



# Randallstown

P.O. Box 731 Randallstown, MD 21133

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Immediate Release

Contact: Ryan Coleman, President  
[randallstownnaacp@gmail.com](mailto:randallstownnaacp@gmail.com)

## Randallstown NAACP supports SB 120-Custodial Interrogation - Parental Consultation

Randallstown MD-Statewide, between fiscal year 2021 and fiscal year 2023, among juveniles: gun violations rose 220%, carjackings spiked 85%, and auto theft complaints increased 65%, according to the state's Department of Juvenile Services (DJS). Violent gun crime committed against young people has "increased significantly," especially in Baltimore City. DJS is failing with holding juveniles accountable and ensuring they get the resources not to reoffend.

A juvenile has both a right to counsel and a privilege against self-incrimination in juvenile delinquency proceedings. *In re Gault*, 387 U.S. 1, 32-55 (1979). A juvenile may waive his Fifth Amendment rights and consent to interrogation. *Fare v. Michael C.*, 442 U.S. 707 (1979).

The question of whether a waiver is voluntary and knowing is one to be resolved on the totality of the circumstances surrounding the interrogation. The court must determine not only that the statements were not coerced or suggested, but also that they were not the products of "ignorance of rights or of adolescent fantasy, fright, or despair." *In re Gault*, 387 U.S. at 55. Among the factors to be considered are the juvenile's age, experience, education, background, and intelligence, and whether he has the capacity to understand the warnings given to him, the nature of his Fifth Amendment rights, and the consequences of waiving them. *Fare v. Michael C.*, 442 U.S. at 725. For applications of the totality of the circumstances approach involving juveniles, see *United States v. White Bear*, 668 F.2d 409 (8th Cir. 1982); *United States v. Palmer*, 604 F.2d 64 (10th Cir. 1979); *West v. United States*, 399 F.2d 467 (5th Cir. 1968).

Since confessions by juveniles are given even closer scrutiny than those by adults, Miranda warnings are probably an essential threshold requirement for voluntariness. The presence and co-signature of a parent or guardian is not required for a voluntary

waiver, although it is a factor to be considered and will help dispel any notion that the juvenile was coerced.

SB 120 makes it easier to investigate violent crimes while protecting the civil liberties of juveniles. **The Randallstown NAACP requests a favorable vote on SB 120.**