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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.