



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

March 31, 2026

The Honorable William C. Smith Jr.  
Chairman, Senate Judicial Proceedings Committee  
Senate Office Building  
2 East Miller Senate Office  
Annapolis, MD 21401

**RE: Support of HB1054 Criminal Law - Ethics Violations, Malfeasance, Misfeasance, and Nonfeasance - Statute of Limitations**

Dear Chair Smith, Vice Chair Waldstreicher, and Honorable Members of the Committee,

On behalf of the Baltimore City State's Attorney's Office, I am submitting this testimony in support of HB1054.

Misconduct in Office by government officials, including police officers, is a Common Law misdemeanor. The statute of limitations for misdemeanors is, by default, 1 year. However, Maryland's Article on Courts and Judicial Proceedings, Sec. 5-106(f) extends the statute of limitations to "...within 2 years after the offense was committed."

Prosecutors who handle Misconduct in Office investigations and prosecutions against police officers often learn of alleged misconduct long after the incident occurs. Unlike more common crimes such as murder, theft, or drunk driving, wherein the offense is usually discovered nearly contemporaneously with the committing of the crime itself, misconduct is rarely discovered at the time that it occurs, or at least it isn't discovered immediately by those who are responsible for the investigation of, or possible prosecution of, the misconduct.

Misconduct in office investigations generally start in one of two ways: 1) a citizen or designee of the citizen (an attorney or a family member) reports misconduct to a police department or other law enforcement agent such as the State's Attorney's Office or Attorney General's Office; and/or, 2) the respective police department identifies misconduct itself through its own auditing process(s), triggering an internal investigation and potentially a referral to the local State's Attorney's Office for criminal prosecution consideration.

Baltimore City has the largest police department, and the City State's Attorney's Office has the largest police integrity unit within the State.



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

What my team and I have found is that a significant number of allegations of misconduct lodged against police officers come to our attention near or after the expiration of the statute of limitations. There are several reasons for this.

In the case of citizens or their designees reporting misconduct, some citizens who wish to file complaints are unaware of how to do so, are afraid to do so, or are incarcerated and unable to do so.

In cases where law enforcement agencies discover possible misconduct by their own officers, while complaints are frequently made by first-level supervisors who conduct immediate, frequent audits of their subordinates, several instances of misconduct are not unearthed until upper-level commanders conduct random, sometimes mass audits. Such audits frequently occur months or even a year or more after an act of misconduct occurs. By the time audits are completed, referrals to internal affairs may be a year or two after an incident.

In my nearly 8 years of handling police misconduct investigations and prosecutions, I am increasingly encountering situations in which my team and I are not notified of an alleged act of misconduct until it is too late to initiate a prosecution, given the current 2-year statute of limitations.

While not every discovery after 2 years could be cured by extending the statute by one year to 3 years, those of us who handle cases like this daily believe strongly that the simple addition of 1 year to the statute of limitations will allow us to fully investigate and, when necessary, prosecute most acts of misconduct by police officers that were not brought to our attention within the first 2 years after the incident occurred.

To be clear, most police misconduct incidents are reported in a timely manner. For the reasons already identified, a small percentage arrive too late for the State to consider prosecuting. Ultimately, however, the public collectively and individually is better served when vindication of their victimization at the hands of a police officer who committed an act of misconduct upon them is not thwarted by an arbitrary boundary such as the 2-year statute of limitations.

I appreciate your consideration of this recommendation.

Sincerely,

*Submitted on behalf of the Chief of the Police Integrity Unit, Chief Steve Trostle,*

Matias Cacheiro

Deputy Director of Government Affairs

[Mcacheiro@stattorney.org](mailto:Mcacheiro@stattorney.org)