

**SB0896-AG Ind Inv Div.pdf**

Uploaded by: Adiena Britt

Position: FWA

## **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 45<sup>th</sup> 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.

**2022-03-01 SB 896 (IID Support with Amendment).pdf**

Uploaded by: Brian Frosh

Position: FWA

**BRIAN E. FROSH**  
*Attorney General*



**ELIZABETH F. HARRIS**  
*Chief Deputy Attorney General*

**CAROLYN QUATTROCKI**  
*Deputy Attorney General*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

FACSIMILE NO.  
410-576-7046

WRITER'S DIRECT DIAL NO.  
410-576-7071

March 1, 2022

To: Sen. William C. Smith, Jr.  
Chair, Judicial Proceedings

From: Brian E. Frosh  
Attorney General

Re: SB 896 – Office of the Attorney General – Independent Investigations – Revisions –  
**Support with Amendment**

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The Office of the Attorney General (“OAG”) urges the Judicial Proceedings Committee to report SB 896 favorably while considering two amendments. The amendments would align SB 896 with HB 638, companion legislation in the House.

Senate Bill 896 would accomplish two important goals. First, it would grant the OAG the ability to conduct independent prosecutions of officer-involved fatalities while providing State’s Attorneys an opportunity to prosecute. Second, it would clarify provisions in the original bill ([SB 600](#) (2021)) that created the Independent Investigations Division (“IID”) that have been challenged by some local officials.

Senate Bill 896 would grant OAG the power to prosecute officer-involved fatalities if the local State’s Attorney declines to prosecute. As demonstrated by the legislature’s creation of the IID last year, there is robust agreement across Maryland on the benefit of independent investigations of officer-involved fatalities. The benefit of independent prosecution stems from the same principles: giving confidence to the public that prosecution decisions are being made in a disinterested way, by people who do not work together or rely on each other professionally or personally. As the U.S. Commission on Civil Rights explained, “Investigation and prosecution of use of force cases should be made as independent and public as possible. The agencies investigating and determining whether to move forward with prosecution should not have an ongoing relationship with the department.” *Police Use of Force: An Examination of Modern Policing Practices*, Nov. 15, 2018.

This bill also fixes two narrower problems. It clarifies the language in the current statute that the IID “shall investigate all alleged or potential police-involved deaths of civilians” to remove any confusion as to whether the statute permits the OAG to begin investigating before a civilian dies. It is important to have a firm answer to such issues before they occur. Similarly, this bill provides a mechanism for resolving disputes between the IID and another law-enforcement agency that might wish to conduct a competing investigation that could harm the independence of the investigation guaranteed under the existing law.

The OAG does support two amendments to SB 896 to enhance the salutary effects of the existing bill. First, the OAG supports language that would provide the OAG the first opportunity to prosecute in officer-involved fatalities—in line with nationwide best practices—while still allowing State’s Attorneys the ability to prosecute if the OAG declines. This change would give the public even greater assurance of impartial prosecution decisions by allowing the independent entity—the OAG—to retain control over the investigation continuously until the prosecution decision has been made, rather than requiring it to turn the case over to the State’s Attorney for a 45-day window in the middle of that process. The revised procedure would maintain the State’s Attorney’s role if the OAG chooses not to act.

Second, the OAG supports language that would fix a procedural problem with the OAG’s subpoena process by bringing it in line with the subpoena authority already granted to the Office of the Special Prosecutor and the State’s Attorneys. Currently, the OAG must use grand-jury subpoenas, which are not otherwise used in many courts and can be cumbersome. This has already delayed several of the IID’s investigations. The supported change would allow the IID to use direct subpoenas to obtain records. The language does not add any substantive rights; it only lowers procedural burdens.

For the foregoing reasons, the Office of the Attorney General urges a favorable report of Senate Bill 896 with amendment.

cc: Committee Members

**SB-0896.pdf**

Uploaded by: Charlene Rock-Foster

Position: FWA

Charlene Rock-Foster  
Baltimore, MD 21206

**Favorable with Amendments**  
**SB0896-Office of the Attorney General – Independent Investigations – Revisions**  
March 1, 2022

My name is Charlene Rock-Foster, a resident of Baltimore City, and I support, with amendments SB 896.

