

Bill Number: SB 531

Allan J. Culver, Senior Assistant State's Attorney for Carroll County

Favorable

WRITTEN TESTIMONY OF ALLAN J. CULVER,
SENIOR ASSISTANT STATE'S ATTORNEY FOR CARROLL COUNTY,
IN FAVOR OF SENATE BILL 531 – JUVENILE LAW – CUSTODIAL
INTERROGATION

I write in favor to Senate Bill 531, Juvenile Law – amending the original Juvenile Interrogation Act of 2022. The amendment would allow a juvenile's parent, guardian, or custodian to waive the requirement that the juvenile must consult with an attorney prior to any custodial interview. A parent, guardian or custodian is in a better position to know what is in the best of their child then some attorney on a call in line run by the Office of the Public Defender that is usually relied on to advise the juvenile.

Almost always, the attorney advising the juvenile has never met him or her. The attorney most likely may not even appear in person, as the majority of these attorney/juvenile consultations take place over a phone call. Why even involve some stranger/attorney if the parent, guardian or custodian is ready and available to act in the best interest of their child?

It is the inalienable right of parents, guardians or custodians to raise their child as they see fit. Parents, guardians or custodians of a child, are expected to teach a child right from wrong. Parents, guardians and custodians are also tasked with advocating for their child. If a parent or guardian believes or does not believe that the child should speak to law enforcement without an attorney, then they are in the best position to make that decision.

Above and beyond the Juvenile Interrogation Act, law enforcement is still required to advise a suspect in custody of their *Miranda* right. Currently, the great majority of interrogations are often audio and visually recorded. There are other safeguards in place to ensure that a suspect's constitutional rights are upheld. These rights are no different for a juvenile.

Questioning witnesses and suspects is an important tool in law enforcement investigations to reach the truth and obtain a just outcome. Statements given by suspects are not only used at trial but are often used to further investigations. Information that law enforcement officers receive from questioning individuals involved in a criminal investigation may lead to the recovery of evidence and the identification of other suspects. This benefit is no different with juveniles.

In Carroll County, we had an attempted murder case where during their interrogations the juvenile suspects admitted to having a "hit list" of other targets. By receiving this information, law enforcement was able to notify these individuals on the hit list and take measures to ensure their safety prior to any possibility of the juveniles being released into the community.

Statements given by juveniles during criminal investigations can also work to the juvenile's benefit. In 2018 I handled a home invasion case where a juvenile and four adult codefendants had a firearm, broke into a home, and took items from the home. The juvenile suspect was detained and agreed to provide a statement. The juvenile's statement limited the juvenile's culpability in the case. Based upon the juvenile's statement, law enforcement was

able to confirm the juvenile's limited culpability which significantly benefited the juvenile in the disposition of the case.

I urge a favorable report to Senate Bill 531 as a parent, guardian or custodian is in the best position to advocate for their child.