

PAB independent investigations testimony 2-14.pdf

Uploaded by: Beverly John

Position: FAV

Testimony for the Senate Judicial Proceedings Committee

Tuesday, February 14th, 2023

SB 285 - County Police Accountability Boards – Investigation of Complaints of Police

Misconduct

FAVORABLE

Dear Chair Smith, Vice Chair Waldstreicher, and members of the committee,

My name is Beverly John. I am a Maryland resident writing in support of SB 285. I thank the General Assembly for the work during the 2021 session to pass HB670 (Maryland Police Accountability Act – MPAA) which mandated Maryland counties to establish police accountability boards (PABs). I am a member of the Prince George’s County Coalition for Police Accountability that worked with our county officials to implement HB670. We found that implementation of HB 670 throughout the past year has made it clear that legislation is needed to clarify the authority local governing bodies can hold to empower their PAB’s. For local PABs to follow through on the fundamental goals of the MPAA, the legislature must clarify that local bodies can give their PABs the power to conduct independent investigations into misconduct complaints. Without this clarification, local PABs are left to assess investigations that have been conducted by the law enforcement agency. But, since there is no mandate for the police to investigate every complaint, the PAB is left to rely on incomplete data.

We are proud of the work our Coalition supported to implement our PAB. However, we know that it is not as strong as it needs to be. A strong PAB must be developed to adequately address the needs and concerns of our community. Without investigatory and subpoena powers, our PAB (and others) is disadvantaged in their ability to fulfill their main function to accurately assess the quality of police discipline. This is a public safety issue and must be addressed to build trust between the community and law enforcement.

There are families in our Coalition who have been denied justice as early as 30 years ago due to the Law Enforcement Officer’s Bill of Rights (LEOBR) which allowed law enforcement to traumatize, seriously injure and kill our residents without any transparent investigation or recourse. The MPAA was passed as a repeal of LEOBR. We need PABs to hold investigatory and subpoena powers to work toward fair and independent assessment of the complaints.

For the foregoing reasons, I urge a favorable report on Senate Bill 285.

Appreciatively,

Beverly John

4915 56th Avenue, Hyattsville, MD 20781

2/13/2023

SB285 testimony.pdf

Uploaded by: Bonnie Weissberg

Position: FAV

Dear **Senator Smith and the Judicial Proceedings Committee**,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs and the Maryland Coalition for Police Justice and Accountability. I am a resident of District 41 and live in Mt. Washington. I am testifying in support of SB 285.



In 2021, the General Assembly overwhelmingly passed HB 640, which created a new system of reporting, adjudicating, and recommending discipline in police misconduct complaints. Each county was directed to form its own police accountability board (PAB), to receive complaints from the public and refer them to a charging committee which would decide whether to pursue a disciplinary hearing. Many details about the PABs were left to the discretion of each county, which unfortunately caused some confusion amongst county lawmakers. One major question left open by HB 640 is whether a county may empower a PAB to conduct its own investigations of police misconduct, and grant it the power to subpoena evidence.

The major rationale for reform of the police accountability system is that allowing the police to investigate and prosecute their own misconduct has not worked. PABs are supposed to ensure that complaints of misconduct are examined fairly and transparently by an independent and impartial party. Yet, can the PAB and its administrative charging committee be truly independent if all its information is provided by the police department whose members are being investigated? This body has previously agreed on the importance of independent investigation: in creating Baltimore's Civilian Review Board, the legislature granted that body the ability to gather evidence in pursuit of its mission.

One of the problems cited by the largest in-depth investigation of the Gun Trace Task Force scandal was Internal Affairs' failure- for various reasons- to conduct adequate investigations into misconduct allegations; a systemic failure that it found contributed to the culture of corruption in the department.¹ If a PAB has no power to investigate further, the police can thwart its work by failing to conduct a thorough investigation. A PAB with investigatory powers can be a powerful tool in the arsenal of counties struggling to establish a good police accountability system. Please ensure that the counties have the ability to pick up that tool.

It is for these reasons that I am encouraging you to vote **in support of SB 285**.

Thank you for your time, service, and consideration.

Sincerely,
Bonnie Weissberg
1704 Mt. Washington Ct., Apt. H
Baltimore, MD 21209
Showing Up for Racial Justice Baltimore

¹ The Steptoe report, pages 479-482. Accessed at <https://www.steptoe.com/a/web/219380/3ZF1Gi/gttf-report.pdf> on 2/12/23.

SB285 - favorable, PAB investigatory power.pdf

Uploaded by: Carol Antoniewicz

Position: FAV

Written Testimony for the Maryland Senate Committee on Judicial Proceedings

February 14, 2023

SB285 – County Police Accountability Boards - Investigation of Complaints of Police Misconduct

Favorable

Dear Chairman Smith and Vice-Chair Waldstreicher,

In recent years, Maryland has made progress in reforming our criminal justice system and increasing police accountability. I commend the legislature on passing the law which mandated Police Accountability Boards be created in every jurisdiction. I was actively involved in advocating for legislation that created the PAB in Frederick County. Consequently, we have had an excellent response of highly qualified people willing to serve on our PAB to review complaints of police misconduct.

This testimony is to urge your committee to strengthen the existing law by making it clear that each jurisdiction can empower their PAB be to hold its own investigations i.e. issue subpoenas, call witnesses and conduct an investigation prior to the complaint being heard by the Administrative Charging Committee. The current practice of police departments conducting their own investigation into residents' complaints is inadequate. While some departments make an effort to appear impartial by asking another police department to conduct the investigation, the fact that police are investigating police can lead the public to wonder about the thoroughness and fairness of the investigation. In some jurisdictions, 95% of complaints have been deemed "not substantiated." We need more robust public oversight.

I appreciate that police officers have a difficult job and are often operating in dangerous situations. They deserve adequate compensation, support and respect. AND the the public deserves to have confidence that efforts are being made to protect our rights and safety. Police Accountability Boards should be empowered to conduct their own investigations when the PAB feels independent scrutiny is warranted.

I urge a favorable report on SB 285

Sincerely,

Carol Antoniewicz
8207 Gambrill Park Road
Frederick, MD 21702

SB285_Carol Stern_FAV.pdf

Uploaded by: CAROL STERN

Position: FAV

Carol Stern
4550 North Park Avenue, Apt T106
Chevy Chase, Maryland 20815

TESTIMONY ON SB285 - FAVORABLE

County Police Accountability Boards - Investigation of Complaints of Police Misconduct

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Carol Stern

My name is Carol Stern, and I am testifying in favor of SB285 as a resident of Montgomery County's District 16 and a member of Adat Shalom Reconstructionist Congregation in Bethesda.

The Jewish text that shapes my religious and moral conviction that Police Accountability Boards (PABs) need investigatory and subpoena powers is the directive issued in Deuteronomy 16:20, "**Tzedek, tzedek tirdof - Justice, justice shall you pursue.**" The Jewish sages explain that the word tzedek is repeated not only for emphasis but to teach us that in our pursuit of justice, our means must be as just as our ends. When we are working to reform our criminal justice system, we must demand that it operates in accordance with these deeply held Jewish beliefs.

The main function of PABs is to assess the quality of internal investigations into police misconduct. **However, without investigatory and subpoena powers, PABs are largely hamstrung in their ability to fulfill that role.** In the majority of localities, PABs will receive investigatory files after the police have completed them, and cannot conduct further investigation into the handling of complaints. Under this process, PABs will be forced to assess these investigations at face value. But, police investigations and subsequent discipline are routinely inadequate. Furthermore, current law does not mandate police investigate every complaint that is filed.

When implementing HB670 local jurisdictions did not have a clear understanding of their ability to authorize PABS with investigatory and subpoena powers. That is why the General Assembly must make it clear that the provision of these powers is permitted under HB 670 and that local jurisdictions can choose to both authorize them for PABs and provide necessary funding for them.

Passing SB285 will authorize PABS to conduct investigations of their own and provide accurate assessments of complaints and their outcomes, and to accurately assess the quality of investigations. Without these powers, the PABs cannot fulfill their purpose of providing independent, community-controlled oversight into police misconduct.

I respectfully urge this committee to return a favorable report on SB285.

SB-285.pdf

Uploaded by: Charlene Rock-Foster

Position: FAV

Testimony for the Senate Judicial Proceedings Committee

February 13th, 2023

SB 285- County Police Accountability Boards – Investigation of Complaints of Police Misconduct

Favorable

Dear Smith, Vice Char Waldstreicher, and members of the committee:

My name is Charlene Rock-Foster, a resident of Baltimore City, and I support SB285. The provisions outlined in SB 285 play an essential role in our pursuit of meaningful, independent police accountability boards at the county level. I appreciate the leadership behind the initial support of police accountability measures and the Maryland Police Accountability Act (MPAA) throughout the 2021 session. I did notice however the need for clarity on the implementation of HB 670 throughout the past year to empower police accountability boards (PABs). In doing some research, I believe the legislature be clear that local bodies can give their PABs the power to conduct independent investigations into misconduct complaints, giving local PABs to follow through on the fundamental goals of the MPAA.

As someone who is connected to several families who have been harmed by police misconduct, I can see the need for the implementation of subpoena powers and independent investigation. Those families experienced going through submitting complaints. Some families had investigations that had missing critical information and struggled in getting full reports. One family never received the investigation report at all. It is already distressing for those families to experience the harm inflicted through police misconduct, then for then to experience complications in accessing a full and proper investigations after legislations passed for accountability, creates more distrust in holding police accountable.

For the foregoing reasons, I urge a favorable report on SB285. Thank you for the opportunity to submit testimony.

SB285- investigatory powers for PAB (1).docx.pdf

Uploaded by: Christina Nemphos

Position: FAV

Dear **Senator Smith and the Judicial Proceedings Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs and the Maryland Coalition for Police Justice and Accountability. I am a resident of Maryland District 40. **I am testifying in support of SB 285.**



In 2021, the General Assembly overwhelmingly passed HB 640, which created a new system of reporting, adjudicating, and recommending discipline in police misconduct complaints. Each county was directed to form its own police accountability board (PAB), to receive complaints from the public and refer them to a charging committee which would decide whether to pursue a disciplinary hearing. Many details about the PABs were left to the discretion of each county, which unfortunately caused some confusion amongst county lawmakers. One major question left open by HB 640 is whether a county may empower a PAB to conduct its own investigations of police misconduct, and grant it the power to subpoena evidence.