From what I interpreted from the proposed bill, 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. My amendment is for the prosecution to remain with the Attorney General's Office.

I suggested the amendment due to the current practice of State's Attorney's being the lead Prosecutor on police brutality cases, which has not helped 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 Attorney's offices and Police Departments/FOP within the state of Maryland is too close, which does provide opportunities to cover up police misconduct. We can hold up high profile cases like Freddie Gray, Tyrone West, and Anton Black to see the evidence that the State's Attorney's roles with offending officers and investigators to ensure no proper prosecution took place. When charges are sought against police officers, the investigative techniques utilized, as well as witness 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.

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.

For the foregoing reasons, I urge a favorable with amendments report on SB 896. Thank you for the opportunity to submit testimony.

**senate Bill March 2022.pdf**

Uploaded by: Hilary Hellerbach

Position: FWA



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.

**SB0896-AG Ind Inv Div-Revision.pdf**

Uploaded by: Jared Ramirez

Position: FWA

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

### **Stance: Favorable with Amendments**

**Testimony:** My name is Jared Ramirez and I reside in the 45th Legislative District covering Northeast Baltimore City. I am writing in support for Senate Bill 896, but with some Amendments. I have watched the last several years from the Freddie Gray case in 2015 forward, the police literally getting away with murder. The State's Attorney's Offices in the State of Maryland seem to always decide to not prosecute police officers when they injure or kill a civilian. They always seem able to "justify" their actions, and there is no justification for beating, shooting, or chasing someone in a vehicle to their death. The current Independent Investigations Division at the Attorney General's office is now only in charge of investigating these incidents. Why aren't they allowed to also Prosecute these cases? The State's Attorneys Offices throughout the state of Maryland have repeatedly failed to prosecute rogue police officers again and again. Anton Black is another case that has had no accountability, and the Freddie Gray case serves to illustrate how the State's Attorney purposely sabotages an investigation in favor of Police officers. The only case I have witnessed be properly prosecuted was the GTTF case out of the US Attorney's office. This goes further to prove that the State's Attorney's Office is unwilling, and incapable of prosecuting these cases of misconduct and abuse of power that results in death.

I feel that an amendment should be placed on this bill that stipulates that the Attorney General should be lead prosecutor in these cases once they are investigated. There should not be a hand-off from the Attorney General's Office to any State's Attorney's Office for these cases. The various State's Attorneys across the states have failed the families of victims of Police Brutality on a consistent basis over many years. Enough is enough, because the State's Attorney's Offices are guilty of covering up these cases and sweeping them under the rug, never to be seen again. There are too many officers on the various police forces that feel justified committing misconduct as a result.

Another amendment for this bill should be that if for some reason the AG decides not to prosecute, the full investigative file should be turned over to the State Prosecutor or perhaps the US Attorney's Office for review to see if they feel they warrant a prosecution. The State's Attorneys should be kept out of the process completely, as they have already proven collusion and tendencies to cover-up police misconduct.

Lastly, my final amendment suggestion for this bill would be that the Governor provide additional funding to the AG's office for expansion of the unit to ensure that there are enough Attorneys within the office to investigate and prosecute these cases. Thank you for your time and consideration in this matter.

**SB0896-AG Indep Invest Div-Revision.pdf**

Uploaded by: Tawanda Jones

Position: FWA

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

### **Stance: Favorable with Amendments**

**Testimony:** My name is Tawanda Jones and I reside in the 45<sup>th</sup> Legislative District in Baltimore City. I am writing to offer support for Senate Bill 896, but would like to offer suggestions for some Amendments. This bill states that once the Attorney General Independent Investigations Division is complete with an investigation of Police Brutality resulting in death; they then turn it over to the State's Attorney's office for prosecution. It also says that if the State's Attorney chooses not to prosecute the Police, that the Attorney General can opt to. Instead of the case being turned over to the State's Attorney once the investigation is complete, I would submit an amendment that states that the Prosecution should remain with the Attorney General's Office. Why should there be a hand-off to a State's Attorney that could delay justice by stalling and then deciding not to prosecute? This would only serve to cause more grief for impacted families, and delay justice.

