



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chairman and
Members of the Judiciary Committee

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

DATE: March 3, 2020

RE: **HB 1251 Criminal Procedure – Attorney General – Independent Investigation of
Law Enforcement-Involved Death**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE HB 1251. This bill establishes a process for the investigation of a law enforcement officer involved death led by the Attorney General's Office.

MCPA and MSA understand the need for comprehensive investigations when an officer involved death occurs. However, HB 1251 limits law enforcement's flexibility in handling these matters, lacks clarity, and is generally unnecessary as law enforcement agencies already have processes in place to investigate these situations.

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 investigations and to discuss matters of process, both administrative and criminal, as appropriate with the investigative agency. In those jurisdictions where the law enforcement agency is managed by an elected sheriff, the electorate has granted the authority and accountability to the sheriff to handle these complex investigations. Likewise, Chiefs of Police are appointed by their County Executive, Mayor, or other elected official and are held directly responsible for the manner in which these investigations are conducted. Although HB 1251 still provides for an internal review by a law enforcement agency, the bill seems to eclipse these reviews as the final written report is provided to the State's Attorney to determine if criminal charges will be pursued. Requiring the outside investigation as outlined in HB 1251 disregards matters of critical process and limits the authority of the Chief or Sheriff in terms of agency operations and accountability to the community each serves.

Further, HB 1251 specifies that the investigator has experience in conducting complex criminal investigations. It does not specify the individual should be a sworn officer or other requirements. This language is very broad and could result in an individual performing these investigations who is not qualified to do so.

For these reasons, MCPA and MSA OPPOSE HB 1251 and URGE an UNFAVORABLE committee report.

532 Baltimore Boulevard, Suite 308
Westminster, Maryland 21157
667-314-3216 / 667-314-3236