The major rationale for reform of the police accountability system is that allowing the police to investigate and prosecute their own misconduct has not worked. PABs are supposed to ensure that complaints of misconduct are examined fairly and transparently by an independent and impartial party. Yet, can the PAB and its administrative charging committee be truly independent if all its information is provided by the police department whose members are being investigated? This body has previously agreed on the importance of independent investigation: in creating Baltimore's Civilian Review Board, the legislature granted that body the ability to gather evidence in pursuit of its mission.

One of the problems cited by the largest in-depth investigation of the Gun Trace Task Force scandal was Internal Affairs' failure- for various reasons- to conduct adequate investigations into misconduct allegations; a systemic failure that it found contributed to the culture of corruption in the department.¹ If a PAB has no power to investigate further, the police can thwart its work by failing to conduct a thorough investigation. A PAB with investigatory powers can be a powerful tool in the arsenal of counties struggling to establish a good police accountability system. Please ensure that the counties have the ability to pick up that tool.

It is for these reasons that I am encouraging you to vote **in support of SB 285.**

Thank you for your time, service, and consideration.

Sincerely,
Christina Nemphos
1301 W 42nd St
Baltimore, Md 21211

Showing Up for Racial Justice Baltimore

¹ The Steptoe report, pages 479-482. Accessed at <https://www.steptoe.com/a/web/219380/3ZF1Gi/gtff-report.pdf> on 2/12/23.

SB285- CPL.pdf

Uploaded by: Christina Pham Linhoff

Position: FAV

Dear **Senator Smith and the Judicial Proceedings Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs and the Maryland Coalition for Police Justice and Accountability. I am a resident of District 46, a mom and a professional. **I am testifying in support of SB 285.**



In 2021, the General Assembly overwhelmingly passed HB 640, which created a new system of reporting, adjudicating, and recommending discipline in police misconduct complaints. Each county was directed to form its own police accountability board (PAB), to receive complaints from the public and refer them to a charging committee which would decide whether to pursue a disciplinary hearing. Many details about the PABs were left to the discretion of each county, which unfortunately caused some confusion amongst county lawmakers. One major question left open by HB 640 is whether a county may empower a PAB to conduct its own investigations of police misconduct, and grant it the power to subpoena evidence.

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It is for these reasons that I am encouraging you to vote **in support of SB 285.**

Thank you for your time, service, and consideration.

Sincerely,
Christina Pham Linhoff
46 E Randall St, Baltimore, MD 21230
Showing Up for Racial Justice Baltimore

¹ The Steptoe report, pages 479-482. Accessed at <https://www.steptoe.com/a/web/219380/3ZF1Gi/gttf-report.pdf> on 2/12/23.

SB285- investigatory powers for PAB (1).pdf

Uploaded by: Daryl Yoder

Position: FAV

Dear **Senator Smith and the Judicial Proceedings Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs and the Maryland Coalition for Police Justice and Accountability. I am a resident of District 44A. **I am testifying in support of SB 285.**



In 2021, the General Assembly overwhelmingly passed HB 640, which created a new system of reporting, adjudicating, and recommending discipline in police misconduct complaints. Each county was directed to form its own police accountability board (PAB), to receive complaints from the public and refer them to a charging committee which would decide whether to pursue a disciplinary hearing. Many details about the PABs were left to the discretion of each county, which unfortunately caused some confusion amongst county lawmakers. One major question left open by HB 640 is whether a county may empower a PAB to conduct its own investigations of police misconduct, and grant it the power to subpoena evidence.

The major rationale for reform of the police accountability system is that allowing the police to investigate and prosecute their own misconduct has not worked. PABs are supposed to ensure that complaints of misconduct are examined fairly and transparently by an independent and impartial party. Yet, can the PAB and its administrative charging committee be truly independent if all its information is provided by the police department whose members are being investigated? This body has previously agreed on the importance of independent investigation: in creating Baltimore's Civilian Review Board, the legislature granted that body the ability to gather evidence in pursuit of its mission.

One of the problems cited by the largest in-depth investigation of the Gun Trace Task Force scandal was Internal Affairs' failure- for various reasons- to conduct adequate investigations into misconduct allegations; a systemic failure that it found contributed to the culture of corruption in the department.¹ If a PAB has no power to investigate further, the police can thwart its work by failing to conduct a thorough investigation. A PAB with investigatory powers can be a powerful tool in the arsenal of counties struggling to establish a good police accountability system. Please ensure that the counties have the ability to pick up that tool.

It is for these reasons that I am encouraging you to vote **in support of SB 285.**

Thank you for your time, service, and consideration.

Sincerely,
Daryl Yoder
309 Glenmore Ave.
Catonsville, MD 21228
Showing Up for Racial Justice Baltimore

¹ The Steptoe report, pages 479-482. Accessed at <https://www.steptoe.com/a/web/219380/3ZF1Gi/gttf-report.pdf> on 2/12/23.

Dayo Akinsheye for SSJC SB 285 Favorable (1).pdf

Uploaded by: Dayo Akinsheye

Position: FAV



TESTIMONY IN SUPPORT OF SB 285
Senate Judicial Proceedings Committee, February 14, 2023

My name is Dayo Akinsheye. I am a resident of Silver Spring, in District 20. I am testifying on behalf of the Silver Spring Justice Coalition in support of SB 285.

The Silver Spring Justice Coalition (SSJC) is a coalition of community members, faith groups, and civil and human rights organizations from throughout Montgomery County committed to eliminating harm caused by police and empowering those communities most affected by policing. In furtherance of this goal, it is essential that we give local governing bodies, including the City of Baltimore, the authority to give their Police Accountability Boards the power to issue subpoenas and conduct independent investigations into complaints of police misconduct.

SSJC was the lead community advocacy organization that worked with our County Council to pass the legislation that created our PAB and ACC. One of our demands, supported by many in our community, was that our PAB must be able to investigate individual instances of police misconduct in order to effectively do its job as the civilian oversight body for policing in our County. However, we repeatedly heard from council members that they were unwilling to consider this request because the Maryland Police Accountability Act did not expressly give the PABs that authority.

This bill clarifies this important issue, removing any doubt that local governing bodies may, if they choose to, give their PABs independent investigatory and subpoena powers. It is enabling legislation and nothing more.

While some may argue that giving the PAB independent investigative powers is redundant and unnecessary, our community disagrees. We don't think the ACC should have to rely on the law enforcement agency's investigation, even with the ACC's ability to request additional information. Most fundamentally, we believe that conducting an independent investigation is a critical tool to assess the quality of the law enforcement agency's investigation – it is necessary to end the practice of police policing themselves and to improve policing overall.

All this bill would do is make clear that if our Council (or any other jurisdiction) agrees, there is no barrier to moving forward to meet the needs of their constituents on this important issue of community safety and accountability.

For these reasons I respectfully urge you to issue a favorable report.

PJC testimony SB 285 favorable.pdf

Uploaded by: Debra Gardner

Position: FAV



Debra Gardner, Legal Director
Public Justice Center
201 North Charles Street, Suite 1200
Baltimore, Maryland 21201
410-625-9409, ext. 228
gardnerd@publicjustice.org

SB 285 County Police Accountability Boards - Investigation of Complaints of Police Misconduct

Hearing before the Senate Judicial Proceedings Committee, February 14, 2023

Position: Favorable

The Public Justice Center (PJC) is a nonprofit civil rights and anti-poverty legal services organization that seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. The Public Justice Center envisions a just society where Black, Latine, Indigenous, Asian, and other historically exploited people are free from systems of oppression, exploitation, and all expressions of discrimination. This will shift power and resources to BIPOC (Black, Indigenous, and other people of color) across Maryland.

SB 285 will clarify and strengthen the 2021 Police Accountability Act by explicating permitting local jurisdictions to provide independent contemporaneous investigatory powers to their Police Accountability Boards (PABs), including the power of the subpoena. Only with this clarification can the law be implemented as intended and give communities truly meaningful oversight of police misconduct.

The evidence of the need for community empowerment in addressing police misconduct in Maryland (and all over the country) is clear. The available data from recent years shows that many Maryland police departments make filing a complaint difficult and inconvenient and routinely dismiss or ignore the vast majority of community complaints concerning misconduct, only imposing any form of discipline in a tiny fraction of cases.

The evidence is also plain that police misconduct is disproportionately wrought on people and communities of color. We will never bring an end to the culture of institutional racism deeply entrenched in policing without transparency and accountability, and we will never achieve that transparency and accountability without active community involvement. PABs with independent power to police the police are critical to creating policing that communities can trust and rely on rather than fear and avoid.

The police cannot police themselves. Communities must have the power to do so.

For the foregoing reasons, the PJC urges a favorable report on SB 285. Should you have any questions, please contact Debra Gardner, at 410-625-9409, ext 228, or gardnerd@publicjustice.org.

The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.

SB285_Testimony for the Senate Judicial Proceeding

Uploaded by: Emily Walker

Position: FAV



Testimony for the Senate Judicial Proceedings Committee

Tuesday, February 14th, 2023

SB 285 – County Police Accountability Boards – Investigation of Complaints of Misconduct

FAVORABLE

Dear Chair Smith, Vice Chair Waldstreicher, and committee members,

We write to you to express our uttermost support for Senate Bill 285 (SB285) on behalf of Peaceful Resistance in Southern Maryland (PRISM). We are a grassroots social justice organization comprised of life-long Maryland residents. We have worked for police reform in Calvert County since our inception in 2020 and we know firsthand how essential it is that our legislators in Annapolis push for a favorable report on Senate Bill 285 in its current posture.

We are grateful for your leadership and the Committee's initial support of police accountability measures and the Maryland Police Accountability Act (MPAA) throughout the 2021 session. However, our work over the last year has made it very clear that additional legislation is necessary to solidify the authority local governing bodies have to empower their PABs. In order for PABs to follow through on the fundamental goals of the MPAA, the legislature must clarify that local bodies can give their PABs the power to conduct independent investigations into misconduct complaints.

