

# OFFICE OF THE STATE'S ATTORNEY FOR HARFORD COUNTY

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**DATE:** February 28, 2022

**BILL NUMBER:** SB 896

**POSITION:** Oppose

The Office of the State's Attorney for Harford County (HCSAO) opposes SB 896.

SB 896 amends the name, powers and responsibilities of the Independent Investigations Unit (hereinafter "IID" as re-named by SB 896) which recently came into existence a mere five months ago. This legislation makes abundantly clear that the IID shall have the sole authority to investigate self-defined cases of police-involved incidents of civilian deaths or injuries likely to result in death. SB 896 further mandates that the Attorney General recommend whether a local State's Attorney may prosecute a police officer for any crime generated out of the exclusive investigation by the IID, and if declined, grants the authority of the Attorney General to prosecute.

The successful resolution of any criminal matter involves substantial coordination between police and the State's Attorneys prosecuting these cases. It is simply not enough to be "handed" a report with conclusions and be expected to achieve a favorable outcome in a court, especially in highly sensitive crime such as those that include a death. Thorough investigations involve direct and open communication between investigators and prosecutors. In Harford County, the practice is to assign a prosecutor immediately upon notification of a homicide. This procedure works well and fosters a productive working relationship where evidence is immediately reviewed and cases are built.

SB 896 investigations involving police involved deaths of civilians by the IID housed within the Office of the Attorney General would be conducted without the input of a local State's Attorney, which disrupts good practice. Input from a local prosecutor as to the direction of an investigation is paramount and the powers of a State's Attorney should be utilized to complement and not usurp an investigation. Supplanting the legal judgment of a local State's Attorney with no direction, scope or oversight and then simply "recommending" a prosecution would result in poor case building, and ultimately a flawed case.

Further, there are many permutations of facts that could result in charges against civilians, including multiple suspects discharging firearms at a police officer. These prosecutions could be delayed or hampered by the inclusion of another prosecution element. Waiting for an investigation and recommendation of a prosecution to conclude before proceeding against other participants who commit violent acts would be contrary to logic and sound policy.

The more prudent path would be for the IID to implement policies and strategies to build greater participation and cooperation with local prosecutors, rather than attempt to control through more legislation the jurisdictional authority of any criminal matter.

For these reasons the HCSAO requests an unfavorable report on SB 896.