

Bill Number: SB136

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Opposed

WRITTEN TESTIMONEY OF ALVIN S. BARTON
BALTIMORE COUNTY POLICE DEPARTMENT HOMICIDE DETECTIVE
IN OPPOSITION OF SENATE BILL 136
JUVENILE INTERROGATION PRETECTION ACT

I write in opposition to Senate Bill 136 because it restrains the ability of law enforcement to investigate crimes in a timely and complete manner. A blanket set of rules, prohibiting the interrogation of a juvenile arrestee does not serve the public interest and could potentially endanger the public. It would prevent the timely recovery of dangerous and deadly weapons, prevent the timely identification of other victims, prevent the timely identification of other involved individuals and would allow more opportunity for the destruction of evidence.

Law enforcement already ensures that all persons are treated in the same manner, preserving every person's constitutional rights. Every single person being interrogated must be advised of his/her Miranda rights. It is well known that law enforcement has the burden of ensuring that the arrestee, regardless of his/her age, has a clear understanding of those rights, prior to any waiver. In crimes such as murder, juvenile offenders are automatically charged as adults, which prevent the offender from being placed in the juvenile system from the beginning, and in nearly every instance result in adult prosecution.

I have handled many cases in my 15 years as a homicide detective. The following examples illustrate why I am opposed to this bill:

On 05/14/08, sixteen year old Lewin Powell beat his mother to death and then waited for his father to return home and beat him with a baseball bat. He was caught by officers fleeing the family home. Is it at all reasonable to require that Powell's father be present, when he had the clear intention of killing him?

On 02/02/08, fifteen year old Nicholas Browning shot his mother, father and two brothers to death and then tossed the gun on the side of a nearby road. In this instance, both parents are dead and a dangerous and deadly weapon was unsecured in the community. Don't we have a responsibility to take immediate action in the name of public safety?

On 05/21/18, four juveniles went on a burglary spree in Baltimore County, utilizing a stolen vehicle from a burglary on a previous day in Baltimore City. During the course of one of those burglaries, one of the juveniles killed Baltimore County Police Officer Amy Caprio with

the stolen vehicle. That driver, sixteen year old Dawnta Harris, was arrested while trying to flee the neighborhood. The other three juveniles were able to flee the area on foot after stealing a handgun during that burglary, which resulted in several nearby schools to be placed on a lock down status for several hours. Harris' mother had previously pled for assistance from the state juvenile system, stating that she could not control her son and that he was likely to seriously injure or kill someone. Does it make sense that Harris' mother would be required to be notified and present for an interrogation? Does it make sense that there be any delay in the effort to identify the other three juveniles who were involved in the crime spree and were actively on the run in the community with a stolen handgun?

Beyond these examples, one should consider the situations where the parents are involved in the underlying criminal activity that led to the arrest, situations where the parents are involved in the criminal justice system themselves and situations where parents do not have the juvenile's best interest in mind. Additionally, such requirements would increase the amount of time that every juvenile offender is in custody.

These are just a few examples of why Senate Bill 136 should be opposed.