The main function of Police Accountability Boards is to assess the quality of police discipline and issue reports and recommendations to improve police accountability. Without the ability to conduct their own separate and concurrent investigations into complaints, the boards lack meaningful capacity to do so and must accept law enforcement investigations at face value. Fundamentally, without investigatory and subpoena powers, PABs are largely hamstrung in their ability to fulfill their role.

Our organization faithfully sits through the PAB meetings (those that are open to the public, at least). We have watched as the local government has turned our PAB into political theatre. With the highest of hopes, we were crushed as we watched our newly elected Sheriff make jokes in the meeting about how



certain complaints would not be taken seriously or even considered. “We don’t want to know if officers are speeding”, he joked to the PAB members in a winter 2022 meeting. The problem is, the police and commissioners in Calvert have worked together to intentionally undercut the PABs authority and foster an environment where the PAB members are disempowered to fully execute their jobs. Not only should the public feel free to report any level of misconduct, they should feel confident that their reports will be taken seriously. Even if the sheriff doesn’t feel that speeding is a serious offense, it’s certain that the grieving parents who buried their children in 2021 due to a recklessly driving police officer would feel differently. It is certain that the residents who have been pulled over and harassed by police for speeding would feel differently. Furthermore, this isn’t *just* about speeding—this laissez-faire attitude will apply to any offense that isn’t deemed worthy of investigation. The point is, if we’re pushing for accountability—there must be true, genuine accountability—regardless the level of offense—we can do that by giving power to our PABs.

Genuine police accountability serves us all. Accountability has the potential to improve the relationship between the community and the police. Accountability will help our citizens regain trust in our police force. Accountability will help leadership within the police force identify their “bad apples” and strengthen their workforce by ensuring that each officer values the safety and comfort of the citizens and acts with honor and integrity. If passed in its current posture, SB285 has the power to truly improve the state of policing and enact meaningful change in Maryland. **For the foregoing reasons, we urge a favorable report on Senate Bill 285.**

Appreciatively,

Peaceful Resistance in Southern Maryland

SB285 - Investigatory Powers for PAB.pdf

Uploaded by: Erica Palmisano

Position: FAV

Dear **Senator Smith and the Judicial Proceedings Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs and the Maryland Coalition for Police Justice and Accountability. I am a resident of District 12. **I am testifying in support of SB 285.**



In 2021, the General Assembly overwhelmingly passed HB 640, which created a new system of reporting, adjudicating, and recommending discipline in police misconduct complaints. Each county was directed to form its own police accountability board (PAB), to receive complaints from the public and refer them to a charging committee which would decide whether to pursue a disciplinary hearing. Many details about the PABs were left to the discretion of each county, which unfortunately caused some confusion amongst county lawmakers. One major question left open by HB 640 is whether a county may empower a PAB to conduct its own investigations of police misconduct, and grant it the power to subpoena evidence.

The major rationale for reform of the police accountability system is that allowing the police to investigate and prosecute their own misconduct has not worked. PABs are supposed to ensure that complaints of misconduct are examined fairly and transparently by an independent and impartial party. Yet, can the PAB and its administrative charging committee be truly independent if all its information is provided by the police department whose members are being investigated? This body has previously agreed on the importance of independent investigation: in creating Baltimore's Civilian Review Board, the legislature granted that body the ability to gather evidence in pursuit of its mission.

One of the problems cited by the largest in-depth investigation of the Gun Trace Task Force scandal was Internal Affairs' failure- for various reasons- to conduct adequate investigations into misconduct allegations; a systemic failure that it found contributed to the culture of corruption in the department.¹ If a PAB has no power to investigate further, the police can thwart its work by failing to conduct a thorough investigation. A PAB with investigatory powers can be a powerful tool in the arsenal of counties struggling to establish a good police accountability system. Please ensure that the counties have the ability to pick up that tool.

It is for these reasons that I am encouraging you to vote **in support of SB 285.**

Thank you for your time, service, and consideration.

Sincerely,

Erica Palmisano

5580 Vantage Point Rd, Apt 5, Columbia, MD 21044

Showing Up for Racial Justice Baltimore

¹ The Steptoe report, pages 479-482. Accessed at <https://www.steptoe.com/a/web/219380/3ZF1Gi/gttf-report.pdf> on 2/12/23.

2023_SB0285_PoliceAccountabilityBoard_JPR.pdf

Uploaded by: Ezra Towne

Position: FAV

3010 BLUERIDGE AVE
SILVER SPRING, MD 20902

703.609.1092
EZRA.TOWNE@GMAIL.COM

Monday, February 13, 2023

**Written Testimony Favorable to SB0285: County Police Accountability Boards –
Investigation of Complaints of Police Misconduct**

Delegate Smith, Chair, Delegate Waldstreicher, Vice-Chair, and esteemed members of the Judicial Proceedings Committee:

My name is Ezra Towne, and my pronouns are they/them. It is my firm belief that without independent investigatory powers, police accountability boards are stripped of their purpose and effectiveness from the get go. **I fully support SB0285 - and I ask for a favorable report without amendments.**

I am a 10+ year resident of District 18, and live in the Wheaton Hills residential area between state highways 185 (Connecticut Ave), 586 (Veirs Mill Rd), 97 (Georgia Ave), and 193 (University Ave). My realization of the critical need for independent investigatory powers of police misconduct was born out of concern for multiple, ceaseless, pedestrian and bicyclist deaths in my neighborhood.

Through other advocacy work in the county, I have developed a relationship with the Montgomery County Police Department of, mostly, mutual respect. I placed a call a few years ago to then District 4 Commander Marc Yamada about a racist statement made in the press by an officer regarding individuals who are most likely to be casualties of irresponsible, reckless driving along major roads surrounding my immediate neighborhood. While Commander Yamada returned my call promptly, I learned only that the officer had made a poor choice, had been spoken to, and that any discipline, or lack thereof, was a private human resources issue. An email exchange between myself and then Chief Thomas Manger repeated the same.

If any other county employee had publicly revealed such racism, they would have been disciplined in some way. Commander Marc Yamada and Chief Thomas Manger made no statements to me about the discipline, or lack there of, of this police officer. I was outraged.

But this problem is small compared to police endorsed murder and continued protection of police officers from investigation of extreme misconduct and abuse of power.

EZRA MACLEOD TOWNE

3010 BLUERIDGE AVE
SILVER SPRING, MD 20902

703.609.1092
EZRA.TOWNE@GMAIL.COM

American culture often portrays police officers as upstanding citizens and responsible, caring role models for the public. We know now that this is not the case - given official and unofficial reports of disproportionate excessive violence towards and murder of black and brown men by the police.¹ Since George Floyd's death in 2020, there have been nearly 100 killings by police officers per month.² According to Mapping Police Violence, Inc., in 2022, American police killed 1,192 people - the deadliest year in a decade.³ We know now, without doubt, that policing - how police are trained, rewarded, and disciplined - is the problem. This is proven by the fact that 98.1% of killings by police from 2013-2022 have not resulted in officers being charged with a crime.⁴

The culture of policing - of officers covering for one another, and of supervisors being unwilling to enforce real, tangible, consequences for police misconduct - is exactly why police activity boards MUST have independent investigatory powers. Without those, police advisory boards are mere lip service towards valid concerns.

I believe that the people of Maryland, the free state, want to do better than lip service - **I ask the Judicial Proceedings Committee to submit a favorable report on SB0285** - which grants police accountability boards the powers that are needed to do their indispensable work, and clarify the investigatory powers for each local police accountability board statewide.

Sincerely,
Mx. Ezra Towne
District 18, Wheaton

¹ The Culture and Practices of Policing That Killed Tyre Nichols (and So Many Others), February 9, 2023, Lawfare, <https://www.lawfareblog.com/culture-and-practices-policing-killed-tyre-nichols-and-so-many-others>

² 'It never stops': killings by US police reach record high in 2022, January 6, 2023, The Guardian, <https://www.theguardian.com/us-news/2023/jan/06/us-police-killings-record-number-2022>

³ Mapping Police Violence, <https://mappingpoliceviolence.us/>

⁴ Mapping Police Violence, <https://mappingpoliceviolence.us/>

SB285_Heidi Rhodes_FAV (1).pdf

Uploaded by: Heidi Rhodes

Position: FAV

February 14, 2023

Heidi Rhodes
Silver Spring, Maryland 20904



TESTIMONY ON SB285 - POSITION: FAVORABLE

County Police Accountability Boards - Investigation of Complaints of Police Misconduct

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Heidi Rhodes, on behalf of Jews United for Justice

My name is Heidi Rhodes, and I am a resident of District 14, in Silver Spring. I am submitting this testimony in support of SB285, **County Police Accountability Boards - Investigation of Complaints of Police Misconduct**. JUFJ organizes 6,000 Jewish Marylanders and allies from across the state in support of social, racial, and economic justice campaigns.

The concept of *tzelem elohim* — the idea that all people are created in the Divine image and therefore are equally precious and worthy — is central to Judaism. It is so central that our sacred texts declare that destroying even one life is akin to destroying a whole world. Unfortunately, we know that in Maryland, lives are destroyed every day, especially Black and brown lives, by our system of policing. And despite historic police accountability reforms passed by the Maryland General Assembly two years ago, community oversight of the police needs to be strengthened.

When I joined the National Security Agency as an analyst in the early 1980s, one of the first things I learned was the all-important computer science phrase GIGO: garbage in, garbage out. This phrase means that we needed to make sure we had all available data before analyzing a situation, or our analysis would likely be flawed or even invalid. The same can be said for internal investigations into police misconduct; under the current law, police are not required to investigate every complaint that is filed, meaning that their assessments of their own misconduct can be grossly inaccurate. For instance, a 2016 Department of Justice (DOJ) investigation into the Baltimore Police Department (BPD) revealed that of the 1,382 allegations of excessive force that the BPD tracked the prior five years, only 31 (or 2.2%) were sustained. The creation of Police Accountability Boards (PABs), as mandated by the Maryland Police Accountability Act of 2021, was a step in the right direction toward independent, community-controlled oversight into police misconduct.

