

SB0896-Office of the Attorney General – Independent Investigations – Revisions Stance:  
Favorable with Amendments

Testimony: My name is Hilary Hellerbach and I reside in 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. I believe that prosecutorial capability should be part of the AG's purview in these cases. As currently written and proposed, once the AG's Independent Investigations Division has completed 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. There is a provision in the Bill that should the State's Attorney choose not to prosecute, the Attorney General may move ahead with prosecution. I would strongly suggest that an amendment needs to be placed onto this bill that allows the Prosecution to remain with the Attorney General's Office.

The reasoning behind this Amendment is that the current practice of State's Attorney's being the lead Prosecutor has not resulted in effective prosecution of police brutality cases. The relationship between the State's Attorneys offices and Police Departments who depend on one another to bring cases to court, creates a situation where there would understandably be hesitation in charging colleagues. In cases like the Freddie Gray, Tyrone West, and Anton Black deaths it is concerning that the State's Attorneys seemed to offer aid to offending officers and investigators to ensure that full prosecution of officers did not take place. The blue code of silence has seemed to extend to prosecutors and medical examiners in addition to police colleagues. Providing the possibility for the Attorney General's Office to evaluate and prosecute these cases, both past and present, would decrease both the likelihood and appearance of bias and address past wrongs imposed on community members.

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's enough Attorneys within the Attorney General's office to prosecute these cases.

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