



HB269 – Juvenile Law – Child Interrogation Protection Act

Presented to the Honorable Chair Clippinger, Vice Chair Moon, and Members of the Judiciary Committee

February 2, 2022

POSITION: SUPPORT

Testimony of People's Commission to Decriminalize Maryland

The People's Commission to Decriminalize Maryland strongly supports HB269, and we urge the Committee to issue a favorable report on this bill. The People's Commission was created to reduce the disparate impact of the justice system on youth and adults who have been historically targeted and marginalized by local and state criminal and juvenile laws based on their race, gender, disability, or socioeconomic status.

Maryland's legal system contains many laws that unnecessarily bring young people, and disproportionately youth of color, to the attention of the justice system.¹ Most often, this is for behaviors that are either typical adolescent behaviors or a reflection of how we have marginalized large segments of Maryland's youth. Most young people's contact with the system results from someone labeling typical adolescent behavior, or behavior stemming from trauma, abuse, neglect, or poverty, as "criminal" conduct – instead of seeing that behavior as an indicator of a need for support to help that young person thrive.

In addition to being subject to criminalization of typical adolescent behavior, youth in Maryland do not have the chance to consult with any attorney during any interrogation over any such conduct. This practice is in direct violation of the rights and dignity that should be afforded to those children. This practice also exacerbates the racial and ethnic disparities that we see at the very early stages of Maryland's juvenile legal system, particularly at the point of arrest and referral to the Department of Juvenile Services.

¹ Maryland Department of Juvenile Services, Data Resource Guide: Fiscal Year 2019, pg. 22 (December 2019), available at https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2019.pdf (showing that youth of color are 2.56 times more likely than white youth to be referred to juvenile court/intake).

SB53/HB269 would make several long overdue and common-sense changes to the practice of interrogating children, including:

- (1) Requiring law enforcement officers to make good faith efforts to notify parents or guardians that their child will be subject to interrogation. Any parent of a child should recognize the importance of being contacted if their child had been apprehended by law enforcement and was about to be questioned about potentially criminal conduct.

- (2) Allowing a child to allowing a child to consult with an attorney prior to being interrogated. While adults in Maryland are provided with their constitutionally protected *Miranda* rights, children and youth are not extended the same full protections – even though research, experience, and common sense demonstrate that youth are at a different developmental stage and should be afforded even greater protections than adults as a result.

- (3) Encouraging Maryland courts to adopt age-appropriate language for children to understand their rights. This would be consistent with other jurisdictions' efforts to revise the standard *Miranda* warning to incorporate age and developmentally-appropriate language that children and youth can actually understand.

HB269 would take an important step toward protecting the rights of children and youth in the State of Maryland and promoting a more equitable approach to justice. **For these reasons, the People's Commission to Decriminalize Maryland strongly supports HB269 and urges the Committee to issue a favorable report.**