



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 4, 2021

RE: **HB 315 Juvenile Law – Juvenile Interrogation Protection Act**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE** HB 315. 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 315 does not adopt best practices, however. Under HB 315, 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 315. 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. MCPA and MSA have met with the bill sponsor and others and have agreed to explore options to enhance due process for juveniles while balancing the needs of public safety.

For these reasons, MCPA and MSA **OPPOSE** HB 315 as introduced and plan to have continued conversations with the Committee and bill sponsor on these matters.