



# HARFORD COUNTY SHERIFF'S OFFICE

COURAGE HONOR INTEGRITY

**Senate Bill 290 - Oppose**

## Office of the Attorney General – Independent Investigations Division- Authority to Prosecute

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

February 14, 2023

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Mr. Chairman and Members of the Senate Judicial Proceedings Committee, I am pleased to submit my written testimony in opposition to Senate Bill 290.

Two years ago, this body passed Senate Bill 600. This law requires the Office of the Attorney General to conduct an investigation when the death of a civilian occurs and there is potential police involvement. As implemented by the Office of the Attorney General, it is their goal to completely eliminate local law enforcement from any role in these cases. As you are likely aware, it remains the position of the Sheriff of Harford County that this process lacks transparency, erodes public confidence as the duties of the elected Sheriff is to investigate potential criminal actions, and is counter to any concept of best practices related to timely crime scene processing and timely investigative actions.

This session, the Office of the Attorney General seeks to go one step further and subvert the Constitutional duties of elected State's Attorneys across the State. The Attorney General seeks prosecutorial authority in these cases, where their Office is also conducting the investigation.

In the last two years, this body has heard calls from some members of the public and constituency groups for "Police Reform," transparency and accountability. Senate Bill 290 sets up a process where the same office investigating the incident is the office that will have the authority to prosecute. Setting up a process where one elected official's office oversees the entire process, with no checks and balances, is counter to the



fundamental necessity of the original legislation. It also invites the political philosophy of the elected official holding that office to trump the facts, fairness, and independence of a specific case.

During the first 23 years of my career as a Deputy Attorney General in Delaware and Assistant States Attorney in Harford County Maryland I was able to see firsthand the importance of the separation of powers between the police agency that investigates criminal incidents and the prosecutorial office that reviews the findings. It is crucial that this review be made by an office that has not been actively involved with the case from its inception. That separation allows for a “fresh set of eyes” to review the case and analyze the facts as it relates to the law for a proper check and balance before final charging occurs. To take that layer of review away removes a necessary check every individual deserves prior to being charged with a crime that could affect their liberty. Additionally, my 8 years as the County Attorney in Harford County also gave me the insight to understand the civil liability repercussions of improper legal action without necessary checks and balances.

Even progressive Police Reform Groups such as Campaign Zero, do not advocate for giving all the power to investigate and to prosecute to a singular office held by an elected official. On the Policy Page of their website, the group mentions a special prosecutor handling the prosecution and gives the policy solution of choosing a police agency from the “Ten Largest” in the state to handle the investigation.

The citizens of the county where the incident occurred and where any potential prosecution will occur have elected a state’s attorney to prosecute crimes in their jurisdictions; taking this right away from them erodes the ability of citizens to hold them accountable for their actions and decisions. This is contrary to the goals of a fair, transparent and accountable process for all involved. Citizens of that jurisdiction have very limited ability to hold the Maryland Attorney General accountable for the results and handling of these investigations.

I ask the members of the committee for an unfavorable report on SB 290.

Melissa Lambert, Esq.

Director,

Harford County Sheriff’s Office – Office of Legal Affairs