

**Bill Number: HB 857**

**Scott D. Shellenberger, State's Attorney for Baltimore County**

**Opposed**

**WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,**  
**STATE'S ATTORNEY FOR BALTIMORE COUNTY,**  
**IN OPPOSITION OF HOUSE BILL 857**  
**OFFICE OF THE ATTORNEY GENERAL – INDEPENDENT INVESTIGATIONS**  
**DIVISION – AUTHORITY TO PROSECUTE**

I write in opposition to House Bill 857 that will take the power to prosecute police involved incidents that result in death or serious injury away from local prosecutors and place it in the hands of the Attorney General's Office.

In 2021, the Legislature passed legislation to form the Independent Investigation Division of the Attorney General Office to investigate police involved incidents that result in death or injury likely to result in death. During the hearings and during the discussions leading up to the passage of the Bill, there were many discussions about who should bear the ultimate responsibility of prosecution. Just two short years ago the decision was made by this committee to leave the power to prosecute in the hands of the local prosecutors. That is what the people elected the prosecutor to do: make prosecutorial decisions. Handing this power to the Attorney General and taking it away from the local prosecutors runs against hundreds of years of history.

The State's Attorney elected in each jurisdiction has been entrusted by their voters to make these decisions and prosecute charged offenders.

Please leave this power in the hands of those elected to have it.  
I ask for an unfavorable report.