I am the sister of Tyrone West, who was brutally executed in broad daylight on a residential street in Northeast Baltimore City in 2013. For the last NINE YEARS, I have been fighting for the officers that murdered my brother to be held accountable to no avail. As early as a week after Tyrone West was murdered, that following week I and my family created West Wednesdays to bring attention to these cases of Police Brutality and obtain accountability not just for Tyrone, but for all victims of Police Brutality! West Wednesdays has met every week since, for **450** weeks; and we still don't have accountability! In 2013, the homicide detectives were working with a State's Attorney, supposedly investigating the murder of my brother; and before all of the murderers were even interviewed, Gregg Bernstein; the State's Attorney at the time, opted to not prosecute the killer cops. He made this decision in December of 2013, meanwhile the final killer was not interviewed for the investigation until February of 2014!! That is corruption. That is a cover-up! The State's Attorneys Office works hand in hand with the Police Department to ensure that no cop ever faces a proper investigation nor prosecution in a majority of police brutality cases. The corruption and cover-up needs to Stop! If the investigation is being performed by the Attorney General's office, the Attorney General should also be prosecuting the case. Period. The State's Attorney's Office should not play a role whatsoever, since they have too close of a relationship with the Police Department.

Even with a change in who is the State's Attorney, the situation doesn't change. After fighting against Gregg Bernstein's decision to not prosecute; I have spent the last Seven years fighting to have Marilyn Mosby take another look at my brother's case and she has refused. She demanded I provide additional evidence. Not to do her job and investigate herself. Not to look at the evidence that came into the actual police investigation AFTER Bernstein refused to prosecute. She demanded that I do the work, and she still has not gotten back in contact with me after Four Years, nor to my recent inquiry as to whether or not she'd reopen and prosecute the case. Enough is enough. Something has to change, and the entanglements that are happening with the State's Attorney's Office and Police Department needs to be taken out of the equation. The Attorney General should be prosecuting the cases they are investigating. Victims' families should be able to request that the Attorney General retroactively investigate prior cases that have gone unprosecuted as well.

Another Amendment suggestion would be that the Governor should not only offer funding for the current unit, but offer additional funding for expanding the unit to ensure that the Attorney General's office has the right amount of people to prosecute these cases. Thank You.

# **Written Testimony for SB 896, Office of the Attorn**

Uploaded by: Allan Culver

Position: UNF

**Bill Number: SB 896**

**Allan J. Culver, State's Attorney for Carroll County**

**55 North Court Street, Westminster, MD 21157**

**Opposed to SB 896**

**WRITTEN TESTIMONY OF ALLAN J. CULVER,**  
**STATE'S ATTORNEY FOR CARROLL COUNTY**  
**IN OPPOSITION TO SENATE BILL 896**  
**OFFICE OF THE ATTORNEY GENERAL**  
**INDEPENDENT INVESTIGATIONS – REVISIONS**

I write in opposition to Senate Bill 896. This bill, with all due respect, is irrelevant. It mandates certain actions that are already occurring and attempts to mandate other actions that can't be mandated.

The Independent Investigations Division of the Attorney General's Office was created over one year ago. The division already determines if an incident is a "police-involved incident." Furthermore, the Attorney General has already dictated that the Independent Investigative Division is the primary investigative unit of "police-involved incidents."

The legislature cannot force a law enforcement agency to turn over evidence in one of their investigations to another investigative unit. Whether it is a "police-involved incident" or not, independent law enforcement agencies should and will act in accordance with what is in the best interest of the investigation that they are conducting. In certain circumstances, such as forensic analysis, law enforcement agencies need to retain evidence to ensure the reliability and eligibility for analysis.

In SB 896 there is a clause that indicates that a law enforcement agency "may not engage in activity that impedes or interferes with the investigation of a police-involved incident." Once again, this is an action that cannot be legislated. If a law enforcement agency is conducting their own independent investigation into possible serious criminal activity that agency is going to take what necessary actions, it believes are necessary to conduct a complete and thorough investigation.

