

Bill Number: HB 269

Ryan Massey, Former-Homicide Detective, Baltimore County Police

Department Opposed

WRITTEN TESTIMONY OF RYAN MASSEY

BALTIMORE COUNTY POLICE DEPARTMENT HOMICIDE DETECTIVE

IN OPPOSITION OF HOUSE BILL 1374

CHILD INTERROGATION PROTECTION ACT

I write in opposition to House Bill 1374 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.

The following are cases that the Baltimore County Homicide Unit has investigated. The following examples illustrate why I am opposed to this bill:

On 7/2/07, Carl Lackl who was a witness to a murder in Baltimore City was shot and killed in Baltimore County. An extensive investigation was completed and Jonathan Cornish (16y.o.) was arrested for killing Mr. Lackl. Cornish was targeted to murder Lackl because he was a juvenile and was seeking membership into a gang (Bloods). Five other people were charged with murder and related charges. Is it reasonable to require Cornish's parents to be notified when he is joining a gang and killing a witness who cooperated with a police investigation? Is it responsible when such extensive planning went into murdering Mr. Lackl? Will others target more juveniles to commit murder?

On 05/14/08, Lewin Powell (16 y.o.) 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, Nicholas Browning (15 y.o.) 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 8/27/12, Daneil Borowy was shot at Perry Hall High School during a "school shooting". The suspect Robert Gladden (15 y.o) was arrested at the scene. In an age of Mass Shootings,

should his parent have been located to get answers?

On 05/21/18, four juveniles went on a burglary spree, utilizing a stolen vehicle from a burglary on a previous date. 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, Dawtna Harris (15 y.o.), 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 plead 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.

In closing, there have been safeguards in place to ensure that police conduct interrogations in a constitutional manner. Moreover, the General Assembly has mandated the use of Body Worn Cameras by Police and the audio/video recording of interrogations. These measures have assured the transparency sought by the public for all interrogations and interactions with police.

These are just a few examples of why House Bill 1374 should be opposed.