



Council on American-Islamic Relations

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February 19, 2020

Honorable Senator William Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

Re: Testimony in SUPPORT of SB593 - Juvenile Law- Child Interrogation Protection Act

Good afternoon Chair Smith and members of the Senate Judicial Proceedings Committee:

On behalf of the Council on American Islamic Relations, I thank you for this opportunity to testify in support of Senate Bill 593 – Juvenile Law – Child Interrogation Protection Act, sponsored by Senator Jill Carter et al in the Senate. CAIR is the nation’s largest Muslim civil rights and advocacy group. We are dedicated to protecting civil rights, enhancing the understanding of Islam, and promote justice.

This bill does just that- it promotes justice. It is necessary to protect minors’ rights because they may not be aware of, or understand them, or feel empowered and trained to assert them. The Juvenile Justice System was established nearly a century ago with the goal of diverting youth offenders from the destructive punishments of criminal courts and encouraging rehabilitation based on their individual needs. We have a separate criminal justice system for juveniles with good reason, and it stands to reason that we should have protections for minors in the instance of an interrogation in order to protect their rights.

Furthermore, juveniles are less likely to understand the legal process or what rights they possess. Research shows that minors are more likely to comply with authority from a place of fear, and to feel pressured to give a false confession. In one study of youth who self-reported confessing, 36% reported that they gave a false confession.¹ These are the circumstances facing young people who either don't know or don't feel empowered to exercise their rights, and we need more lawmakers to join the fight to legislate change in Maryland. In order to set the tone for justice, rather than prioritizing speedy interrogations and fast-tracking false confessions, law enforcement should prioritize accurate, ethical and fair interrogations instead.

According to the same study, 65% of those youth reported interrogations that lasted longer than 2 hours and 40% reported being intoxicated at the time of questioning.^{2,3} False confessions among youth are a very real issue and they hinder the administration of justice. A false confession leads an innocent juvenile straight into the criminal justice system and permanently alters the trajectory of their and their loved ones’ lives, and it drastically diminishes their prospects for a vibrant future. Notifying a parent,

guardian, or custodian of the minor's location, providing the reason they were taken into custody, instructing the parent or guardian to make immediate contact with the juvenile, and enabling the minor to seek legal representation protects their due process rights.

While it's possible that these measures might slow down the interrogation process, our priority must be to advocate for and protect the most vulnerable amongst us at all costs. This bill will help ensure a fairer system, and we strongly and respectfully urge for a favorable vote.

Thank you for your consideration.

Sincerely,

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1. The Nat'l Registry of Exonerations, Table: Age and Mental Status of Exonerated Defendants Who Falsely Confessed (2019), <http://www.law.umich.edu/special/exoneration/Pages/False-Confessions.aspx>
2. Lindsay C. Malloy et al., Interrogations, Confessions, and Guilty Pleas Among Serious Adolescent Offenders, 38 L. & Hum. Behav. 181, 188 (2014).
3. Lindsay C. Malloy et al., Interrogations, Confessions, and Guilty Pleas Among Serious Adolescent Offenders, 38 L. & Hum. Behav. 190 (2014).