

January 25, 2022  
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**TESTIMONY IN SUPPORT OF SB0053: Favorable**  
**Juvenile Interrogation Protection Act**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the **Judicial Proceedings Committee**

**FROM:** Toby Ditz

My name is Toby Ditz, and I have lived in Baltimore City's District 40 for over thirty-five years. This testimony is in support of SB0053 Juvenile Law–Juvenile Interrogation Protection Act.

I was so sorry to see that this bill did not get out of your Committee last year. It would be a very fitting follow-up to the suite of reforms enacted by the General Assembly in 2021, and I thank Senator Jill Carter for sponsoring it.

I first became interested in juvenile interrogation policy when working with neighborhood organizations in West Baltimore. We had been monitoring the City's progress on police reform under the terms of the Consent Decree, and in the summer of 2019, I participated in a people's town hall attended by about 50 of my neighbors and fellow Baltimoreans. We gathered at the Douglas Memorial Community Church to comment on the Baltimore Police Department's new draft policy on custodial interrogations, which was then being revised to meet Consent Decree standards of constitutional policing. The draft policy protected younger children, but allowed 16 and 17-year olds to waive their rights to silence even when a lawyer and guardian were not present.

The people at the Douglas Memorial Church split up into five or six worktables for about thirty minutes to talk about the draft. Then the spokesperson for each group stood up one after the other to summarize. We were unanimous: no minor of any age should ever be interrogated without a parent and lawyer present. Parents were especially adamant; they pointed out that the law held *them* responsible for their children's welfare. We also emphasized that our youth, despite their superficial bravado, are typically afraid of the police, and many have also

experienced trauma. We also knew from experience how easily children can be made to tell the story that their questioners want to hear—and the experts on childhood emotional and cognitive development back us up. Above all, the law, we said, should not treat our Black youths as if they were adults. That is how Black childhood gets criminalized.

In the end, the Baltimore Police Department strengthened its protections for all minors, and its final policy now acknowledges explicitly that even older minors cannot be expected to fully comprehend or evaluate their rights. (“Youths ...are more susceptible than adults to Custodial interrogation pressures.” [#1207 “Draft Youth Interrogation s,”](#) approved by Consent Decree Monitoring Team, January 6, 2020, p. 3 ; p. 5.)

This is the right bill, with the right answer: no child or youth should be subject to custodial interrogations without the guaranteed opportunity to first speak with a lawyer. Unbiased policing requires this answer. Respect for the rights of vulnerable populations requires this answer.

**I respectfully urge a favorable report on SB0053.** Thank you.