

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 **District 46. I am testifying in opposition of SB326, Questioning of a Juvenile - Crime of Violence or Crime Involving a Firearm.** This bill would expand the cases where law enforcement can bypass the Child Interrogation Protection Act, or CIPA, to include any case where they have probable cause that a child committed certain violent crimes or a crime involving a firearm.



The Child Interrogation Protection Act, or CIPA, was passed by the Maryland General Assembly in 2022 with broad support. **CIPA recognizes that children are different from adults**, and as such, requires that an attorney is consulted when a child is first interrogated by police to ensure that the child understands their rights. CIPA also requires that the child's parents are notified when the child is taken into custody.

As we're all aware, children are different from adults in terms of brain development and should therefore be treated differently than adults when interacting with the justice system. This is a principle regularly recognized by the Supreme Court. Children may be fearful, confused or intimidated when in police custody and may struggle to fully understand complex legal concepts or the role of attorneys. They may feel pressure to be compliant or be afraid to ask questions. **Due to this, children tend to waive their Miranda rights at extremely high rates** (some studies showing rates of 90%)¹ **and are far more likely than adults to make false confessions**². Not only is this harmful to the children in question, it hinders the objectives of law enforcement.

This bill unacceptably broadens the circumstances in which the police don't have to follow the protections laid out by CIPA. By adding exceptions, CIPA is rendered useless because police would only have to follow it with juveniles charged with the most minor crimes. We must continue to protect the rights of all children, regardless of the circumstances under which they are brought into contact with police.

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.

Again, CIPA passed in 2022 with broad support from the Maryland General Assembly. If the protections of CIPA are diminished, we know that Black and Brown children bear the brunt of the risk, as they are more likely to be targeted for unnecessary stops and searches which can escalate into arrests or other interactions with the justice system that can have long term impacts on a child's life. We must be proactive in regards to protecting the rights of children who come into contact with law enforcement. CIPA for all children -- no exceptions!

It is for these reasons that I am encouraging you to vote **against SB326.**

Thank you for your time, service, and consideration.

Sincerely,
Holly Powell
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Showing Up for Racial Justice Baltimore

¹https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-35/august-2016/police-routinely-read-juveniles-their-miranda-rights--but-do-kid/

² <https://www.law.northwestern.edu/legalclinic/wrongfulconvictionsyouth/understandproblem/>