



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chairman and
Members of the Judiciary Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 2, 2022

RE: **HB 269 Juvenile Law – Juvenile Interrogation Protection Act**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE** HB 269. This bill requires certain procedures to be followed when taking a juvenile into custody and interviewing and interrogating a juvenile.

Model policies exist for the interviewing and interrogation of juveniles to ensure consistency with the limitations in maturity and emotional development characteristic of juveniles. The model policies recognize that special care must be taken to ensure that any statement made by a juvenile in custody is voluntary and consistent with the Constitution, Supreme Court, and Maryland appellate court precedent. HB 269 does not adopt best practices, however. Under HB 269, before a custodial interrogation of a juvenile can begin, consultation with an attorney is required and *cannot* be waived, regardless of the individual circumstances of the individual being questioned. This requirement goes beyond best practices and the standards required by the Constitution, the Supreme Court, and Maryland appellate courts.

Police are expected, and trained, to be mindful of a person's age and experience when conducting an interview. Currently, many juveniles exercise their constitutional right to remain silent without the mandatory provisions of HB 269. Many juveniles speak with investigators and, when they do, the interview is scrupulously reviewed by prosecutors, challenged by defense attorneys, and ruled upon by judges. Judges do not hesitate to exclude from evidence a statement taken in violation of a person's rights. Simultaneously, a statement given by a juvenile who freely and voluntarily chooses to speak should be admissible.

MCPA and MSA recognize, and agree with, the very important goal of ensuring that statements are voluntary and rights are protected. HB 269, however, does not strike an appropriate balance between public safety and enhanced process for juveniles.

For these reasons, MCPA and MSA **OPPOSE** HB 269.

532 Baltimore Boulevard, Suite 308
Westminster, Maryland 21157
667-314-3216 / 667-314-3236