

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.¹ 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.

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