand the cases where law enforcement can bypass the Child Interrogation Protection Act, or CIPA, to include any case where they have probable cause that a child committed certain violent crimes or a crime involving a firearm.



The Child Interrogation Protection Act, or CIPA, was passed by the Maryland General Assembly in 2022 with broad support. **CIPA recognizes that children are different from adults**, and as such, requires that an attorney is consulted when a child is first interrogated by police to ensure that the child understands their rights. CIPA also requires that the child's parents are notified when the child is taken into custody.

As we're all aware, children are different from adults in terms of brain development and should therefore be treated differently than adults when interacting with the justice system. This is a principle regularly recognized by the Supreme Court. Children may be fearful, confused or intimidated when in police custody and may struggle to fully understand complex legal concepts or the role of attorneys. They may feel pressure to be compliant or be afraid to ask questions. **Due to this, children tend to waive their Miranda rights at extremely high rates** (some studies showing rates of 90%)<sup>1</sup> **and are far more likely than adults to make false confessions**<sup>2</sup>. Not only is this harmful to the children in question, it hinders the objectives of law enforcement.

**This bill unacceptably broadens the circumstances in which the police don't have to follow the protections laid out by CIPA.** By adding exceptions, CIPA is rendered useless because police would only have to follow it with juveniles charged with the most minor crimes. We must continue to protect the rights of all children, regardless of the circumstances under which they are brought into contact with police.

It should be noted that **CIPA does not create additional rights for children or prevent children from speaking during police interrogations.** It merely requires that a child consult with an attorney and that their guardians be notified so that they fully understand the situation and their rights prior to deciding whether to speak with police. Additionally, the law also has an exception in place for emergency situations, where police may speak with children as long as their questions are focused on a safety concern.

Again, CIPA passed in 2022 with broad support from the Maryland General Assembly. If the protections of CIPA are diminished, we know that Black and Brown children bear the brunt of the risk, as they are more likely to be targeted for unnecessary stops and searches which can escalate into arrests or other interactions with the justice system that can have long term impacts on a child's life. We must be proactive in regards to protecting the rights of children who come into contact with law enforcement. CIPA for all children -- no exceptions!

It is for these reasons that I am encouraging you to vote **against SB326**.

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://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/)

<sup>2</sup> <https://www.law.northwestern.edu/legalclinic/wrongfulconvictionsyouth/understandproblem/>



# **SB0326 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 in opposition of SB326, Questioning of a Juvenile - Crime of Violence or Crime Involving a Firearm.**

The Child Interrogation Protection Act, or CIPA, was passed by the Maryland General Assembly in 2022 with broad support. **CIPA recognizes that children are more vulnerable than adults**, and as such, requires police to ensure a child consults an attorney before interrogating the child.

As we're all aware, children are different from adults in terms of brain development and should therefore be treated differently than adults when interacting with the justice system. This is a principle regularly recognized by the Supreme Court. Children may be fearful, confused or intimidated when in police custody and may struggle to fully understand complex legal concepts or the role of attorneys. They may feel pressure to be compliant or be afraid to ask questions. **Due to this, children tend to waive their Miranda rights at extremely high rates** (some studies showing rates of 90%)<sup>1</sup> **and are far more likely than adults to make false confessions**<sup>2</sup>. Not only is this harmful to the children in question, it hinders the objectives of law enforcement.

**This bill unacceptably broadens the circumstances in which the police don't have to follow the protections laid out by CIPA.** By adding exceptions for juveniles suspected of crimes involving firearms or violence, CIPA is rendered useless because police would only have to follow it with juveniles charged with the most minor crimes. We must continue to protect the rights of all children, regardless of the circumstances under which they are brought into contact with police.

It should be noted that **CIPA does not create additional rights for children or prevent children from speaking during police interrogations.** It merely requires that a child consult with an attorney and that their guardians be notified so that they fully understand the situation and their rights prior to deciding whether to speak with police. Additionally, the law also has an exception in place for emergency situations, where police may speak with children as long as their questions are focused on a safety concern.

Again, CIPA passed in 2022 with broad support from the Maryland General Assembly. If the protections of CIPA are diminished, we know that Black and Brown children bear the brunt of the risk, as they are more likely to be targeted for unnecessary stops and searches which can escalate into arrests or other interactions with the justice system that can have long term impacts on a child's life. We must be proactive in regards to protecting the rights of children who come into contact with law enforcement. CIPA for all children -- no exceptions!

It is for these reasons that I am encouraging you to vote **against SB326**.

Thank you for your time, service, and consideration.