SB 896 goes on to state that after the Attorney General completes its investigation it shall transmit a report with detailed findings and a determination as to whether the Attorney General's Office recommends prosecution. Once again, these requirements are irrelevant. Each State's Attorney's Office is an independent body that has a duty to review all information related to an investigation and make an unbiased, independent determination on what action is appropriate. We as prosecutors would not be doing our job if we did not do an independent review of investigations and make our own determination on whether to prosecute.

The bottom line is that SB 896 is an attempt to legislate cooperation. Whether it's the Attorney General's Office, local law enforcement agencies or state's attorney's

offices, each agency has a job to do. Sometimes those jobs work in concert, other times those agencies must work together to resolve conflicts. Either way these actions do not require legislation.

The Carroll County State's Attorney's Office joins the Maryland State's Attorneys' Association in requesting that this committee give SB896 an unfavorable report.



**SB 896 - UNFAV - OPP.pdf**

Uploaded by: Gavin Patashnick

Position: UNF

# OFFICE OF THE STATE'S ATTORNEY FOR HARFORD COUNTY

Albert J. Peisinger, Jr.  
State's Attorney



20 W. Courtland Street  
Bel Air, MD 21014

MiaBeth A. Marosy  
Gavin Patashnick  
Deputy State's Attorneys

(410) 638-3500  
Fax (410) 838-2023  
[www.harfordcountystatesattorney.org](http://www.harfordcountystatesattorney.org)

**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.

# **MCPA-MSA Opposition to SB896 - AG Independent Inve**

Uploaded by: Mike Lewis

Position: UNF



# Maryland Chiefs of Police Association Maryland Sheriffs' Association



## MEMORANDUM

TO: The Honorable William C. Smith, Jr., Chair  
and Members of the Judicial Proceedings Committee

FROM: Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 1, 2022

RE: [SB 896](#)– **Attorney General - Independent Investigations - Revisions**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 896**. This bill would (a) greatly expand the category of newly enacted notifications required to be made to the Attorney General (AG) to include all police involved incidents with civilian *injuries* likely to result in death; (b) remove primary investigative jurisdiction from local law enforcement agencies; (c) require the physical transfer of evidence from pending police criminal investigations to the AG; and (d) authorize the AG to obtain virtually unrestricted injunctive relief without factual justification, in all incidents *involving* a police officer (very broadly defined) that result in a civilian death or injuries likely to result in death.

As originally created by the Legislature effective October 1, 2021, the [AG's Independent Investigations Division](#) (IID) investigates all alleged or potential police-involved deaths of civilians. After investigation, the IID sends its report containing detailed findings and analysis to the State's Attorney of the county with jurisdiction over the incident. The IID does not decide whether to prosecute an involved officer and does not bring criminal charges. Rather, the local State's Attorney retains their customary prosecutorial authority and accountability.

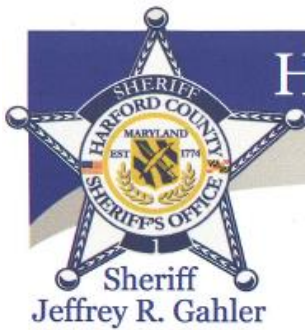
Criminal procedure changes proposed by **SB 896** have the potential to complicate and interfere with orderly local criminal investigations and prosecutions, loss of chain of custody of essential evidence, and result in the disruption of critical enforcement activities against serious criminal perpetrators.

For these reasons, MCPA and MSA **OPPOSE SB 896** and urge an **UNFAVORABLE** report.

# **SB896 Attorney General Independent Investigations**

Uploaded by: Sheriff Jeff Gahler

Position: UNF



# HARFORD COUNTY SHERIFF'S OFFICE

COURAGE HONOR INTEGRITY

**Senate Bill 896 - Oppose**

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

### **Letter of opposition to the Senate Judicial Proceedings Committee**

March 1, 2022

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Mr. Chairman and Members of the Committee, I am pleased to submit my written testimony in opposition to Senate Bill 896.

