

Bill Number: HB 1035
Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION TO HOUSE BILL 1035
ATTORNEY GENERAL – INDEPENDENT LAW ENFORCEMENT PROSECUTION
UNIT

I write in opposition to House Bill 1035 that empowers the Attorney General to investigate death cases caused by a police officer.

The State's Attorney of each county and the city are elected by the people of their jurisdiction to handle all criminal prosecutions and to make all decisions concerning the prosecution of criminal cases. This is our constitutional and statutory duty.

House Bill 1035 would also give that power to the Attorney General. The Attorney General is a State wide office with no local connections, no experience in police shooting cases, and no unit currently devoted to prosecuting homicide cases. The Attorney General's Office will have to create a new unit and attempt to add experienced prosecutors to this unit who need to be specially trained in this area of law.

In addition, since this unit is also investigating these cases they will need numerous experienced police officers to man these units 24/7 throughout the entire state. I am not sure the requested allocation of 5 million dollars would be sufficient for investigators, prosecutors, travel, and lodging.

Another problem with House Bill 1035 is that the law enforcement agency "on completion of the investigation" "shall issue a public report of its findings." If charges are to be filed the release of the investigation report could affect a defendant's right to a fair and impartial trial.

If bad decisions concerning police actions are made by local prosecutors they will be voted out of office. Do not usurp the Constitutional duty of every elected State's Attorney in the state.

I urge an unfavorable report.