However, PABs cannot conduct their own independent investigations into officer misconduct. PABs lack independent investigatory and subpoena powers, meaning they can neither

appropriately assess complaints and their outcomes, nor issue subpoenas to draw accurate conclusions. This leaves them reliant on internal investigations done by the very police department they are supposed to be holding accountable. To adequately address police abuse and violence, we must pass SB285 to clarify that local jurisdictions have the authority to grant their Police Accountability Boards independent investigatory powers.

As I learned at the NSA, we need accurate data if we want an accurate analysis. We get better results when independent investigations are done and organizations don't police themselves. We will have greater community oversight of police if police aren't the only ones able to investigate their alleged misconduct.

On behalf of Jews United for Justice, I respectfully urge this committee to return a favorable report on SB285.

SB285- investigatory powers for PAB (1).pdf

Uploaded by: Holly Powell

Position: FAV

Dear **Senator Smith and the Judicial Proceedings Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs and the Maryland Coalition for Police Justice and Accountability. I am a resident of **46. I am testifying in support of SB 285.**



In 2021, the General Assembly overwhelmingly passed HB 640, which created a new system of reporting, adjudicating, and recommending discipline in police misconduct complaints. Each county was directed to form its own police accountability board (PAB), to receive complaints from the public and refer them to a charging committee which would decide whether to pursue a disciplinary hearing. Many details about the PABs were left to the discretion of each county, which unfortunately caused some confusion amongst county lawmakers. One major question left open by HB 640 is whether a county may empower a PAB to conduct its own investigations of police misconduct, and grant it the power to subpoena evidence.

The major rationale for reform of the police accountability system is that allowing the police to investigate and prosecute their own misconduct has not worked. PABs are supposed to ensure that complaints of misconduct are examined fairly and transparently by an independent and impartial party. Yet, can the PAB and its administrative charging committee be truly independent if all its information is provided by the police department whose members are being investigated? This body has previously agreed on the importance of independent investigation: in creating Baltimore's Civilian Review Board, the legislature granted that body the ability to gather evidence in pursuit of its mission.

One of the problems cited by the largest in-depth investigation of the Gun Trace Task Force scandal was Internal Affairs' failure- for various reasons- to conduct adequate investigations into misconduct allegations; a systemic failure that it found contributed to the culture of corruption in the department.¹ If a PAB has no power to investigate further, the police can thwart its work by failing to conduct a thorough investigation. A PAB with investigatory powers can be a powerful tool in the arsenal of counties struggling to establish a good police accountability system. Please ensure that the counties have the ability to pick up that tool.

It is for these reasons that I am encouraging you to vote **in support of SB 285.**

Thank you for your time, service, and consideration.

Sincerely,

Holly Powell
2308 Cambridge Street
Baltimore, Maryland 21224
Showing Up for Racial Justice Baltimore

¹ The Steptoe report, pages 479-482. Accessed at <https://www.steptoe.com/a/web/219380/3ZF1Gi/gttf-report.pdf> on 2/12/23.

Testimony for Maryland SB 285 02-13-2023 Final.pdf

Uploaded by: Jacqueline Akinpelu

Position: FAV

February 13, 2023

Senator William C. Smith, Jr., Chair, Judicial Proceedings Committee

Support for Senate Bill 285: County Police Accountability Boards – Investigation of Complaints of Police Misconduct

Thank you for the opportunity to submit written testimony in support of Senate Bill 285. We are members of the Police Accountability Task Force of Howard County, a grass-roots group of Howard County citizens that has brought together local partner groups in a coalition focused on improving policing in Howard County. Our coalition has been active in advocating for policies that advance accountability and transparency in law enforcement, including the implementation of police body-worn cameras and the establishment of the county Police Accountability Board.

The implementation of Maryland's Anton's law was an admirable first step towards comprehensive police reform. The law established the critical framework required to implement meaningful police reform in Maryland, including the establishment of local Police Accountability Boards (PABs). However, currently these boards are fragile and impotent structures. Their ability to weigh in on police accountability matters has been primarily limited to producing summary reports, based on limited, dated data, that can be ignored by law enforcement. In their current state, PABs have no powers to ensure that police departments act swiftly and diligently in response to unjustified police actions against members of the community, or that all the facts regarding such an incident are quickly brought to light. They do not have the authority to access "real-time" police data or the ability to conduct meaningful investigations into officer-involved shootings or other incidents involving the use of force by officers. PABs need the right tools to perform the police oversight mission for which they were established, including effective investigative and subpoena authority!

We have seen in the case of Tyre Nichols how swiftly the Memphis Police Chief called to account the officers involved in that tragic killing of a young Black man. Transparency and accountability have been critical elements in the ongoing investigation of this tragic critical incident. While we applaud Chief Davis's swift action, the procedure of investigating critical incidents, like Mr. Nichols' case, should not be at the discretion of individual law enforcement leaders. Rather, there must be safeguards memorialized in policy and law that ensure the execution of a swift and thorough investigative process.

In a June 2, 2021 ABC News article, *Police oversight boards are proliferating, but do they actually work?* (<https://abcnews.go.com/US/police-oversight-boards-proliferating-work/story?id=77919091>), a former executive director of Philadelphia's Police Advisory Commission asserted that "effective elements of oversight include civilian leadership, a sufficient budget, the power to conduct investigations into officers, direct access to police files, the power to subpoena records and the power to discipline officers." The article goes on to cite the low incidence of police-involved shootings in Oakland, CA., which has one of the strongest civilian oversight bodies in the country. Strong PABs can make a real difference!

Senate Bill 285, which authorizes PABs to exercise investigatory and subpoena powers, is a crucial next step in empowering Maryland PABs to fulfill their intent and in giving substance to Anton's law. We enthusiastically support this bill and urge the Senate to pass this legislation and continue to show that Maryland is a leader in protecting all its citizens.

Best regards,

Jacqueline Akinpelu
12048 Open Run Road
Ellicott City, MD 21042

Ted Stewart
11820 Homewood Road
Ellicott City, MD 21042

Testimony for SB0285.pdf

Uploaded by: Jared Schablein

Position: FAV

County Police Accountability Boards - Investigation of Complaints of Police Misconduct

Bill Sponsor: Senator Carter

Committee: Judicial Proceedings

Organization Submitting: Lower Shore Progressive Caucus

Person Submitting: Kris Urs, LSPC Member

Position: FAVORABLE

I am submitting this testimony in favor of SB0285 on behalf of the Lower Shore Progressive Caucus. The Caucus is a political and activist organization on the Eastern Shore, unaffiliated with any political party, committed to empowering working people by building a Progressive movement on the Lower Eastern Shore.

The main function of Police Accountability Boards is to assess the quality of internal investigations into police misconduct. However, without investigatory and subpoena powers, PABs are largely hamstrung in their ability to fulfill that role. In the majority of localities, PABs will receive investigatory files after the police have completed them, and cannot conduct further investigation into the handling of complaints.

Under this process, PABs will be forced to assess these investigations at face value. But, police investigations and subsequent discipline are routinely inadequate. Furthermore, current law does not mandate police investigate every complaint that is filed.

Until common-sense legislation like this is passed PABs on the Eastern Shore will continue to be paper tigers.

It is for these reasons the Lower Shore Progressive Caucus supports this bill and recommends a **FAVORABLE** report in committee.

Sb285%20testimony.pdf.pdf

Uploaded by: Jennifer Roman

Position: FAV

Dear Members of the Judicial Proceedings Committee,

I am a member of Showing Up for Racial Justice Annapolis and Anne Arundel County. I am a resident of district 33A. I am testifying in support of Senate Bill SB0285.

The provisions outlined in SB0285 play an essential role in our pursuit of meaningful, independent police accountability boards at the county level. I am grateful for your leadership and the Committee's initial support of police accountability measures and the Maryland Police Accountability Act (MPAA) throughout the 2021 session. However, implementation of HB0670 throughout the past year has made it clear that legislation is needed to clarify the authority local governing bodies have to empower their PAB's. In order for local PABs to follow through on the fundamental goals of the MPAA, the legislature must clarify that local bodies can give their PABs the power to conduct independent investigations into misconduct complaints.

The main function of Police Accountability Boards is to assess the quality of police discipline and issue reports and recommendations to improve police accountability. Without the ability to conduct their own separate and concurrent investigations into complaints, the boards lack meaningful capacity to do so and must accept law enforcement investigations at face value. Fundamentally, without investigatory and subpoena powers, PABs are largely hamstrung in their ability to fulfill their role.

Anne Arundel County is especially in need of this legislation. The Anne Arundel County Council, along with the administration of Anne Arundel County Executive Stuart Pittman, repeatedly denied local police accountability activists what they had been asking for: that the Anne Arundel County PAB have independent investigative authority. As a result, members of the Anne Arundel County PAB are able to read about police brutality and misconduct in the paper, but don't have the ability to initiate investigations about these newsworthy events. This means that many instances of police brutality and misconduct will never make it to a PAB or Administrative Charging Committee, as the victims of these crimes have many reasons why they may not feel comfortable using the specified reporting process.

Until the Anne Arundel County PAB is able to get independent investigative authority, its effectiveness will be severely limited. It is for this reason that I am encouraging you to vote in support of SB0365.

I appreciate your time, service, and consideration.

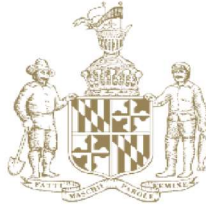
Sincerely,

Jen Roman
847 Harvest Moon Dr
Odenton, MD 21113

SB 285 Testimony.pdf

Uploaded by: Jill Carter

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Jill P. Carter
In Favor of SB285 - County Police Accountability Boards –
Investigation of Complaints of Police Misconduct
Before the Senate Judicial Proceedings Committee
On February 14, 2023

SB-285 will authorize a local governing body of a county (including Baltimore City) to authorize the local Police Accountability Board (PAB) to exercise investigative and subpoena powers; and conduct investigations of police conduct concurrently with a law enforcement agency investigation.

In 2021, the General Assembly, recognizing the need and benefits of a police accountability board, passed HB0670, also known as the Maryland Police Accountability Act (MPAA). The MPAA, among other things, mandated the formation of PBAs in each of Maryland's 23 counties and Baltimore City. The purpose of the PAB is to provide *independent*, community-controlled oversight into police misconduct.

