

SB0290-Office of Attorney General – Independent Investigations Division-Authority to Prosecute
Stance: Favorable

Testimony: My name is Hilary Hellerbach and I reside in the 45th District of Baltimore City. I am writing to lend my support for Senate Bill-SB0290. As a white woman who has been privileged not to have to worry that I may be treated unfairly by police due to the color of my skin, but who has been keenly aware of the disproportionate targeting and abuse by police of people who don't look like me, followed by the clear lack of prosecution by States Attorneys of officers when they brutalize community members, I am strongly in favor of this Bill passing as it is written. It is widely known in this country that prosecutors are unlikely to charge or prosecute officers for misconduct. Many states, including Maryland, have a history of legislation that protects officers from prosecution. The culture of policing in this country supports the idea that using violence to control others will decrease crime, yet statistics on crime plainly show this not to be true. In order to change this culture of police violence I believe that we need to hold police accountable for the harm they have caused in the name of policing. The IID was formed in Maryland because victims' families were crying out for accountability where there was none. For the first full year that the IID was in charge of investigating cases, they investigated 23 cases of police brutality that resulted in harm or death of a civilian. Approximately half of these, 11, were referred to the State's Attorney in the jurisdiction where the event occurred as having probable cause for potential prosecution of one or more officers. Not ONE of these were taken on for prosecution by ANY of the State's Attorneys in MD. This is why many civilians believe that there continues to be an unwritten understanding between the various State's Attorneys Offices, the Police Departments, and the F.O.P. to not prosecute police. This maintains a culture of accepting violence that is hurting our communities. When young people see that police brutality can happen without consequences, it teaches them that violence is acceptable. This is not okay. If the Attorney General performs a comprehensive investigation and finds probable cause to prosecute an officer, then this prosecution should take place. Since the various State's Attorneys refuse to do so, it only makes sense to keep these cases within the Attorney General's Office and provide them with the resources, authority and jurisdiction to prosecute. It is hoped that since the Attorney General's Office is less involved in day to day criminal prosecution utilizing local police departments, that they may be more objective and equitable in their prosecution of police misconduct. Police officers who utilize excessive force for any reason have made a choice that should result in them being investigated, prosecuted, and incarcerated. This Bill can facilitate a greater degree of fairness in prosecution of wrong doing, thus proving that no one is above the law. It will allow victims of police brutality and their families to realize some level of accountability so that they may begin the process of grieving and healing. This jurisdictional change needs to happen now if we are to decrease the violence in our state. We can be in the forefront of seeking true accountability if we are brave enough to make a systemic change that will send a clear message that violence, control, and excessive force is not an effective way to keep our communities safe.