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February 21, 2023

**TO:** The Honorable William C. Smith Jr.  
Chair, Judicial Proceedings Committee

**FROM:** Hannibal G. Williams II Kemerer  
Chief Counsel, Legislative Affairs, Office of the Attorney General

**RE:** SB409 - Police Accountability Boards and Administrative Charging  
Committees - Municipal Corporations (**Support w/ Amendments**)

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The Office of the Attorney General respectfully requests a favorable report with amendments on Senate Bill 409. Senate Bill 409, as introduced, creates potential confusion depending on the local legislation. Amendments are needed to make it clear that municipal Police Accountability Boards “PABs” and Administrative Charging Commissions “ACCs” only have jurisdiction over the law enforcement agencies that fall under the authority of the municipality. The problem with the bill text is that it says, “law enforcement agencies with jurisdiction in the municipal corporation.” Arguably, some of the universities and certainly the Maryland State Police have jurisdiction within municipal corporations, but the intent is not that those universities or barracks would fall under the municipality's PAB or ACC. Instead, they should and do fall under the statewide ACC.

Currently, the Baltimore City Police Accountability Board lists Morgan State University as an agency over which the city PAB and ACC have jurisdiction.<sup>1</sup> That might signal to other cities that universities within the city fall under their PAB/ACC jurisdiction. Notably, however, Morgan State is not part of the University System of Maryland. Those that are a part of the University System of Maryland and already believe they are subject to the statewide ACC, would push back at any suggestion to the contrary.

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<sup>1</sup> “Police Accountability Board.” *Office of Equity and Civil Rights*, 29 Dec. 2022,  
<https://civilrights.baltimorecity.gov/police-accountability-board>

This bill letter is a statement of the Office of Attorney General’s policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the Senate and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or [sbrantley@oag.state.md.us](mailto:sbrantley@oag.state.md.us)

For all of the foregoing reasons, the Office of the Attorney General respectfully requests the Committee adopt language to provide distinct clarity on PABs/ACCs municipal jurisdiction and report SB409 favorable with amendments.

cc: Committee Members