The MPAA, however, does not permit PABs to provide *independent*, community-controlled oversight into police misconduct. For example, Section 3-104(e) of the MPAA does not authorize the PAB to conduct investigations or have subpoena power. Instead, the PAB must rely upon the results of the local police department's investigation of its own. Accordingly, PABs have little power, if any, to fully investigate facts; thereby effectively preventing them from fulfilling their mandate, *i.e.*, to provide *independent*, community-controlled oversight into police misconduct.

The main function of PABs is to assess the quality of internal police investigations of alleged police misconduct. However, without investigative and subpoena powers, PABs are hamstrung and unable to fulfill their role. One of the essential purposes of a PAB is transparency. There have been several instances throughout Maryland where local police departments have failed and/or refused to properly investigate claims of excessive force and other police misconduct.

For example, the Graham report issued in 2021 found that the Prince George's County Police Department routinely failed to respond to internal and external complaints of harassment, discrimination, and use of excessive force. The Baltimore Police Department is under a consent order resulting from its failure to properly train and discipline its officers. According to the Department of Justice, the Baltimore Police Department's procedures to investigate such claims were both inconvenient to the public and wholly inadequate.

Simply stated, the public cannot rely upon the police to investigate themselves. We all have witnessed incidents of police misconduct caught on video, but the police reports of the same event provide a completely different account. For example, the reports submitted in the recent Tyree Nichols case were substantially different from appeared on video. If that video did not exist, and the PAB had to rely upon the police department's account, the truth of what happened may have never be known.

SB-285 closes gaps left behind in the 2021 MPAA. By providing subpoena and investigatory powers, PABs will no longer be forced to take police investigations at face value. Rather, they will be able to investigate simultaneously with police internal investigators to reach the most honest and accurate response, and to prevent and rectify misconduct, instead of simply awaiting the results of internal investigations from police.

Since 1973, the City of Berkley, California has a citizen review board that has subpoena and investigatory powers to investigate complaints of police misconduct simultaneously with the police department, rather than sequentially. Berkley's system has worked successfully for forty (40) years. Maryland can and should do the same.

When the General Assembly passed the MPAA, it was hoped that counties and local jurisdictions would do what is best and appropriate to empower PABs That, however, did not happened. Granting PABs with subpoena and investigatory powers will restore confidence in police misconduct investigations and the much-needed transparency in the entire investigative process. PABs need the tools ensure that police departments in Maryland are using the best possible practices, as well as ensuring safety and accountability for the citizenry.

Maryland counties, local jurisdictions and police departments do not want PABs to have such power and have repeatedly opposed such legislation. One should ask the question: "Why?" Is it because an independent and transparent investigation will expose the jurisdiction to civil liability for its failure to train and discipline its officers? Are they concerned about a DOJ investigation? Is it because they simply want to protect their officers who engage in misconduct? If any of these reasons are true, it is an illegitimate reason to not to give PABs subpoena and investigative power.

For these reasons, I urge the committee to give a favorable report on SB-285.

Respectfully,



Jill P. Carter

SB0285_Jo Shifrin_FAV Police Accountability Board

Uploaded by: Jo Shifrin

Position: FAV

SB0285_JoShifrin_FAV

Date of Hearing: February 14, 2023

Jo Shifrin

Bethesda, MD 20817

TESTIMONY ON SB0285 FAVORABLE

County Police Accountability Boards - Investigation of Complaints of Police Misconduct

TO: Senator Smith, Chair, and Senator Waldstreicher, Vice Chair, and members of the Judicial Proceedings Committee

FROM: Jo Shifrin

OPENING: My name is Jo Shifrin. I am a resident of District 16. I am submitting this testimony in support of SB0285, County Police Accountability Boards - Investigation of Complaints of Police Misconduct.

I live in Bethesda and I am a Jew. In Deuteronomy 16:20, the Torah commands *Tzedek Tzedek Tirdof*— Justice justice you shall pursue. Why is the word justice repeated? Simkha Bunim of Pczsha, a Hasidic rabbi, teaching in the early 19th century, said it means “Pursue justice **justly**.” Judaism is guided by stories that impart values. *Tzelem elohim* teaches that all people are created in the Divine image, with inherent and equal dignity and value. Unfortunately, in Maryland, Black and Brown lives are not treated equally by our system of policing.

Historic police reforms were passed by the General Assembly two years ago, repealing the Law Enforcement Officer Bill of Rights and replacing it with a new disciplinary framework that included the requirement that all counties and Baltimore City establish a Police Accountability Board (PAB) and an Administrative Charging Committee. The goal of these boards is to change police culture so that Black and Brown people are not disproportionately killed or brutalized by police.

Police Accountability Boards need to conduct independent investigations into officer misconduct in order to appropriately review internal police investigations, and for the community to trust the integrity of these investigations. PABs must be able to hire their own investigators to work independently of the local police departments. Investigators must be able to issue subpoenas and use other techniques to draw accurate conclusions. The bill passed two years ago authorized the implementation of PABs but did not explicitly allow local jurisdictions to provide their PABs with independent investigatory and subpoena powers. This bill will remedy that, and make it possible for communities of color to feel safer in interacting with the police. **I respectfully urge this committee to return a favorable report on SB0285.**

Testimony for Judicial Proceedure Committee.pdf

Uploaded by: Julius Levine

Position: FAV

Good afternoon. First off I would like to take this opportunity to thank members of the Judicial Proceedings Committee for allowing me to submit testimony, and speak on this matter.

By way of introduction, my name is Julius (Jay) Levine. As a young man, I was drafted into the US Army out of high school during the Vietnam war and retired after returning from Desert Storm.

After retirement I worked as a DOD Police officer in the Republic of Panama and then at Ft Detrick Maryland. I later applied to and was accepted at the Frederick City Police department where I served in the patrol division, the community services division, and finally the criminal investigations division until retirement in December of 2012.

I am currently the Chairperson of the Public Safety Committee of the Frederick County chapter of the NAACP.

Speaking as a representative of that organization and as a citizen of the State of Maryland; I request that you support the proposed legislature (SB 285) that gives the Police Accountability Board (PAB) the powers that are needed to make it effective. With the powers of investigation and subpoena regarding police misconduct, the PAB's go from being what has been referred to as an *advisory* board to an *accountability* board. They will not be hampered in their endeavors to seek the truth.

Police misconduct has been a part of society from the beginning and it takes many forms, from minimal violations of an individual's constitutional rights, to the unnecessary taking of an individual's life. I'm not naïve or blind, I know that there are dangers in the job of being a police officer and things could go south quickly. But as a police officer you are not there to make it go south, you are there to deescalate a situation if possible and enforce the laws. To do this you rely on your training and conditioning. Once you stray from that and you violate rules of conduct there should be a mechanism to hold you accountable.

I know that there are those who have and will come out against the PAB in general and would say things like, because of the nature of the profession, only the police should be allowed to investigate misconduct allegations against police, you will lose officers or you won't get candidates wanting to come into the profession. My responses are;

- i. Firstly, the police have been investigating police misconduct since the inception of the profession and for the most part it hasn't worked, because if it had there would not be a need for legislation of this type'
- ii. Secondly, If an individual doesn't want to be held accountable for his/her actions they should not be wearing the badge and gun.

I will close by saying this: THERE ARE A LOT OF GOOD POLICE OFFICERS OUT THERE, THE VAST MAJORITY OF THEM, BUT THEIR JOBS ARE MADE HARDER

AND MORE DANGEROUS BY THE ACTIONS OF THE FEW. With the PAB being given the tools they need to be able to conduct investigations free from interference, it sends the signal that those good officers won't have to be saddled with the conduct of the few.

SB285- investigatory powers for PAB (1).docx.pdf

Uploaded by: Katherine Wilkins

Position: FAV

Dear **Senator Smith and the Judicial Proceedings Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs and the Maryland Coalition for Police Justice and Accountability. I am a resident of **12A**. **I am testifying in support of SB 285.**



In 2021, the General Assembly overwhelmingly passed HB 640, which created a new system of reporting, adjudicating, and recommending discipline in police misconduct complaints. Each county was directed to form its own police accountability board (PAB), to receive complaints from the public and refer them to a charging committee which would decide whether to pursue a disciplinary hearing. Many details about the PABs were left to the discretion of each county, which unfortunately caused some confusion amongst county lawmakers. One major question left open by HB 640 is whether a county may empower a PAB to conduct its own investigations of police misconduct, and grant it the power to subpoena evidence.

The major rationale for reform of the police accountability system is that allowing the police to investigate and prosecute their own misconduct has not worked. PABs are supposed to ensure that complaints of misconduct are examined fairly and transparently by an independent and impartial party. Yet, can the PAB and its administrative charging committee be truly independent if all its information is provided by the police department whose members are being investigated? This body has previously agreed on the importance of independent investigation: in creating Baltimore's Civilian Review Board, the legislature granted that body the ability to gather evidence in pursuit of its mission.

One of the problems cited by the largest in-depth investigation of the Gun Trace Task Force scandal was Internal Affairs' failure- for various reasons- to conduct adequate investigations into misconduct allegations; a systemic failure that it found contributed to the culture of corruption in the department.¹ If a PAB has no power to investigate further, the police can thwart its work by failing to conduct a thorough investigation. A PAB with investigatory powers can be a powerful tool in the arsenal of counties struggling to establish a good police accountability system. Please ensure that the counties have the ability to pick up that tool.

It is for these reasons that I am encouraging you to vote **in support of SB 285.**

Thank you for your time, service, and consideration.

Sincerely,
Katherine Wilkins
5605 Foxcroft Way
Columbia MD 21045
Showing Up for Racial Justice Baltimore

¹ The Steptoe report, pages 479-482. Accessed at <https://www.steptoe.com/a/web/219380/3ZF1Gi/gttf-report.pdf> on 2/12/23.

SB 0285 - Favorable.pdf

Uploaded by: Kenneth Phelps, Jr.

