

## Article - State Government

§6-601.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Division” means the Independent Investigations Division in the Office of the Attorney General.
- (c) “Police officer” has the meaning stated in § 3-201 of the Public Safety Article.

## Article - State Government

§6-602.

(a) There is an Independent Investigations Division within the Office of the Attorney General.

(b) (1) The Division is the primary investigative unit for police-involved incidents that result in the death of individuals or injuries likely to result in death.

(2) The Office of the Attorney General shall determine whether an incident is police-involved and whether an injury is likely to result in death.

(c) (1) The Division shall investigate all police-involved incidents that result in the death of an individual or injuries that are likely to result in the death of an individual.

(2) (i) Subject to subparagraph (ii) of this paragraph, a State's Attorney may refer for investigation by the Division a police-involved incident resulting in serious bodily injury to an individual that is not otherwise within the jurisdiction of the Division under paragraph (1) of this subsection.

(ii) The Division may, in its discretion, decline to investigate an incident referred by a State's Attorney under subparagraph (i) of this paragraph.

(3) The Division may investigate any other crime related to police misconduct that is discovered during an investigation under paragraph (1) or (2) of this subsection.

(d) In conducting an investigation under subsection (c) of this section, the Division may act with the full powers, rights, privileges, and duties of a State's Attorney, including the use of a grand jury in any county.

(e) To investigate under this section alleged criminal offenses committed by police officers, the Division may:

(1) detail one or more police officers employed by the Department of State Police; and

(2) employ other civilian personnel as needed.

(f) On or before January 31 each year, the Division shall submit a report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly on the activities of the Division in the prior calendar year, including:

(1) the number of investigations that were conducted by the Division;  
and

(2) the number of prosecutions that were initiated as a result of an investigation by or a referral to the Division.

(g) (1) The Governor annually shall include funding in the State budget sufficient to provide for the full and proper operation of the Division.

(2) Funds provided in accordance with this subsection shall supplement and may not supplant any other funding provided to the Division.

## Article - State Government

§6-603.

(a) (1) For the limited purpose of furthering an ongoing criminal investigation under this subtitle, the Attorney General or a Deputy Attorney General or an assistant Attorney General designated in writing by the Attorney General may issue in any court in the State a subpoena to a person to produce telephone, business, government, or corporate records or documents.

(2) A subpoena issued under this subsection may be served in the same manner as a subpoena issued by a circuit court.

(b) (1) A person may have an attorney present during any contact made under subsection (a) of this section with the Attorney General or the Attorney General's designee.

(2) The Attorney General or the Attorney General's designee shall advise a person of the right to counsel when the subpoena is served.

(c) (1) (i) If a person fails to obey a lawfully served subpoena under subsection (a) of this section, the Attorney General or the Attorney General's designee may report the failure to obey the subpoena to the circuit court with jurisdiction over the matter.

(ii) The Attorney General or the Attorney General's designee shall provide a copy of the subpoena and proof of service to the circuit court.

(2) After conducting a hearing at which the person that allegedly failed to comply with a subpoena issued under subsection (a) of this section has had an opportunity to be heard and be represented by counsel, the court may grant appropriate relief.

(d) This section does not allow the contravention, denial, or abrogation of a privilege or right recognized by law.

## Article - State Government

§6–604.

(a) (1) Except as provided in subsection (b) of this section, if the Attorney General determines that an investigation conducted under § 6–602 of this subtitle provides sufficient grounds for the prosecution of a criminal offense discovered in the course of the investigation, the Attorney General shall have exclusive authority to prosecute the offense.

(2) The Attorney General, in the Attorney General's discretion, may prosecute a police-involved incident not otherwise within the investigative jurisdiction of the Division under § 6–602(c) of this subtitle if the incident is referred by a State's Attorney to the Attorney General for prosecution.

(b) A State's Attorney may prosecute a criminal offense described in subsection (a)(1) of this section only if the Attorney General requests that the State's Attorney prosecute the offense.

## Article - Public Safety

§3-527.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Law enforcement agency” has the meaning stated in § 3-201 of this title.
- (3) “Police officer” has the meaning stated in § 3-201 of this title.

(b) A law enforcement agency shall notify the Independent Investigations Division within the Office of the Attorney General of any police-involved incident that results in the death of an individual or injuries that are likely to result in the death of an individual as soon as the law enforcement agency becomes aware of the incident.

(c) (1) A law enforcement agency shall cooperate with and may not impede the Independent Investigations Division in connection with an investigation conducted under § 6-602 of the State Government Article.

