



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 15, 2021

RE: **HB 1035 State Government - Attorney General – Independent Law
Enforcement Prosecution Unit**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE HB 1035**. This bill establishes a Law Enforcement Prosecution unit in the Office of Attorney General to investigate and prosecute each shooting involving a police officer that results in death and incident involving the use of physical force by a police officer that results in death.

MCPA and MSA are concerned HB 1035 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** HB 1035 and urge an **UNFAVORABLE** Committee Report.

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