



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

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

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 28, 2023

RE: **SB 658 - Human Relations - Patterns and Practices of Civil Rights Violations
- Remedies**

POSITION: **LETTER OF INFORMATION**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) are submitting this letter of information to the Judicial Proceedings Committee concerning SB 658.

The MCPA and MSA fully support and defend the civil and constitutional rights of all citizens in Maryland and across our country. Our officers and deputies work each day to protect and defend these important rights throughout our great state. All of Maryland Law Enforcement has worked hard to put constitutional policing into action, to be transparent in their efforts, and to safeguard lives, property, and human rights throughout Maryland. SB 658 raises several issues that we believe this committee should be made aware of as you deliberate the bill.

1. **Terms and Conditions.** The current bill does not define the exact terms or conditions for the Attorney General's Office to exercise the authority the bill is granting, nor does it provide the protocols for said authority to be exercised. There should be further conversation to address these matters in the legislation.

2. **Conflicts of Interests.** The Attorney General's Office has a responsibility to represent various law enforcement organizations and their members. We are concerned about the ability of the Attorney General's Office to effectively represent law enforcement organizations under the proposed authority without conflict of interest. We understand that there are processes to "wall off" investigations from each other as well as to contract outside counsel for such representation. However, this structure at the very least gives an appearance of such conflict. Failing to address this matter may result in a lack of confidence in the Attorney General's Office by many of its law enforcement clients. It is important to maintain confidence in this critical component of our state

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government and to avoid actual or perceived conflicts of the professional ethical conduct and standards required of members of the bar in diligently representing clients.

3. **Jurisdiction.** The bill raises questions in regard to state and federal jurisdiction over the matters at hand. Several questions should be considered - Under what standards, protocols, and guidance will the Attorney General of the State of Maryland exercise the responsibilities in this bill without conflicting with, or duplicating the efforts of, federal Department of Justice officials exercising the same responsibilities? What are the gaps in DOJ enforcement that this bill is designed to address or correct? Is there a vision that the federal and local officials responsible for executing such investigations would work jointly? How would such matters be balanced in their application?

4. **Consent Decrees.** Jurisdictional matters regarding consent decrees need to be addressed. Will the Attorney General execute consent decrees throughout our state, just as the DOJ has done? Consent decrees are costly and complex. Conflicting or costly state and federal consent decrees could overburden law enforcement.

5. **Insurance.** There are extremely high costs associated with managing consent decrees. Local governments that do not self-insure rely on insurance carriers. These governments could suffer financial strain if insurance carriers were to refuse coverage due to associated claims. In extreme cases, it could result in bankruptcy and interruption of other vital services that local governments provide.

Again, members of Maryland law enforcement fully embrace their collective responsibility to serve and protect our communities. They strive to offer fair, constitutional, and effective law enforcement services to everyone living in or visiting our state. MCPA and MSA understand the need for oversight and accountability in these efforts and support the same. We submit this letter of information to receive clarification and a true understanding of this proposed legislation so that we can remain responsible and diligent in our service to the community.