



SENATE BILL 0290

Office of Attorney General-Independent Investigations Division-Authority to
Prosecute

RICH GIBSON, HOWARD COUNTY STATE'S ATTORNEY

POSITION: UNFAVORABLE

February 13, 2023

My name is Rich Gibson. I am the State's Attorney for Howard County and the President of the Maryland State's Attorneys Association (hereinafter MSAA). I am writing today to offer my opposition to Senate Bill 0290. It should be noted that the MSAA is a politically diverse group comprised of the elected prosecutors throughout the State; while not unanimous, the overwhelming majority of our membership opposes this bill (23 of the 24 elected State's Attorneys voted to oppose this bill).

We oppose this bill for several reasons. First, we reject the premise that prosecutors are unable to evaluate and hold accountable law enforcement officers within our jurisdictions. It is an unsubstantiated assumption that prosecutors will, by default, show bias toward local law enforcement officers. In fact, prosecutors routinely, on an everyday basis, scrutinize the actions of law enforcement. Every case provided to us by law enforcement is reviewed and if we see issues with the case, we take corrective action (which can include but is not limited to: educating the officers as to what errors we see in their approach or conduct, referring the case to the officer's supervisors for administrative action, or in the most extreme cases initiating a prosecution against that officer for their criminally wrongful conduct.) The fact that the incident happens to be a police-involved death does not change our critical analysis of their actions.

Moreover, if an actual bias exists that would impact the case, prosecutors currently have the ability to request the assistance of a neighboring jurisdiction in handling the matter. This trading of cases in the presence of *real* bias happens

consistently in matters where a person who works for our office or a relative is the victim of a crime or is accused of a crime. In the presence of actual bias, rather than presumed bias, we have mechanisms in place to address the issue to allow for the fair and just administration of justice.

Additionally, this bill, if enacted into law, would dilute the voice of communities impacted by police-involved shootings. The Attorney General is a state-wide elected position, whereas State's Attorneys are directly elected by the communities they serve. Maryland has approximately (6) six million people. Police involved deaths have tremendous local impact. Every four years the impacted community gets an opportunity to affirm or reject the elected State's Attorney's values, judgments, and policies - the way in which they have administered the laws. Due to the fact the position of Attorney General is not as connected to the individual communities, this bill, if enacted, would mean concerned parties would have less access, and less of a voice, with the entity tasked with handling these cases.

Finally, police involved deaths are some of most complex investigations and prosecutions within the realm of criminal justice. The Attorney General's Office does not have, within its ranks, the skilled experienced prosecutors to handle these cases. Where will they get individuals with the requisite experience? By pillaging the same local offices that this bill suggests are too biased to handle the cases. The assumed bias that is the premise undergirding this bill does not miraculously evaporate due to the individual attorney leaving a local prosecutor's office and joining the Attorney General's office. This process will, of course, deplete the resources of local prosecutor's offices, negatively impacting public safety in our communities.

For these reasons, **I respectfully request an unfavorable report for Senate Bill 0290.**