



## 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

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

3600 CLIPPER MILL  
ROAD  
SUITE 350  
BALTIMORE, MD 21211  
T/410-889-8555  
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND  
DIRECTORS  
COREY STOTTEMEYER  
PRESIDENT

DANA VICKERS  
SHELLEY  
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

---

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