Position: FAV



TESTIMONY IN SUPPORT OF SB 0285

**County Police Accountability Boards - Investigation of Complaints of Police
Misconduct
FAVORABLE**

TO: Senator Brian Feldman, Chair, Senator Cheryl Kagan and members of the Senate Education, Energy and the Environment Committee

FROM: Rev. Kenneth Phelps, Jr., Co-Director, Maryland Episcopal Public Policy Network

DATE: February 14, 2023

The Episcopal Church, in its 2018 General Convention resolution on police violence and racism, stated, “that while we honor and raise up the work of dedicated police officers who put their lives on the line to serve and protect, we also acknowledge the numerous inexcusable deaths and intimidation of people of color at the hands of law enforcement personnel in communities all over the United States”

Episcopalians are further urged to “join community and grassroots leaders in advocating ... substantive and mandatory change in police departments and policing and to allocate resources for community-based models of safety, support and prevention.” In that spirit, the Episcopal Diocese of Maryland and its member parishes strongly urge a favorable report on this act.

Since the death of Freddie Gray in Baltimore in 2015 the Maryland General Assembly has moved steadily to empower communities to hold police officers to account.

This bill will give accountability boards the additional power that they need to investigate willful acts of omission and commission and obstruction of the truth.

We also support this bill because we know that an incremental approach will not ultimately solve the urgent problem of police violence nor will it have a mitigating impact on the systemic racism that feeds and sustains it. Only a comprehensive approach will do, and we applaud the Judicial Procedures Committee for considering just that. Ending police violence can only benefit everyone. Enacting these measures would be a great next step. Black people have suffered under this system for far too long.

The Diocese of Maryland requests a Favorable report

SB285- investigatory powers for PAB.pdf

Uploaded by: Lindsay Keipper

Position: FAV

Dear **Senator Smith and the Judicial Proceedings Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs and the Maryland Coalition for Police Justice and Accountability. I am a resident of District 46 and **I am testifying in support of SB 285.**



In 2021, the General Assembly overwhelmingly passed HB 640, which created a new system of reporting, adjudicating, and recommending discipline in police misconduct complaints. Each county was directed to form its own police accountability board (PAB), to receive complaints from the public and refer them to a charging committee which would decide whether to pursue a disciplinary hearing. Many details about the PABs were left to the discretion of each county, which unfortunately caused some confusion amongst county lawmakers. One major question left open by HB 640 is whether a county may empower a PAB to conduct its own investigations of police misconduct, and grant it the power to subpoena evidence.

The major rationale for reform of the police accountability system is that allowing the police to investigate and prosecute their own misconduct has not worked. PABs are supposed to ensure that complaints of misconduct are examined fairly and transparently by an independent and impartial party. Yet, can the PAB and its administrative charging committee be truly independent if all its information is provided by the police department whose members are being investigated? This body has previously agreed on the importance of independent investigation: in creating Baltimore's Civilian Review Board, the legislature granted that body the ability to gather evidence in pursuit of its mission.

One of the problems cited by the largest in-depth investigation of the Gun Trace Task Force scandal was Internal Affairs' failure- for various reasons- to conduct adequate investigations into misconduct allegations; a systemic failure that it found contributed to the culture of corruption in the department.¹ If a PAB has no power to investigate further, the police can thwart its work by failing to conduct a thorough investigation. A PAB with investigatory powers can be a powerful tool in the arsenal of counties struggling to establish a good police accountability system. Please ensure that the counties have the ability to pick up that tool.

It is for these reasons that I am encouraging you to vote **in support of SB 285.**

Thank you for your time, service, and consideration.

Sincerely,

Lindsay Keipper

2425 Fleet St.

Showing Up for Racial Justice Baltimore

¹ The Steptoe report, pages 479-482. Accessed at <https://www.steptoe.com/a/web/219380/3ZF1Gi/gttf-report.pdf> on 2/12/23.

Copy of Judicial Proceedings Template (JUFJ) (1).p

Uploaded by: Lisa Barkan

Position: FAV

BILL# _SB285_ Lisa Barkan_FAV

Date of Hearing- February 14, 2023

Lisa A. Barkan

707 Stone Barn Road

Towson, MD 21286

TESTIMONY ON SB285 - POSITION: FAVORABLE
**County Police Accountability Boards-Investigation of Complaints of Police
Misconduct**

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Your Lisa A. Barkan

My name is Lisa A. Barkan. I am a resident of District 42B. I am submitting this testimony in support of SB# 285, County Police Accountability Boards-Investigation of Complaints of Police Misconduct.

I am a retired Assistant Attorney General. I became an attorney because I believe strongly that all people should be treated equally and fairly.

In the wake of Freddie Gray's death, the General Assembly passed the Maryland Police Accountability Act (the "MPAA"). Among other provisions, this law mandates that each county create an independent Police Accountability Board (the "PAB") which provides civilian oversight into allegations of police misconduct. The MPAA did not expressly grant the PABs subpoena power or independent investigatory powers. As a result, the PABs must rely solely on investigations by the police department—the very entity which the PABs are charged with overseeing.

SB285 clarifies that a county can grant a PAB investigatory and subpoena powers. Only with these powers can a PAB truly be an independent entity that will be able to treat people—including law enforcement personnel—equally and fairly.

I respectfully urge this committee to return a favorable report on SB#285.

SB285- FAV - investigatory powers for PAB_ems.pdf

Uploaded by: Liz Simon-Higgs

Position: FAV

Dear **Senator Smith and Members of the Judicial Proceedings Committee,**

I am a resident of District 46 and a member of Showing Up for Racial Justice - Baltimore (SURJ). SURJ organizes white people, regionally, for racial justice, and SURJ is working in collaboration with the Campaign for Justice, Safety, and Jobs (CJSJ) and the Maryland Coalition for Police Justice and Accountability. **I am testifying in support of SB 285.**



In 2021, the General Assembly overwhelmingly passed HB 640, which created a new system of reporting, adjudicating, and recommending discipline in police misconduct complaints. Each county was directed to form its own police accountability board (PAB), to receive complaints from the public and refer them to a charging committee which would decide whether to pursue a disciplinary hearing. Many details about the PABs were left to the discretion of each county, which unfortunately caused some confusion amongst county lawmakers. One major question left open by HB 640 is whether a county may empower a PAB to conduct its own investigations of police misconduct and grant it the power to subpoena evidence.

The major rationale for reform of the police accountability system is that allowing the police to investigate and prosecute their own misconduct has not worked. One of the problems cited by the largest in-depth investigation of the Gun Trace Task Force scandal was Internal Affairs' failure – for various reasons – to conduct adequate investigations into misconduct allegations: a systemic failure that was found contributed to the culture of corruption in the department.¹

PABs are supposed to ensure that complaints of misconduct are examined fairly and transparently by an independent and impartial party. But can the PAB and its administrative charging committee be truly independent if all its information is provided by the police department whose members are being investigated? This body has previously agreed on the importance of independent investigation: In creating Baltimore's Civilian Review Board, the legislature granted that body the ability to gather evidence in pursuit of its mission.

If a PAB has no power to investigate further, the police can thwart its work by failing to conduct a thorough investigation. A PAB with investigatory powers can be a powerful tool in the arsenal of counties struggling to establish a good police accountability system. Please ensure that the counties have the ability to pick up that tool.

It is for these reasons that I am encouraging you to vote **in support of SB 285.**

Thank you for your time, service, and consideration.

Sincerely,

Liz Simon-Higgs

308 E Randall Street, Baltimore, MD 21230

Showing Up for Racial Justice - Baltimore

¹ The Steptoe report, pages 479-482. Accessed at <https://www.steptoe.com/a/web/219380/3ZF1Gi/gttf-report.pdf> on 2/12/23.

Kronser SB 0285 testimony.pdf

Uploaded by: Lori Kronser

Position: FAV

Dear Members of the Judicial Proceedings Committee,

I am a member of Showing Up for Racial Justice Annapolis and Anne Arundel County. I am a resident of District 23 in Bowie. I am testifying in support of Senate Bill SB0285.

The provisions outlined in SB0285 play an essential role in our pursuit of meaningful, independent police accountability boards at the county level. I am grateful for your leadership and the Committee's initial support of police accountability measures and the Maryland Police Accountability Act (MPAA) throughout the 2021 session. However, implementation of HB0670 throughout the past year has made it clear that legislation is needed to clarify the authority local governing bodies have to empower their Police Accountability Boards. In order for local PABs to follow through on the fundamental goals of the MPAA, the legislature must clarify that local bodies can give their PABs the power to conduct independent investigations into misconduct complaints.

The main function of Police Accountability Boards is to assess the quality of police discipline and issue reports and recommendations to improve police accountability. Without the ability to conduct their own separate and concurrent investigations into complaints, the boards lack meaningful capacity to do so and must accept law enforcement investigations at face value. Fundamentally, without investigatory and subpoena powers, PABs are largely hamstrung in their ability to fulfill their role.

Anne Arundel County is especially in need of this legislation. The Anne Arundel County Council, along with the administration of Anne Arundel County Executive Stuart Pittman, repeatedly denied local police accountability activists what they had been asking for: that the Anne Arundel County PAB have independent investigative authority. The same is true in Prince George's County. As a result, members of our local PABs are able to read about police brutality and misconduct in the paper, but don't have the ability to initiate investigations about these newsworthy events. This means that many instances of police brutality and misconduct will never make it to a PAB or Administrative Charging Committee, as the victims of these crimes have many reasons why they may not feel comfortable using the specified reporting process.

Until local PABs are able to get independent investigative authority, the effectiveness of our Police Accountability Boards will be severely limited. It is for this reason that I am encouraging you to vote in support of SB0365.

I appreciate your time, service, and consideration.

Sincerely,
Lori Kronser
12800 Holiday Ln
Bowie, MD 20716

Bill#SB285_Louise Weissman_Favorable.pdf

Uploaded by: Louise Weissman

Position: FAV

Bill#SB0285_Louise Weissman_Favorable
February 14, 2023
Louise Weissman
Greenbelt, MD 20770

TESTIMONY ON SB285 - POSITION: FAVORABLE
County Police Accountability Boards - Investigation of Complaints of Police Misconduct

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Louise Weissman

My name is Louise Weissman. I am a resident of District 22 in Greenbelt. I am submitting this testimony in support of SB285, County Police Accountability Boards - Investigation of Complaints of Police Misconduct.

I am a member of Oseh Shalom in Laurel, MD, and Jews United For Justice - MD. During the 2021 General Assembly session, the Maryland Police Accountability Act (SB670) passed mandating that all Maryland's counties and Baltimore City form oversight bodies called Police Accountability Boards (PABs). The purpose of these Boards was to provide independent, community-controlled oversight in reports about police misconduct prepared by Administrative Charging Committees (ACCs). Those reports were to include a review of outcomes of disciplinary matters to be considered as well as a report of trends and recommendations.

