



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith, Jr., Chair
and Members of the Judicial Proceedings Committee

FROM: Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 1, 2022

RE: [SB 896](#)– Attorney General - Independent Investigations - Revisions

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 896**. This bill would (a) greatly expand the category of newly enacted notifications required to be made to the Attorney General (AG) to include all police involved incidents with civilian *injuries* likely to result in death; (b) remove primary investigative jurisdiction from local law enforcement agencies; (c) require the physical transfer of evidence from pending police criminal investigations to the AG; and (d) authorize the AG to obtain virtually unrestricted injunctive relief without factual justification, in all incidents *involving* a police officer (very broadly defined) that result in a civilian death or injuries likely to result in death.

As originally created by the Legislature effective October 1, 2021, the [AG's Independent Investigations Division](#) (IID) investigates all alleged or potential police-involved deaths of civilians. After investigation, the IID sends its report containing detailed findings and analysis to the State's Attorney of the county with jurisdiction over the incident. The IID does not decide whether to prosecute an involved officer and does not bring criminal charges. Rather, the local State's Attorney retains their customary prosecutorial authority and accountability.

Criminal procedure changes proposed by **SB 896** have the potential to complicate and interfere with orderly local criminal investigations and prosecutions, loss of chain of custody of essential evidence, and result in the disruption of critical enforcement activities against serious criminal perpetrators.

For these reasons, MCPA and MSA **OPPOSE SB 896** and urge an **UNFAVORABLE** report.