



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

**TO:** The Honorable Luke Clippinger, Chair and  
Members of the Judiciary 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:** March 7, 2023

**RE:** **HB 857 Office of the Attorney General – Independent Investigations Division  
– Authority to Prosecute**

**POSITION: OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE HB 857. This bill greatly expands the types of law enforcement related incidents that may be investigated by the Office of the Attorney General and provides for the exclusive authority of the Attorney General to prosecute these incidents should the investigation provide sufficient grounds.

Two years ago, the Attorney General's Office was given the authority to investigate those law enforcement involved incidents resulting in death or injuries likely to result in death. While MCPA and MSA opposed the legislation because it erodes the authority of the law enforcement agency, we've been able to work closely with the Independent Investigative Division (IID) to establish protocols that have been adopted statewide by all law enforcement agencies. MCPA and MSA see absolutely no reason to broaden the IID's investigative or prosecutorial authority. Further the manner specified does not appear to be based on the factual results of a prior investigation and would not be a sound justification for doing so.

Under current operational practices, law enforcement agencies may seek the assistance of outside agencies to investigate officer involved shootings. Many smaller agencies routinely seek the assistance of the Maryland State Police or other large policing agencies. This discretion allows an agency to determine the most effective approach for these additional investigations and to discuss matters of process, both administrative and criminal, as appropriate with the investigative agency. MCPA and MSA strongly oppose any legislation that further diminishes the responsibility of the Chief or Sheriff by expanding the investigative authority of the IID and limits their ability to hold officers accountable in the circumstances outlined in the bill.

For these reasons, MCPA and MSA OPPOSE HB 857 and urge an UNFAVORABLE Committee Report.

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