

SB0896-Office of the Attorney General – Independent Investigations – Revisions

Stance: Favorable with Amendments

Testimony: My name is Adiena C. Britt and I reside in the 45th Legislative District covering Northeast Baltimore City. I am writing to offer my support for Senate Bill 896, but would like to offer a couple of suggestions for an Amendments. As currently written and proposed, once the AG Independent Investigations Division is complete with an investigation into allegations of Police Brutality resulting in death and/or abuse of civil rights; it is then turned over to the respective State's Attorney's office for prosecution. Instead of this handoff, once the investigation is complete, I would submit that an amendment needs to be placed onto this bill that allows the Prosecution to remain with the Attorney General's Office. There is a provision in the Bill that should the SAO choose not to prosecute, that the AG is able to move ahead with prosecution. This creates a multiple hand-off, hot potato kind of scenario that really seems unnecessary. The prosecutorial capability should just be maintained by the AG's office. Should the Attorney General decide to not pursue a prosecution, then the State Prosecutor's Office should be the next entity to handle the cases. Since Police Brutality cases involve misconduct, potential corruption, and come from all over the state; the State Prosecutor's office would be a better landing spot, as opposed to different State's Attorney's offices.

The reasoning behind this Amendment is due to the fact that it is a well-established fact that the current practice of State's Attorney's being the lead Prosecutor on Police Brutality cases has not been ideal for victims of Police Brutality. Currently, when an act of Police Brutality occurs and results in the death of an individual, a homicide detective is assigned to the case as well as a State's Attorney. The relationship between the State's Attorneys offices and Police Departments/FOP within the state of Maryland is too cozy and rife with the opportunities to cover up police misconduct. When cases like the Freddie Gray, Tyrone West, and Anton Black cases are reviewed; it is evident that the State's Attorneys in these cases offered aid to the offending officers and investigators to ensure no proper prosecution took place. The actions are so egregious that in most cases, the State's Attorneys across the State fail to even file charges against offending officers. When charges are sought against police officers, the investigative techniques utilized, as well as witness and evidence tampering is evident. This occurs by both Detectives and State's Attorney members. They exclude valid witnesses and their testimony if they feel it would lead to the proper prosecution of, and removal of tainted police officers. This is glaringly evident in the Freddie Gray case.

There needs to be a change in the State of Maryland how these Police Brutality/Misconduct cases are prosecuted. The only recent cases that were properly prosecuted were handed over to the US Attorney's office, most likely due to the entanglements between the State's Attorney's Office(s) and Police Department(s). It would be ideal to have this prosecutorial power remain inside the Attorney General's purview, since they do not currently have an ongoing working relationship with police departments. The perceived entanglements don't seem to exist there either.

Another Amendment suggestion would be that the Governor not only offer funding for the current unit, but offer additional funding for expanding the unit to ensure that there are enough Attorneys within the Attorney General's office to investigate and prosecute these cases properly.

I thank you for your time and consideration in this matter.