

February 13, 2024
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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.