Sincerely,  
**Lindsay Keipper**  
**2425 Fleet St.**  
Showing Up for Racial Justice Baltimore



**Showing Up for Racial Justice**

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<sup>1</sup>[https://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/)

<sup>2</sup> <https://www.law.northwestern.edu/legalclinic/wrongfulconvictionsyouth/understandproblem/>

**SB0326-JPR-OPP.pdf**

Uploaded by: Nina Themelis

Position: UNF



BRANDON M. SCOTT  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

**SB0326**

February 13, 2024

**TO:** Members of the Judicial Proceedings Committee

**FROM:** Nina Themelis, Director of Mayor's Office of Government Relations

**RE:** Senate Bill 326–Juvenile Law - Questioning of a Juvenile - Crime of Violence or Crime Involving a Firearm

**POSITION: Oppose**

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** Senate Bill (SB) 326.

SB 326 would roll back important protections of children established by the Child Interrogation Protection Act (CIPA), passed in 2022, which requires that an attorney be present for consultation with a child prior to law enforcement questioning unless a public safety emergency necessitates immediate interrogation – in which case the questions must be limited to reasonably necessary information to protect against the imminent safety threat. This provision ensures that children are informed of their rights before being interrogated, thus providing one guard against false confessions. The current law also requires police to notify parents/guardians when a child is taken into custody – a common sense measure that gives parents necessary information to care for their children. SB 326 would instead allow law enforcement to question a child before counsel has properly informed the child of his or her rights, and without notification of parents/guardians, if the child is suspected of committing a violent crime or a crime involving a firearm and the police officer can show that a reasonable effort was made to notify a parent.

Given that a high percentage of children do not understand their Miranda rights,<sup>1</sup> it is crucial to safeguard the CIPA guarantee that a child will have an attorney present to provide an age and developmentally appropriate explanation of their rights prior to interrogation. Of 77 juvenile arrests made by Baltimore police in July 2023, reportedly only one child called the Maryland Office of the Public Defender's 24/7 Youth Access to Counsel Hotline.<sup>2</sup> The fact that false confessions are a particularly significant problem among juveniles raises the stakes of removing protections and interrogating children without informing them of their rights. According to the National Registry of Exonerations, 36 percent of exonerees who were under the age of 18 at the time of the alleged offense had falsely confessed – triple the estimated rate of false confessions for all ages.<sup>3</sup> The negative

<sup>1</sup> <https://www.aclu-md.org/en/news/get-all-facts-childrens-due-process-rights>

<sup>2</sup> <https://www.baltimoresun.com/2024/01/16/lawmakers-seek-to-preserve-child-interrogation-protection-act-despite-criticism/>

<sup>3</sup> [Child Interrogation Protection Act Goes into Effect Saturday | ACLU of Maryland | ACLU of Maryland exists to empower Marylanders to exercise their rights so that the law values and uplifts their humanity. \(aclu-md.org\)](https://www.aclu-md.org/en/news/child-interrogation-protection-act-goes-into-effect-saturday)

impacts of SB 326 would disproportionately affect black children, who are 32% of the population but make up 63% of referrals to the Department of Juvenile Services.<sup>4</sup>

With respect to the provision of SB 326 removing the requirement for law enforcement to notify a parent if a reasonable effort was made, this bill does not define what constitutes “reasonable.” For example, there is no minimum number of notification attempts required before proceeding with the questioning of the child. Nor does this legislation specify a minimum length of time required to wait for a parental response to notification attempts.

For these reasons, the BCA respectfully requests an **unfavorable** report on SB 326.

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<sup>4</sup> <https://www.baltimoresun.com/2024/01/16/lawmakers-seek-to-preserve-child-interrogation-protection-act-despite-criticism/>

# **SB 326 - Juvenile Law - Questioning of a Juvenile.**

Uploaded by: Ralph Watkins

Position: UNF



## **TESTIMONY TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE**

### **SB 326 - Juvenile Law - Questioning of a Juvenile - Crime of Violence or Crime Involving a Firearm**

**Position: Oppose**

**By: Linda Kohn, President, The League of Women Voters of Maryland**

**Date: February 13, 2024**

The League of Women Voters of Maryland supports family involvement in all activities pertaining to juvenile corrections, and urges the “use of specialized judges, counseling services and administration of juvenile cases all geared to dealing with families.” The League of Women Voters of the United States supports a criminal justice system that is just, effective, equitable, transparent, and that fosters public trust at all stages, including policing practices, and policing practices that “build public trust and positive community relationships.”

Based on these positions, the League of Women Voters of Maryland opposes this bill. Current law governing custodial interrogation of a child includes an exception for officers to ask questions necessary to protect public safety when investigating an ongoing threat to public safety. SB 326, however, by designating that exception with “(i)” and inserting “or” and a new provision designated “(II),” would create a new exception applicable to certain cases. This new provision would eliminate the protection of counsel and substitute a weak parental notification requirement in place of actual communication with parents. As the consequences of these serious offenses would be more severe, the need for counsel would be greater. Similarly, the need for actual consultation with the child’s parents would be greater.

It would be very difficult, if not impossible, to build public trust in the police if officers were known to interrogate juveniles without completing actual proper notification of their parents. This bill may undermine public trust in some police departments, which is not the desired result.

We urge the Committee to give an unfavorable report on SB 326.

