

Myths and Facts About Youth Justice Reform Laws

Before the Child Interrogation Protection Act (CIPA) and the Juvenile Justice Reform Act (JJRA) passed in 2022, Maryland's youth legal justice system was ranked among the worst in the country according to Human Rights for Kids' 2020 report. Both laws were developed after years of extensive research and deliberations among lawmakers, law enforcement, prosecutors, defense attorneys, youth advocates, and the community. However, over the past year, law enforcement, prosecutors, certain lawmakers, and certain media outlets have mischaracterized the state of youth crime in Maryland and have called for the rollback of CIPA.

Any rollback of this law would be a major step backward in achieving the common goal of improving public safety for everyone. We are working to ensure that the public knows the facts about youth crime and why Maryland needs to continue dismantling ineffective policies that unfairly target Black and Brown children and ultimately make our communities less safe.

MYTH: Youth crime is increasing in Maryland and it is being driven by recent reforms to the youth justice system.

FACT: While there has been a recent uptick in handgun violations and carjackings, complaints are still below pre-pandemic levels and youth crime has been steadily decreasing over the past decade. The data for Maryland mirrors nationwide trends and neither CIPA nor JJRA prevents law enforcement from arresting and prosecuting children for crimes of violence. Thus, attributing any change in the rate of violent offenses to these laws is unfounded and disingenuous.

MYTH: Since CIPA doesn't give a child an opportunity to deny speaking with an attorney about their rights, CIPA is unconstitutional.

FACT: Children, like adults, are fully entitled to their Miranda Rights. The constitution is the floor, and the legislator can always expand on it, which is what CIPA did. Once a child is informed of their rights, they can choose to have the attorney present, request a private attorney, proceed with the interrogation without an attorney, or remain silent. But advising a child of their rights is not the same as denying a child the right to pick their representation or refuse representation.

MYTH: CIPA prevents law enforcement officials from talking to children when investigating an alleged crime.

FACT: Under CIPA, law enforcement can conduct witness interviews and speak to community members. If a child is taken into custody, law enforcement can interrogate a child ONLY after that child has an opportunity to speak with an attorney and ONLY after that child's parent(s) or legal guardian(s) have been properly notified. However, CIPA allows officers to interrogate a child without counsel when they reasonably believe there is an imminent threat to public safety and as long as the questions posed to the child are limited to those questions reasonably necessary to obtain the information necessary to protect against a threat to public safety.

MYTH: Law enforcement is hindered from doing their job due to the unavailability or inaccessibility of attorneys.

FACT: CIPA established the Youth Access to Counsel hotline through the Maryland Office of the Public Defender and law enforcement can reach an attorney 24 hours a day, every day..

MYTH: There are no consequences for children who commit misdemeanor offenses since they cannot be arrested and charged.

FACT: Before the pandemic, two-thirds of incarcerated children were there for misdemeanors or probation violations according to state data. Studies have shown that youth detention leads to an increased risk of future arrests, worse mental and physical health, and shorter life expectancy.

MYTH: There is no harm or risk for children in speaking to law enforcement about an alleged crime. Children should willingly speak to law enforcement to improve public safety.

FACT: One study found that children are three times more likely to falsely confess than adults. Another study reported that 36 percent of those exonerated for crimes they were convicted of while they were children, and 86 percent of those exonerated for crimes allegedly committed before they turned 14, had falsely confessed, compared to only 10 percent of those exonerated for crimes they were convicted of as adults.

MYTH: Confinement or incarceration of children in adult and juvenile facilities is the best and only way to improve public safety.

FACT: Studies have shown that children – due to their brains being less developed – are more impulsive with their decision making and often do not understand the consequences of their actions, when compared to adults. Studies have also shown that children incarceration leads to higher rates of interactions with law enforcement and the legal system, and reincarceration. Community-based interventions and other alternatives to incarceration have proven

much more effective in changing children’s behavior and reducing legal entanglement and reincarceration. Greater investments to expand and improve the quality of developmentally appropriate services is the most effective way to improve public safety in Maryland.

MYTH: CIPA is not needed because children are already entitled to their Miranda rights.

FACT: CIPA is needed because studies have shown that a high percentage of children do not understand their Miranda rights. CIPA guarantees that a child will be able to consult an attorney who will explain their rights in an age and developmentally appropriate way.