During the 2021 legislative session this body passed Senate Bill 600, legislation I supported with amendments. The bill that this body enacted, established a process in which the Office of the Attorney General (OAG) will conduct an independent investigation whenever there is an incident that involves the death of a civilian and there is potential police involvement. The actions of the Independent Investigative Unit (IIU) since enactment are an extreme overreach and an attempt to subvert the initial intent of the legislation.

The legislative framework provides that “the Independent Investigative Unit shall investigate all alleged or potential police involved deaths of civilians.” The passing of this law last year allows for the intended oversight and transparency expected by our citizens through separate and/or parallel investigations; similar to that of the U.S Department of Justice in a civil rights investigation. It also provides the oversight in a fiscally responsible manner, as the bill passed did not require the creation of an additional police agency within the OAG. The current law, as passed, did not usurp the responsibilities of local law enforcement and government to serve their community and, if properly implemented by the OAG, as originally intended, we would not have the State Police investigating their own members and other police officers as part of the independent investigation.



Since the bill was passed by this body and enacted into law, the OAG has taken a broader interpretation of the law, and by simple fiat, assumed legislative function to issue written protocols outside the framework of the statute. Nothing in the current law precludes or absolves responsibility of police departments or sheriff's offices from performing their duties to conduct criminal investigations in their jurisdictions as they historically have done. Unfortunately, the protocols put in place by the OAG seek to prohibit local investigations, interfere with the timely collection of evidence, and the investigation of criminal activities that lead to the police involved death of a civilian.

A clear example of this is the use of the Maryland State Police forensics lab in the evidence collection portion of the investigations. The current law (resulting from SB 600) allows the Maryland State Police to detail one or more **sworn** members to the IIU; however, nowhere in the Law does it permit the OAG to detail non-sworn employees to take part in the investigation, which has occurred routinely. That is except for reportedly those cases which have occurred in Baltimore City, where the local police has collected and processed the evidence as well as conducted its own investigation, all consisted with law.

While there are changes that should be made to the language from last year's Senate Bill 600, the changes proposed in Senate Bill 896 only serve to further complicate the process and provide less transparency, less accountability, and ineffective investigative practices that do not ensure a fair and impartial investigation is conducted. For example, since the current law went into effect, my Office has notified the OAG's IIU 25 times and there has been no, zero, responses by the IIU to civilian deaths that have occurred during police related activities (as the law requires). These were not use of force situations, so the IIU's "phone call investigation" and deferral falls short of the law should there be an allegation of impropriety on the part of law enforcement related to these police involved deaths.

This is also an area where I would offer an amendment to the data collection and annual reporting from the IIU to the Legislative Policy Committee, the number of declined responses to notifications to the IIU. As presently written, the data required begins with "the number of cases referred to the Division." I believe it is as equally important to collect the data (as my Agency currently does) on those cases requiring notification per the statute that are declined by the IIU.

As I have stated many times when testifying on various versions of this legislation, as the elected sheriff, the citizens of Harford County have entrusted me with the duties of my Office. Those duties include these types of investigations when they unfortunately occur.

It is me, like each of you and our state's attorneys that the residents of our counties can hold accountable through the power of their vote. Citizens have very limited ability to hold the Maryland Attorney General accountable for the results and handling of these investigations, and no ability to hold accountable the Superintendent of the Maryland State Police, who, by defacto, are the true investigative body, not the OAG IIU. This, in my opinion, is in opposition to the intent of the current law, police investigating police and their own as a part of the independent investigation and is completely opposite to public interest.

That said, I also recognize the need to be transparent in these types of cases and that is why I have offered support in the past and today for independent parallel and collaborative investigations that the framework of last year's Senate Bill 600 provides. Not the further removal of local law enforcement from these investigations and the resulting fiscal irresponsibility that Senate Bill 896 seeks to accomplish. Senate Bill 896, and the continued efforts of the OAG to radically redefine what has been passed by this body represent a grave threat to the intent of the original law and law enforcement's ability to comply with it as written. By again attempting to alter the process, the OAG is replacing common sense and transparency for politics and fiefdom building.

I ask the members of the committee for an unfavorable report on Senate Bill 896.