(2) On request of the Attorney General or the Attorney General’s designee, a local law enforcement agency shall provide any requested evidence to the Independent Investigations Division.

(d) (1) The Attorney General or the Attorney General’s designee may seek temporary or permanent injunctive relief in a court of competent jurisdiction in order to facilitate an investigation or to prevent interference with an investigation.

(2) In a request for injunctive relief brought under this subsection, the Attorney General or the Attorney General’s designee is not required to:

- (i) post bond;
- (ii) allege or prove that an adequate remedy at law does not exist; or
- (iii) allege or prove that substantial or irreparable damage would result from any conduct alleged.

## Article - Public Safety

§3–201.

(a) In this subtitle the following words have the meanings indicated.

(b) “Commission” means the Maryland Police Training and Standards Commission.

(c) “Department” means the Department of Public Safety and Correctional Services.

(d) (1) “Law enforcement agency” means a governmental police force, sheriff’s office, or security force or law enforcement organization of the State, a county, or a municipal corporation that by statute, ordinance, or common law is authorized to enforce the general criminal laws of the State.

(2) “Law enforcement agency” does not include members of the Maryland National Guard who:

(i) are under the control and jurisdiction of the Military Department;

(ii) are assigned to the military property designated as the Martin State Airport; and

(iii) are charged with exercising police powers in and for the Martin State Airport.

(e) “Motorcycle profiling” means the arbitrary use of the fact that an individual rides a motorcycle or wears motorcycle-related clothing or paraphernalia as a factor in deciding to stop, question, take enforcement action, arrest, or search the individual or vehicle.

(f) (1) “Police officer” means an individual who:

(i) is authorized to enforce the general criminal laws of the State; and

(ii) is a member of one of the following law enforcement agencies:

1. the Department of State Police;
2. the Police Department of Baltimore City;
3. the police department, bureau, or force of a county;
4. the police department, bureau, or force of a municipal corporation;
5. the Maryland Transit Administration police force;
6. the Maryland Transportation Authority Police;
7. the police forces of the University System of Maryland;
8. the police force of Morgan State University;
9. the office of the sheriff of a county;
10. the police forces of the Department of Natural Resources;
11. the police force of the Maryland Capitol Police of the Department of General Services;
12. the police force of a State, county, or municipal corporation if the special police officers are appointed under Subtitle 3 of this title;
13. the Housing Authority of Baltimore City Police Force;
14. the Baltimore City School Police Force;
15. the Crofton Police Department;
16. the Washington Suburban Sanitary Commission Police Force;
17. the Ocean Pines Police Department;
18. the police force of the Baltimore City Community College;



19. the police force of the Hagerstown Community College;

20. the Warrant Apprehension Unit of the Intelligence and Investigative Division in the Department;

21. the police force of the Anne Arundel Community College; or

22. the police department of the Johns Hopkins University established in accordance with Title 24, Subtitle 12 of the Education Article.

(2) "Police officer" includes:

(i) a member of the Field Enforcement Bureau of the Comptroller's Office;

(ii) a member of the Field Enforcement Division of the Alcohol and Tobacco Commission;

(iii) the State Fire Marshal or a deputy State fire marshal;

(iv) an investigator of the Intelligence and Investigative Division of the Department;

(v) a Montgomery County fire and explosive investigator as defined in § 2–208.1 of the Criminal Procedure Article;

(vi) an Anne Arundel County or City of Annapolis fire and explosive investigator as defined in § 2–208.2 of the Criminal Procedure Article;

(vii) a Prince George's County fire and explosive investigator as defined in § 2–208.3 of the Criminal Procedure Article;

(viii) a Worcester County fire and explosive investigator as defined in § 2–208.4 of the Criminal Procedure Article;

(ix) a City of Hagerstown fire and explosive investigator as defined in § 2–208.5 of the Criminal Procedure Article; and

(x) a Howard County fire and explosive investigator as defined in § 2–208.6 of the Criminal Procedure Article.

(3) “Police officer” does not include:

(i) an individual who serves as a police officer only because the individual occupies another office or position;

(ii) a sheriff, the Secretary of State Police, a commissioner of police, a deputy or assistant commissioner of police, a chief of police, a deputy or assistant chief of police, or another individual with an equivalent title who is appointed or employed by a government to exercise equivalent supervisory authority; or

(iii) a member of the Maryland National Guard who:

1. is under the control and jurisdiction of the Military Department;

2. is assigned to the military property designated as the Martin State Airport; and

3. is charged with exercising police powers in and for the Martin State Airport.

(g) “SWAT team” means an agency–designated unit of law enforcement officers who are selected, trained, and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units.