# **SB0326 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 two Baltimore City kids. I am testifying in opposition of **SB326, Questioning of a Juvenile - Crime of Violence or Crime Involving a Firearm**. This bill would expand the cases where law enforcement can bypass the Child Interrogation Protection Act, or CIPA, to include any case where they have probable cause that a child committed certain violent crimes or a crime involving a firearm.



The Child Interrogation Protection Act, or CIPA, was passed by the Maryland General Assembly in 2022 with broad support. **CIPA recognizes that children are different from adults**, and as such, requires that an attorney is consulted when a child is first interrogated by police to ensure that the child understands their rights. CIPA also requires that the child's parents are notified when the child is taken into custody.

As we're all aware, children are different from adults in terms of brain development and should therefore be treated differently than adults when interacting with the justice system. This is a principle regularly recognized by the Supreme Court. Children may be fearful, confused or intimidated when in police custody and may struggle to fully understand complex legal concepts or the role of attorneys. They may feel pressure to be compliant or be afraid to ask questions. **Due to this, children tend to waive their Miranda rights at extremely high rates** (some studies showing rates of 90%)<sup>1</sup> **and are far more likely than adults to make false confessions**<sup>2</sup>. Not only is this harmful to the children in question, it hinders the objectives of law enforcement.

**This bill unacceptably broadens the circumstances in which the police don't have to follow the protections laid out by CIPA.** By adding exceptions, CIPA is rendered useless because police would only have to follow it with juveniles charged with the most minor crimes. We must continue to protect the rights of all children, regardless of the circumstances under which they are brought into contact with police.

It should be noted that **CIPA does not create additional rights for children or prevent children from speaking during police interrogations.** It merely requires that a child consult with an attorney and that their guardians be notified so that they fully understand the situation and their rights prior to deciding whether to speak with police. Additionally, the law also has an exception in place for emergency situations, where police may speak with children as long as their questions are focused on a safety concern.

Again, CIPA passed in 2022 with broad support from the Maryland General Assembly. If the protections of CIPA are diminished, we know that Black and Brown children bear the brunt of the risk, as they are more likely to be targeted for unnecessary stops and searches which can escalate into arrests or other interactions with the justice system that can have long term impacts on a child's life. We must be proactive in regards to protecting the rights of children who come into contact with law enforcement. CIPA for all children -- no exceptions!

It is for these reasons that I am encouraging you to vote **against SB326**.

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://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/)

<sup>2</sup> <https://www.law.northwestern.edu/legalclinic/wrongfulconvictionsyouth/understandproblem/>

# **Eckel Oppose SB0326 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 in opposition of SB326, *Questioning of a Juvenile - Crime of Violence or Crime Involving a Firearm*.** This bill would expand the cases where law enforcement can bypass the Child Interrogation Protection Act, or CIPA, to include any case where they have probable cause that a child committed certain violent crimes or a crime involving a firearm.



The Child Interrogation Protection Act, or CIPA, was passed by the Maryland General Assembly in 2022 with broad support. **CIPA recognizes that children are different from adults**, and as such, requires that an attorney is consulted when a child is first interrogated by police to ensure that the child understands their rights. CIPA also requires that the child's parents are notified when the child is taken into custody.

As we're all aware, children are different from adults in terms of brain development and should therefore be treated differently than adults when interacting with the justice system. This is a principle regularly recognized by the Supreme Court. Children may be fearful, confused or intimidated when in police custody and may struggle to fully understand complex legal concepts or the role of attorneys. They may feel pressure to be compliant or be afraid to ask questions. **Due to this, children tend to waive their Miranda rights at extremely high rates** (some studies showing rates of 90%)<sup>1</sup> **and are far more likely than adults to make false confessions**<sup>2</sup>. Not only is this harmful to the children in question, it hinders the objectives of law enforcement.

**This bill unacceptably broadens the circumstances in which the police don't have to follow the protections laid out by CIPA.** By adding exceptions, CIPA is rendered useless because police would only have to follow it with juveniles charged with the most minor crimes. We must continue to protect the rights of all children, regardless of the circumstances under which they are brought into contact with police.

It should be noted that **CIPA does not create additional rights for children or prevent children from speaking during police interrogations.** It merely requires that a child consult with an attorney and that their guardians be notified so that they fully understand the situation and their rights prior to deciding whether to speak with police. Additionally, the law also has an exception in place for emergency situations, where police may speak with children as long as their questions are focused on a safety concern.

Again, CIPA passed in 2022 with broad support from the Maryland General Assembly. If the protections of CIPA are diminished, we know that Black and Brown children bear the brunt of the risk, as they are more likely to be targeted for unnecessary stops and searches which can escalate into arrests or other interactions with the justice system that can have long term impacts on a child's life. We must be proactive in regards to protecting the rights of children who come into contact with law enforcement. CIPA for all children -- no exceptions!

It is for these reasons that I am encouraging you to vote **against SB326**.

Thank you for your time, service, and consideration.

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

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<sup>1</sup>[https://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/)

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