



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith Jr., Chairman and
Members of the Judicial Proceedings 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 19, 2020

RE: **SB 593 Juvenile Law – Child Interrogation Protection Act**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE SB 593. 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. However, MCPA and MSA are very concerned that codifying such policies may create situations in which juveniles may not be questioned during active crime scenes where information may be crucial in identifying a shooter(s) to save lives. For example, if an active shooter situation is in progress at a school and law enforcement apprehends a juvenile suspect at the scene who is believed to be involved with others in the incident, law enforcement would not be able to question that juvenile to get information about the other suspect who may still be in the school at large. All evidence and information subsequently obtained would be subject to the exclusionary rule and inadmissible in any criminal proceedings. This may not be the intent of the bill, but this could be the result based on how this bill is drafted.

While well-intentioned, these policies should not be codified, but left up to each law enforcement agency to follow established best practices necessary to adapt to critical and emergency situations often subject to rapidly evolving dynamics.

For these reasons, MCPA and MSA OPPOSE SB 593 and urge an UNFAVORABLE Committee report.