As a Jew, I was taught that destroying one life is akin to destroying a whole world, and yet, even with the passage of SB670 2-years ago, Maryland's system of policing continues to destroy lives every day, especially Black and brown, and despite historic police accountability reforms, community oversight of the police still needs to be strengthened. I care about the passage of this new bill, because I believe our state still needs to reduce unnecessary police interactions; we need to rethink policing; and we need to transform public safety. It will bolster the intent of SB670.

SB670 was a step in the right direction, but PABs lack independent investigatory and subpoena powers. They can neither appropriately assess complaints or their outcomes. They cannot issue subpoenas to draw accurate conclusions. This gap leaves them reliant on internal investigations carried out by the very police departments that need to be held accountable. As a result there is an inherent lack of accountability to victims and their families which is typically mistaken as a belief that the job is dangerous, so there is never unwarranted police action. It also creates an overzealous belief that the Blue Line of loyalty is impenetrable. This is a conflict of interest that needs to be corrected. Simply put, local jurisdictions need to have the ability to grant PABs the power to conduct their own independent investigations into officer misconduct.

The passage of this bill will fill in a gap that was left unfilled with the passage of SB670. Therefore, I respectfully urge this committee to return a favorable report on SB285.

SB0285_MaraGreengrass_FAV.pdf

Uploaded by: Mara Greengrass

Position: FAV

February 14, 2023

Mara R. Greengrass
Rockville, MD 20852

TESTIMONY ON SB0285 - POSITION: FAVORABLE
**County Police Accountability Boards - Investigation of Complaints of Police
Misconduct**

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Mara Greengrass

My name is Mara Greengrass. I'm a resident of District 18 and I'm submitting this testimony in support of SB0285, County Police Accountability Boards - Investigation of Complaints of Police Misconduct.

Jewish tradition teaches that all of us are *b'tzelem elohim*, that is, "made in the image of God." Unequal treatment of people due to superficial features such as skin color, country of origin, or socioeconomic status is a disgrace.

At the same time, my background in the discipline of applied anthropology tells me the social science research is clear: Black and brown people are harassed, arrested, and killed by police officers at very unequal rates. If this could be stopped by police departments investigating themselves, the problem would already be solved.

I was grateful in 2021 when the General Assembly wisely voted to mandate the formation of Police Advisory Boards (PABs) in Maryland jurisdictions. However, under this preliminary legislation, there is no requirement to give these boards the independent oversight power needed to truly investigate and halt police misconduct. While there are state agencies that can do this work, PABs are members of the community in question and can do it better.

We cannot assume that everyone in the state shares a desire for true and honest investigation into incidents that may involve racist, classist, or sexist behavior on the part of law enforcement. A toothless advisory board is only barely better than no board at all.

Please give PABs subpoena powers and allow them to hire independent investigators. Make Maryland safer for all its citizens, not just people like me.

I respectfully urge this committee to return a favorable report on SB0285.

SB285 Favorable Testimony.pdf

Uploaded by: Max Socol

Position: FAV



PROGRESSIVE MARYLAND

P.O. Box 6988 Largo, MD 20792
www.ProgressiveMaryland.org
Contact@ProgressiveMaryland.org
Facebook.com/ProgressiveMaryland
@Progressive_MD

Testimony on Maryland Senate Bill 285

County Police Accountability Boards – Investigation of Complaints of Police Misconduct

TO: Chair Smith, Vice Chair Waldstreicher, and members of the committee

FROM: Mary Astudillo, Member of Progressive Maryland

DATE: February 13, 2023

POSITION: Favorable

Thank you for the opportunity to offer testimony in support of SB 285. Progressive Maryland is a grassroots nonprofit organization with regional chapters from Frederick to the Lower Shore and more than 100,000 members and supporters who live in nearly every legislative district in the state. In addition, there are dozens of affiliated community, faith, and labor organizations across the state that stand behind our work. Our mission is to improve the lives of working families in Maryland. Please note our **strong support for SB 285**.

I am a Maryland resident and an impacted family of poor policing practices and inequalities in the criminal justice system that has irreparably harmed the lives of my family members forever. It collapsed the career and future opportunity of a hard working, dedicated DPT student completing his doctorate degree at UMES. A person who would have served and healed our community and been a significant contributor to our tax base.. I am writing in support of SB 285. The provisions outlined in SB 285 play an essential role in our pursuit of meaningful, independent police accountability boards at the county level. I am grateful for your leadership and the Committee's initial support of police accountability measures and the Maryland Police Accountability Act throughout the 2021 session. However, implementation of HB 670 throughout the past year has made it clear that legislation is needed to clarify the authority local governing bodies have to empower their PAB's. In order for local PABs to follow through on the fundamental goals of the MPAA, the legislature must clarify that local bodies can give their PABs the power to conduct independent investigations into misconduct complaints.

The main function of Police Accountability Boards is to assess the quality of police discipline and issue reports and recommendations to improve police accountability. Without the ability to conduct their own separate and concurrent investigations into complaints, the boards lack meaningful capacity to do so and must accept law enforcement investigations at face value. Without investigatory and subpoena powers, PABs cannot fulfill their role.

For these reasons, **we respectfully urge a favorable report on SB 285**.

Mary Astudillo

SB285_Melissa C Goemann_Favorable.pdf

Uploaded by: Melissa Goemann

Position: FAV

February 14, 2023

Melissa Coretz Goemann
Silver Spring, MD 20901

TESTIMONY ON SB#285 - POSITION: FAVORABLE

County Police Accountability Boards - Investigation of Complaints of Police Misconduct

TO: Chair Clippinger, Vice Chair Moon, and member of the Judiciary Committee

FROM: Melissa Coretz Goemann

My name is Melissa Coretz Goemann. I am a resident of District 20. I am submitting this testimony in support of SB 285. I live in Silver Spring and am an active member of Adat Shalom Reconstructionist Synagogue. I am also very involved in juvenile and criminal justice reform through my work as policy counsel for a national organization and my work with several local volunteer groups.

I care about this bill because of my belief in the biblical precept, “*Tzedek Tzedek Tirdof – Justice, justice you shall pursue.*” Through my work on justice issues, I know that our system of policing in Maryland often does not treat people, particularly Black and Brown people, immigrants, members of the LGBTQ+ community, people with disabilities, and those experiencing mental health crises in a just manner. Accountability is an important key to moving reform forward, which is why strong Police Accountability Boards (PABs) are so vital.

The General Assembly passed HB 670 in 2021 in order to provide independent, community-controlled oversight into police misconduct. Independent investigatory and subpoena powers are an essential part of how PABs can fulfill their mandate, otherwise they are largely hamstrung in their ability to fulfill this role. However, language in HB 670 on this issue was unclear and local jurisdictions hesitated to authorize these powers to their PABs. This bill is needed to explicitly allow local jurisdictions to provide their PABs with independent investigatory and subpoena powers and provide necessary funding for them.

In order to provide justice for the people of Maryland, Police Accountability Boards must be explicitly allowed to conduct investigations of their own to provide accurate assessments of complaints and their outcomes, and to accurately assess the quality of investigations. This bill will allow PABs to do so. **I respectfully urge this committee to return a favorable report on SB# 285.**

Written testimony - PAB independent investigations

Uploaded by: Mir Usman Ali

Position: FAV

Testimony for the Senate Judicial Proceedings Committee

Tuesday, February 14th, 2023

SB 285 - County Police Accountability Boards – Investigation of Complaints of Police

Misconduct

FAVORABLE

Dear Chair Smith, Vice Chair Waldstreicher, and members of the committee,

My name is Mir Usman Ali. I am a Maryland resident, and an Assistant Professor of public policy at the University of Maryland Baltimore County. I am writing in support of SB 285. I am grateful for your leadership and the Committee's initial support of police accountability measures and the Maryland Police Accountability Act.

My research addresses questions of how public organizations and employees may address social inequities, with a focus on the impact of citizen oversight of police. In one published study which examined the impact of police accountability boards (PABs) in the US over a period of 35 years. I defined investigative PABs as those that (i) classify complaints, (ii) independently investigate complaints, (iii) recommend findings, (iv) recommend or impose discipline, (v) have paid full-time staff, and (vi) have a budget. I found that PABs with independent investigatory authority lead to a 6% reduction in racial disparity in police homicides citizens per year. PAB's which lack independent investigative authority were not found to have any impact on the above racial disparities.

In a second published study, I examined the impact of PABs on the violent crime rate and homicides of police officers in the line of duty. I found that Investigative PABs led to a 21.1% reduction in the violent crime rate and a 9% reduction in line-of-duty police homicides compared to the pre-period. This is likely because investigative PABs inspire confidence among members of the public, which in turn increase public confidence and trust in police. PABs which lack such authority were not found to have any impact on either the violent crime rate or homicides of police officers in the line of duty.

The provisions outlined in SB 285 play an essential role in our pursuit of meaningful, independent police accountability boards at the county level. However, in order for local PABs to follow through on the fundamental goals of the MPAA, the legislature must clarify that local bodies can give their PABs the power to conduct independent investigations into misconduct complaints.

The main function of Police Accountability Boards is to assess the quality of police discipline and issue reports and recommendations to improve police accountability. Without the ability to conduct their own separate and concurrent investigations into complaints, the people of Maryland must accept law enforcement investigations at face value, which diminishes their

agency in shaping how they are policed. Fundamentally, without investigatory and subpoena powers, PABs are largely hamstrung in their ability to fulfill their role.

For the foregoing reasons, I urge a favorable report on Senate Bill 285.

Appreciatively,

Name: Mir Usman Ali

Address: 310 Lee Dr., Catonsville, MD 21228

Date: 2/13/2023

SB 285 County Police Accountability Boards - Inves

Uploaded by: Nancy Soreng

Position: FAV



TESTIMONY TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE

Position: Favorable

SB 285 County Police Accountability Boards - Investigation of Complaints of Police Misconduct

By: Nancy Soreng, President

Date: February 14, 2023

The League of Women Voters supports a criminal justice system that is just, effective, equitable, transparent, and that fosters public trust at all stages, including policing practices. We also support collaboration between government and community throughout every stage of the criminal justice system.

