



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

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

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: January 30, 2025

RE: **HB 165 Custodial Interrogation of Minors – Admissibility of Statements**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE HB 165**. This bill presumes that a statement made by a minor is involuntary and should be deemed inadmissible if the interrogating officer used false information to obtain the statement.

MCPA-MSA agree whole heartedly that “false confessions” should be avoided. We would also like to note that false confessions are an extremely rare occurrence, and false confessions that contribute to the prosecution of innocent people are even more rare. No police officer or prosecutor ever wants to prosecute or charge an individual based on a false confession, primarily because it would be a clear obstruction of justice. Furthermore, voluntary and truthful statements are good for society and that is a belief the MPCA-MSA unreservedly stand by.

Moreover, in 2025 custodial interrogations of juveniles are preceded by a consultation with an attorney. Properly conducted custodial interrogations are intended to determine the truth. Subsequently, how a person responds to new information is an important tool in determining the truthfulness of a statement provided to law enforcement. The custodial interrogations of juveniles are also audio and video recorded, allowing prosecutors, defense counsel, judges, and (if an adult offense) juries to make their own assessment of the interrogation. In Maryland we no longer rely on the word of the officer or the juvenile, but instead on the audio and video documentation. Ultimately, any statement given must be determined by a court to be *voluntary*, and we should trust our judges and juries to be able to make that determination.

MPCA and MSA have confidence in the judiciary's ability to determine the voluntariness of statements. MCPA and MSA would give serious consideration to amendments to HB 165 that would remove the presumption of inadmissibility and affirm the principle that a fact-finder (judge or jury) must conclude that a statement is voluntary before considering it.

For these reasons, MCPA and MSA **OPPOSE HB 165** and urge an **UNFAVORABLE** committee report.

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