

Legislative Testimony 600.pdf

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Legislative Testimony:
SB600

I strongly support Senator Will Smith's Senate Bill 600 to allow the Attorney General to investigate police misconduct.

**RICHARD
ELLIOTT**
FOR MARYLAND

By Authority: Rich Elliott For Maryland Keanu Smith-Brown, Campaign Chair Christian Hillian, Treasurer

SB0600_Attorney_General_Investigation_MLC_FAV.pdf

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TESTIMONY FOR SB0600
OFFICE OF THE ATTORNEY GENERAL – INVESTIGATION AND PROSECUTION OF
DEATHS CAUSED BY POLICE OFFICERS

Bill Sponsor: Senator Smith

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0600 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Our members believe in accountability for police officers when use of force kills a member of the public. In these extreme cases, it is critically important for the family of the deceased and the public to feel that the case is being taken seriously and that justice is being served.

This bill would require a law enforcement agency to immediately notify the Office of the Attorney General of an alleged or potential incident involving a police officer where a member of the public has died. It would also require the Office of the Attorney General to investigate and to send the results of the investigation to the State's Attorney with jurisdiction over the incident within 15 days of the completion of the investigation. If the results of the investigation warrant prosecution, the Office of the Attorney General would make that recommendation.

If the State's Attorney then declines to prosecute or does not inform the Office of the Attorney General within 45 days of their intent to prosecute, the Office of the Attorney General will prosecute.

This is an important step. The family of the deceased needs to understand that the incident is being taken seriously and is quickly investigated. More importantly, if the State's Attorney declines to prosecute after an unambiguous determination from the Office of the Attorney General, the family of the deceased will have confidence that the officer will be prosecuted.

This will provide the level of transparency and accountability required for such as disastrous and heart wrenching outcome.

We support this bill and recommend a **FAVORABLE** report in committee.

finalSenateBill600letter.pdf

Uploaded by: Braveboy, Aisha

Position: UNF

AISHA N. BRAVEBOY
STATE'S ATTORNEY



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Chairman, William Smith, Jr.
Vice-Chair, Jeff Waldstreicher
Senate, Judicial Proceedings

Re: Senate Bill 600: Office of the Attorney General-Investigation and Prosecution of Deaths Caused by Police Officers

Chairman Smith and Vice-Chair Waldstreicher

I write in opposition of Senate Bill 600. As State's Attorney for Prince George's County, I believe that police accountability for misconduct in and out of office is paramount to the promotion of equal justice under the law. When I was elected, I created the Public Integrity Unit (PIU), specifically for the purpose of creating a dedicated unit to review, investigate and when appropriate, prosecute all misconduct by public servants including police officers in Prince George's County. Since the unit's inception, my office has successfully prosecuted several cases involving police officers ranging from an assault of a handcuffed citizens to the sexual assault of a fellow police officer. We have also investigated cases involving the death of one of the citizens of my community. Each case is reviewed and investigated independently by my office and presented to our grand jury for appropriate charges.

The prosecutors assigned to PIU are specialized and dedicated to this particular area of the law. They are the experts, both in the practice of these cases and in the law surrounding misconduct. Local State's Attorney's Offices are best suited and best equipped to handle these important cases. Further, local elected State's Attorneys are directly accountable to the citizens in their jurisdictions through elections. Removing their constitutionally granted authority through this legislation diminishes a prosecutor's accountability to their community and threatens to allow less then qualified attorneys to review these cases.

Criminal Justice Reform is a necessity throughout our country and in our State. However, this bill does not move us towards a more just system, in fact, it does quite the opposite. It does not allow local jurisdictions the opportunity to have a say in holding police officers that serve them accountable and defers that power to executive that answers to the entire State, rather than a specific community. It also still allows the police to police themselves and does not remove local law enforcement from the investigation. We must reform our system, we must gain back the public trust, but we must do so in a way that aligns with the separation of powers requirement of our Constitution and in a way that allows elected prosecutors the authority to independently investigate and prosecute these serious matters in their own jurisdictions. I urge an unfavorable report on Senate Bill 600.

Thank you for your consideration.

Aisha Braveboy
Aisha N. Braveboy

MCPA-MSA-SB 600-AG Investigation _Oppose.pdf

Uploaded by: Mansfield, Andrea

Position: UNF



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 4, 2021

RE: **SB 600 Office of the Attorney General – Investigation and Prosecution of
Deaths Caused by Police Officers**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 600**. This bill requires a law enforcement agency to notify the Office of the Attorney General of any alleged or potential incident involving the death of a person caused by a police officer as soon as the law enforcement agency becomes aware and establishes a process by which the Office of the Attorney General will investigate all alleged or potential incidents involving the death of a person caused by a police officer.

MCPA and MSA are concerned SB 600 diminishes the role of the Chief or Sheriff by removing the investigative authority from that office and limits their ability to hold officers accountable in the circumstances outlined in the bill. Under current operational practices, law enforcement agencies may seek the assistance of outside agencies to investigate officer involved shootings. Many smaller agencies routinely seek the assistance of the Maryland State Police or other large policing agencies. This discretion allows an agency to determine the most effective approach for these investigations and to discuss matters of process, both administrative and criminal, as appropriate with the investigative agency.

In those jurisdictions where the law enforcement agency is managed by an elected sheriff, the electorate has granted the authority and accountability to the sheriff to handle these complex investigations. Likewise, Chiefs of Police are appointed by their County Executive, Mayor, or other elected official and are held directly responsible for the manner in which these investigations are conducted. Any independent investigative approach must preserve the accountability of the Chief or Sheriff and not limit their authority. Further, investigators must have experience in conducting complex criminal investigations. These types of requirements are not specified in the bill.

For these reasons, MCPA and MSA **OPPOSE SB 600** and urge an **UNFAVORABLE** Committee Report.

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