

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of Maryland District 40 and live in the Medfield neighborhood of Baltimore. **I am testifying in opposition to SB052, the Juvenile Justice Restoration Act.**



Showing Up for Racial Justice

Last session, you passed legislation designed to improve Maryland's juvenile justice system, based on recommendations made after considered study of data and practices. The "restoration" this bill refers to is a rollback of last year's reforms. The sponsors of this bill want to prosecute children as young as 10 years old, a proposal that flies in the face of both decency and common sense. 10-year-olds do not belong in handcuffs, and arresting and sending them through the juvenile justice system is going to hurt much more than it promises to help.

This bill also hopes to make it easier for police to question children by substituting the decision of a parent or guardian for the knowledge of an attorney. In passing the Child Interrogation Protection Act last year, this committee- and the legislature as a whole- recognized that children, who have both a diminished capacity to understand their legal rights and a greater vulnerability to coercion by adults, ought to be protected from giving up their right to consult an attorney without really understanding it. CIPA requires the police to both notify a child's parent or guardian of their intent to question the child, and ensure that the child actually receives advice from counsel before the questioning takes place. This bill would allow the child's parent or guardian to consent to interrogating the child without an attorney's advice. Not only does this give parents the right to waive their children's right to legal counsel, its obvious intent is to make it easier for police to pressure children to confess before seeking legal advice. Instead of pressuring the child, the police will simply pressure the parent- who has not consulted with an attorney either- to coerce the child into "cooperating" with the interrogation which may be against their own interests.

It should be noted that **CIPA does *not* create additional rights for children or prevent children from speaking during police interrogations.** It merely requires that a child consult with an attorney and that their guardians be notified so that they fully understand the situation and their rights prior to deciding whether to speak with police. Additionally, the law also has an exception in place for emergency situations, where police may speak with children as long as their questions are focused on a safety concern.

Last year, you recognized that kids waive their rights and make false confessions more often than adults, necessitating in an extra layer of protection between arrested children and interrogation. **The need for CIPA has not changed, and so CIPA should not change.**

It is for these reasons that I am encouraging you to vote **against SB052.**

Thank you for your time, service, and consideration.

Sincerely,
Christina Bell Nemphos
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Showing Up for Racial Justice Baltimore