

HB0238_RichardKaplowitz_UNF

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TESTIMONY ON HB#0HB238 - POSITION: UNFAVORABLE
Public Safety - Police Accountability - Time Limit for Filing Administrative Charges

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee
FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony opposing HB#/0HB238, Public Safety - Police Accountability - Time Limit for Filing Administrative Charges

This bill appears to limit the time necessary for completion of the process of review of alleged police misconduct when that review is unable to be completed within a certain time frame. There may be many unanticipated reasons that such a review cannot be completed under the time limits this bill would impose. There may be inadequate staff or unavailable witnesses that must be acquired to do a full investigation. A higher priority case may occur that pushes the matter under review into a suspended state while that higher priority matter is being resolved. A complex case might have adjacent matters requiring a resolution as part of the overall investigation.

An investigation will continue until the authorities have gathered enough evidence to proceed forward with the case or decide that there isn't enough evidence on which to proceed. This might involve waiting for the turnaround of forensic evidence or locating and interviewing witnesses, victims, or additional suspects. Investigation length may also depend on the caseload of the agency that's conducting interviews and gathering evidence.

The length of time for a police investigation will also depend on the kind of crime that is being investigated and what sort of statute of limitations governs it. The statute of limitations around [federal cases](#), for instance, is five years, so those kinds of investigations can go on for a very long time. ¹

This bill appears to ignore some of these factors and create a rush to judgement by requiring a law enforcement agency to file any administrative charges arising out of an investigation of alleged police officer misconduct that is not required to be reviewed by an administrative charging committee within a certain period to one year and a day. That proposed time frame may not work in every case and, to ensure justice in cases affected by the factors I have noted, could be insufficient to complete all the work required to adjudicate the matter.

I respectfully urge this committee to return an unfavorable report on HB0HB238.

¹ <https://www.bangerterlaw.com/blog/how-long-does-a-police-investigation-take/#:~:text=An%20investigation%20will%20continue%20until,%2C%20victims%2C%20or%20additional%20suspects.>