



MARYLAND SHERIFFS' ASSOCIATION, INC.



Sheriff Joe Gamble
Talbot County
President

SB 744 – Juvenile Law – Reform

Submitted By: Sheriff and Maryland Sheriffs' Association President, Joe Gamble

On behalf of the Maryland Sheriffs' Association, we support this bill with amendments. We appreciate that this bill has attempted to address the concerns of both law enforcement and citizens. There are several measures that we see added to this bill that show the collective voices of law enforcement, citizens and parents within the community have been heard. Specifically, the increase the number of crimes included to include crime involving firearms, sexual offense in the third degree and, theft of a motor vehicle; increase the terms of penalty probationary periods; reducing the number of intake days for Department of Juvenile Services to review a referral; and act by a child under the age of 13 years old which resulted in the death of a victim shall be forward to the Department of Juvenile Services for appropriate actions. All of these are effective measures, but we believe this bill stops short in a couple of key areas.

Those of us in law enforcement are continuing to receive complaints and push back from parents who want their child to speak with us. We request adding to the bill a measure that would allow a parent to counsel their child so that the child may have the ability to waive the requirement to consult with an attorney prior to speaking with law enforcement. Currently, there is a firewall between a child's parent and the child and therefore, limiting parental rights.

Additionally, we recommend an amendment that will allow law enforcement to utilize effective diversion programs such as Teen Court in Talbot County. Suggested recommendation is to change "shall" to "may" in the newly added measure "(D) If a child is taken into custody under this subtitle by a law enforcement officer pursuant to the law of arrest, the law enforcement officer shall complete and forward a written complaint or citation to the Department of Juvenile Services for processing under 3-8A-10 of this subtitle." As it is written, this takes away the decision-making ability of law enforcement members to send a child to a diversion program for first time offense misdemeanors where the child can receive crucial services like mental health, drug and alcohol abuse treatment; anger management counseling; and other useful resources that would shield a child from entering into the Juvenile Services system. We do not believe this is the intention but need to highlight the importance of the use "shall" in this instance as law enforcement members will simply follow the law as it is written.

In closing, law enforcement members want to provide services for these children before they enter into the criminal intake system of Department of Juvenile Services. Reportedly, in fiscal year 2019, 81% of referrals in the Maryland Department of Juvenile Services were for status offenses, citations, ordinance violations and misdemeanor offenses.¹ Ideally, we would like to provide mitigating resources and services for children so we don't have to address possible future criminal behavior when they become adults.

¹Maryland 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

Sincerely,

Joseph J. Gamble
Sheriff for Talbot County Maryland
Maryland Sheriff's Association President