



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

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

FROM: Chief Russ Hamill, 1st Vice President, MCPA
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 1, 2022

RE: **HB 638 – Attorney General - Independent Investigations Division**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE HB 638**. 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) require the physical transfer of evidence from pending police criminal investigations to the AG; (c) authorize the AG to obtain virtually unrestricted injunctive relief without factual justification; and (d) preempt current prosecutorial authority from a local State's Attorney in all police involved incidents (undefined) that result in civilian deaths or injuries likely to result in deaths.

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 HB 638 have the potential to complicate and interfere with orderly local criminal investigations and prosecutions, loss of chain of custody of evidence, and resulting in the disruption of critical enforcement activities against serious criminal perpetrators.

For these reasons, MCPA and MSA **OPPOSE HB 638** and urge an **UNFAVORABLE** report.