



TESTIMONY TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE

Position: Favorable

SB 290 Office of the Attorney General - Independent Investigations Division - Authority to Prosecute

By: Nancy Soreng, President

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The League of Women Voters supports a criminal justice system that is just, effective, equitable, transparent, and that fosters public trust at all stages.

We support SB 290 because it addresses a major problem resulting from the good intentions of SB 600 when it was passed in 2021. Chapter 132 of 2021 established the Independent Investigative Unit within the Office of the Attorney General (OAG) to investigate all alleged or potential police-involved deaths of civilians. However, that law said that after completing an investigation, the unit must transmit a report containing detailed investigative findings to the State's Attorney of the county that has jurisdiction to prosecute the matter.

According to testimony presented by the Attorney General's office on SB 896 which came before you in 2022 *"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."*

Of the 6 cases referred to OAG in 2021 where they forwarded the results of their investigation to the State's Attorney all declined to prosecute. Of the cases that were referred to the State's Attorney in 2022, 9 were still ongoing so the prosecution decision was available. Two investigations have been completed and referred but the decision on whether to prosecute has not been made public. 8 other cases were referred to the State's Attorney and all were declined for prosecution. It is hard to accept that NONE of the 14 cases referred to the State's Attorney merited prosecution.

We also note that of the 21 witnesses who testified on SB 896 in 2022, all of the 12 unfavorable witnesses were from law enforcement or local State's Attorneys. We know that our system is not working and those who are fighting reform are part of the problem.

SB 290 can remedy this situation and we urge a favorable report.