



"Being here for Maryland's Children, Youth, and Families"

Testimony submitted to House Judiciary Committee

February 4, 2021

**House Bill 315 – Juvenile Law – Juvenile Interrogation Protection Act
Support**

The Maryland Association of Youth Service Bureaus, which represents a network of Bureaus throughout the State of Maryland, Supports HB 315 –Juveniles Law – Juvenile Interrogation Protection Act. Youth Service Bureaus are Community Based programs that work with youth and their families to decrease the likelihood of youth involvement or re-involvement with the Department of Juvenile Services. This bill will ensure that youth are fully informed of their rights during interrogation and that parents and caregivers are given full and accurate notice of the youth's detainment. We believe that this action corresponds with the State's movement toward a juvenile system that is developmentally informed.

A developmentally informed approach to juvenile justice recognizes the need to hold youth accountable for their actions while also offering them the resources and opportunities to divert them from future involvement with the juvenile justice system. It recognizes that youth are still maturing and that their brains are not fully developed until after age 24. Youth in custody should be afforded the right to counsel or parental guidance before speaking with law enforcement or waiving their rights. The Supreme Court held in *Gault* that that children have the right to remain silent and that no child can be convicted unless compelling evidence is presented in court, under the due process clause of the 14th amendment. Yet, in Maryland, law enforcement is not required to call parents or attorneys before a child is interrogated. A child or adolescent does not have the maturity to decide to waive their rights and need the advice of an adult in making this decision. This bill also requires law enforcement to accurately inform parents of the child's location, the reason the child is in custody and how the parent or guardian can make immediate contact with the child.

Parents and caregivers need to not only know where the child is but also how to access legal representation for the child. Maryland has no uniform process to appoint public defenders and no eligibility criteria for indigency. Parents with low income who need public defender services for a child face confusing procedures that vary from county to county. For example, parents may not have the required financial documentation or \$25 intake fee to apply for services immediately, or may not be aware that they must apply within a certain time period. This bill ensures that he child has legal representation before interrogation and thus allows parents and caregivers the opportunity to understand these systems and navigate them appropriately.

A developmentally informed system is also fair and works to ensure that all youth receive fair and equal treatment. This bill will assist the State of Maryland in addressing racial and ethnic disparities (RED) found in the juvenile justice system. Data in Maryland shows that youth of color are disproportionately impacted at each decision point in the juvenile justice system. Maryland data shows that of the total complaints received by DJS in 2020 (14,913) 71% were youth of color (10,691). For Youth whose cases were formalized, (5806) 78% were youth of color (4528). When one looks at youth committed to DJS care 74% (371) were youth of color (Data Resource Guide 2020 for the Department of Juvenile Services). This bill will help ensure fair treatment for youth of color as currently they are more likely to move further into the juvenile system.

MAYSB believes that following a developmental informed approach to juvenile justice is important as it works to establish a fair and equal system for all youth and allows youth the opportunity to be held accountable for their actions while also offering them the resources to develop into to productive and responsible adults.

We ask that you give this legislation a favorable finding.

Respectfully Submitted:

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