

## **Testimony of Kristy Parker in support of SB290**

This statement is submitted in support of passing SB290. From September 2002 through October 2017, I was a prosecutor in the Criminal Section of the Civil Rights Division of the United States Department of Justice. From 2010 until the end of my tenure, I was a Deputy Chief. In these roles, I investigated, prosecuted, and supervised hundreds of police excessive force cases under 18 U.S.C. § 242, the federal statute that prohibits deprivations of rights by persons acting under color of law, and other related federal laws. As a result, I gained extensive experience in evaluating the efficacy of both federal and state efforts to hold law enforcement officers accountable for violating the rights of people in their custody. Doing so successfully is a critical component of a functioning democracy and necessary for the safety of citizens and police officers.

Based on that experience, I strongly support SB290, which would grant the Office of the Attorney General independent prosecution authority in officer-involved fatalities through its Independent Investigations Division. Allegations of unlawful uses of force by police officers are notoriously difficult to prosecute as crimes, especially when prosecutors are called upon to sit in judgment of colleagues they work with every day. In addition, gathering the evidence necessary to prove criminal conduct by police officers, which includes eliciting truthful testimony from often reluctant law enforcement witnesses, requires significant investigative resources that are often unavailable to local prosecutors. These challenges combine to undermine public confidence when local prosecutors decline to seek charges in police excessive force cases, even when those decisions are warranted by the facts and the law. Independent investigative bodies are therefore vital to ensuring that

allegations of unlawful deadly force by police officers are reviewed objectively in a manner that the public views as credible.

In my experience at the federal level, prosecutors who come from outside the community or agency where an allegation of excessive force arises are better able to conduct investigations of law enforcement officers at arms length without damaging the relationships necessary to carrying on the local prosecutor's larger law enforcement mission. They are also better able to analyze evidence, interview witnesses, and take standard investigative steps free from any bias or concern for feelings that might come from past associations with witnesses, subjects, and their supervisors.

At the same time, independent prosecutors who have specialized knowledge of the law governing police uses of force, as well as police training and use-of-force techniques, bring important resources to the table. Successful investigations of police misconduct generally require such specialized knowledge. They also often require the use of investigative grand juries as a mechanism for securing and memorializing the testimony of witnesses who are reluctant to testify against their fellow officers or civilians who are fearful of testifying against police officers. It was not uncommon for the investigations I worked on and oversaw to require weeks and months to complete. Independent prosecutors can devote the necessary resources to law enforcement investigations while freeing local prosecutors to do their critical work. They are also a safeguard against pushing forward cases that merit prosecution without taking all the steps necessary to ensure the best chance of success at trial.

Finally, independent investigations and prosecutions of uses of deadly force are an important tool in gaining the public's trust. It was apparent to me throughout my career

that many communities in our country justifiably lack faith in the willingness or ability of our legal system to hold police officers accountable for violating the law. This, in turn, undermines the belief that we live in a society that is governed by the rule of law, which endangers citizens and police officers alike. While there are many complex issues that must be addressed to solve this problem, it is imperative in the first instance that investigations of police misconduct be as free as possible from any suggestion that the relevant decisionmaker has a conflict of interest.

For all of these reasons, passage of SB290 will be an important step forward to ensure respect for the constitutional rights of the people of Maryland and to improve the functioning of its law enforcement agencies.