



TESTIMONY IN OPPOSITION TO SB 52
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 52 Juvenile Justice Restoration Act of 2024.

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.

While we object to several aspects of SB 52, given our focus on policing, we are testifying today specifically in opposition to the proposed change in the law that would allow a parent to give consent to interrogation instead of requiring consultation with an attorney. The current law requires an attorney be consulted when a child is first interrogated by law enforcement. Contrary to the view some people may hold that parents, not children, should be the ones to decide whether or not the child speaks to police, the current law holds that constitutional rights are not transferable, and parents cannot force children to give up these rights.

Furthermore, Part (g)(1) of the current law already permits a custodial interrogation of a child if: (i) The law enforcement officer reasonably believes that the information sought is necessary to protect against a threat to public safety.

This bill would amend the law by permitting an arbitrary and unnecessary exception to the attorney requirement, one that could be abused.

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SSJC feels that weakening CIPA in this way 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.

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.¹ 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.

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