We were proud to support many of the reforms that were passed by this body in 2021 including the mandate that Maryland counties and Baltimore City create Police Accountability Boards (PABs). Many of our local Leagues engaged with their governing bodies as they worked to determine the membership, the appointment process, and most importantly, the authority that these boards would have in providing oversight of police misconduct and discipline. This bill will clarify the law passed in 2021 to specifically authorize local jurisdictions to provide their PABs with the power to conduct independent investigations and have subpoena power. This is something that local governments have been hesitant to do.

The whole point of PABs is to provide an independent, community-based body that has the power to actually investigate and understand what happened or did not happen that led to a complaint of police misconduct and to assess the quality of the internal investigations conducted by the police themselves. Passage of this bill will allow the Police Accountability Boards to actually fulfill their mandate. Without this authority, they can only evaluate investigations based on what is provided to them by the investigating body.

We urge a favorable report on SB 285.

Written Testimony - SB 285 PAB independent investi

Uploaded by: Peta Richkus

Position: FAV

Testimony for the Senate Judicial Proceedings Committee
Tuesday, February 14th, 2023 (submitted February 13, 2023)
SB 285 - County Police Accountability Boards – Investigation of Complaints of Police Misconduct
FAVORABLE

Dear Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Peta Richkus and I am a Maryland resident. I am also a member of the Baltimore County Coalition for Police Accountability (BCCPA) and am writing in support of SB 285 on behalf BCCAP and our participating member organizations: American Civil Liberties Union of Maryland; Baltimore County Progressive Democrats Club; CASA; Common Cause Maryland; Communist Party of the USA, Baltimore Club; Indivisible Towson; Jews United for Justice Baltimore; League of Women Voters of Baltimore County; Randallstown NAACP; and SURJ Baltimore and Howard County.

The provisions outlined in SB 285 play an essential role in the pursuit of meaningful, independent police accountability boards (PABs) at the county level. Thank you for your leadership and the Committee's earlier support of police accountability measures and the Maryland Police Accountability Act of 2021. However, implementation of the HB 670 throughout the past year has made it clear that legislation is needed to clarify the authority local governing bodies have to empower their PABs. In order for local PABs to follow through on the fundamental goals of the MPAA, the legislature must clarify that local bodies can give their PABs the power to conduct independent investigations into misconduct complaints.

The main purpose of Police Accountability Boards is to provide independent, community-controlled oversight into police misconduct, to assess the appropriateness of police discipline, and to issue reports and recommendations to improve police accountability.

No agency or organization can investigate itself. That is why we have auditors (like DLA) and Inspectors General. This truism applies to law enforcement agencies as well. Without the ability to conduct their own separate and concurrent investigations into complaints, the PABs lack the meaningful capacity to do so and must accept law enforcement investigations at face value. Fundamentally, without investigatory and subpoena powers, PABs are largely hamstrung in their ability to fulfill their role. That is why Police Accountability Boards must be explicitly allowed to conduct investigations of their own to provide accurate assessments of complaints and their outcomes, and to accurately assess the quality of investigations.

That is why the General Assembly must make it clear that the provision of these powers is permitted under HB 670 and that local jurisdictions can choose to both authorize them for PABs and provide necessary funding for them.

BCCPA urges a favorable report on Senate Bill 285.

Sincerely,
Peta N. Richkus, on behalf of BCCPA
107A Versailles Cir.
Towson, MD 21204

SB285- investigatory powers for PAB (1).pdf

Uploaded by: Rebecca Shillenn

Position: FAV

Dear **Senator Smith and the Judicial Proceedings Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs and the Maryland Coalition for Police Justice and Accountability. I am a resident of District 45. **I am testifying in support of SB 285.**



In 2021, the General Assembly overwhelmingly passed HB 640, which created a new system of reporting, adjudicating, and recommending discipline in police misconduct complaints. Each county was directed to form its own police accountability board (PAB), to receive complaints from the public and refer them to a charging committee which would decide whether to pursue a disciplinary hearing. Many details about the PABs were left to the discretion of each county, which unfortunately caused some confusion amongst county lawmakers. One major question left open by HB 640 is whether a county may empower a PAB to conduct its own investigations of police misconduct, and grant it the power to subpoena evidence.

The major rationale for reform of the police accountability system is that allowing the police to investigate and prosecute their own misconduct has not worked. PABs are supposed to ensure that complaints of misconduct are examined fairly and transparently by an independent and impartial party. Yet, can the PAB and its administrative charging committee be truly independent if all its information is provided by the police department whose members are being investigated? This body has previously agreed on the importance of independent investigation: in creating Baltimore's Civilian Review Board, the legislature granted that body the ability to gather evidence in pursuit of its mission.

One of the problems cited by the largest in-depth investigation of the Gun Trace Task Force scandal was Internal Affairs' failure- for various reasons- to conduct adequate investigations into misconduct allegations; a systemic failure that it found contributed to the culture of corruption in the department.¹ If a PAB has no power to investigate further, the police can thwart its work by failing to conduct a thorough investigation. A PAB with investigatory powers can be a powerful tool in the arsenal of counties struggling to establish a good police accountability system. Please ensure that the counties have the ability to pick up that tool.

It is for these reasons that I am encouraging you to vote **in support of SB 285.**

Thank you for your time, service, and consideration.

Sincerely,

Rebecca Shillenn

5401 Elsrode Avenue Baltimore 21214

Showing Up for Racial Justice Baltimore

¹ The Steptoe report, pages 479-482. Accessed at <https://www.steptoec.com/a/web/219380/3ZF1Gi/gttf-report.pdf> on 2/12/23.

SB285- investigatory powers for PABs.pdf

Uploaded by: Sarah Johnson

Position: FAV

Dear Senator Carter and the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs and the Maryland Coalition for Police Justice and Accountability. I am a resident of District 41 in Baltimore. **I am testifying in support of SB 285**, which would grant local PABs independent investigatory powers.



In 2021, the General Assembly overwhelmingly passed HB 640, which created a new system of reporting, adjudicating, and recommending discipline in police misconduct complaints. Each county was directed to form its own police accountability board (PAB), to receive complaints from the public and refer them to a charging committee which would decide whether to pursue a disciplinary hearing. Many details about the PABs were left to the discretion of each county, which unfortunately caused some confusion amongst county lawmakers. One major question left open by HB 640 is whether a county may empower a PAB to conduct its own investigations of police misconduct, and grant it the power to subpoena evidence.

The major rationale for reform of the police accountability system is that allowing the police to investigate and prosecute their own misconduct has not worked. PABs are supposed to ensure that complaints of misconduct are examined fairly and transparently by an independent and impartial party. Yet, can the PAB and its administrative charging committee be truly independent if all its information is provided by the police department whose members are being investigated? This body has previously agreed on the importance of independent investigation: in creating Baltimore's Civilian Review Board, the legislature granted that body the ability to gather evidence in pursuit of its mission.

One of the problems cited by the largest in-depth investigation of the Gun Trace Task Force scandal was Internal Affairs' failure- for various reasons- to conduct adequate investigations into misconduct allegations; a systemic failure that it found contributed to the culture of corruption in the department.¹ If a PAB has no power to investigate further, the police can thwart its work by failing to conduct a thorough investigation. A PAB with investigatory powers can be a powerful tool in the arsenal of counties struggling to establish a good police accountability system. Please ensure that the counties have the ability to pick up that tool.

It is for these reasons that I am encouraging you to vote in support of SB 285.

Thank you for your time, service, and consideration.

Sincerely,
Sarah Johnson
1 Merryman Court
Baltimore, MD 21210
Showing Up for Racial Justice Baltimore

¹ The Steptoe report, pages 479-482. Accessed at <https://www.steptoe.com/a/web/219380/3ZF1Gi/gttf-report.pdf> on 2/12/23.

Sample written testimony - PAB independent investi

Uploaded by: Sarah K Harper

Position: FAV

Testimony for the Senate Judicial Proceedings Committee

Tuesday, February 14th, 2023

SB 285 - County Police Accountability Boards – Investigation of Complaints of Police

Misconduct

FAVORABLE

Dear Chair Smith, Vice Chair Waldstreicher, and members of the committee,

My name is Sarah K. Harper. I am a Maryland resident writing in support of SB 285. The provisions outlined in SB 285 play an essential role in our pursuit of meaningful, independent police accountability boards at the county level. I am grateful for your leadership and the Committee's initial support of police accountability measures and the Maryland Police Accountability Act throughout the 2021 session. However, implementation of HB 670 throughout the past year has made it clear that legislation is needed to clarify the authority local governing bodies have to empower their PAB's. In order for local PABs to follow through on the fundamental goals of the MPAA, the legislature must clarify that local bodies can give their PABs the power to conduct independent investigations into misconduct complaints.

The main function of Police Accountability Boards is to assess the quality of police discipline and issue reports and recommendations to improve police accountability. Without the ability to conduct their own separate and concurrent investigations into complaints, the boards lack meaningful capacity to do so and must accept law enforcement investigations at face value. Fundamentally, without investigatory and subpoena powers, PABs are largely hamstrung in their ability to fulfill their role.

I have lived in Prince George's County for forty years. I have read about horrific police brutality cases. I have protested these actions with the International Committee Against Racism, the Prince George's County Coalition for Police Accountability and Community Justice. I have seen how the Hyattsville Police Department ignored residents' requests for a public hearing to inform us of the resolution of the murder of Mr. Leonard Shand. In addition the Hyattsville Police Department lied about how Mr. Edwin Morales died. It was brought to light by an intrepid reporter with WJLA TV.

For the foregoing reasons, I urge a favorable report on Senate Bill 285.

Appreciatively,
Sarah K. Harper,
4103 Gallatin St
Hyattsville, MD 20781
February 13, 2023

SB0285-JPR_MACo_SUP.pdf

Uploaded by: Sarah Sample

Position: FAV



Senate Bill 285

County Police Accountability Boards – Investigations of Police Misconduct

MACo Position: **SUPPORT**

To: Judicial Proceedings Committee

Date: February 14, 2023

From: Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS** SB 285. This bill would authorize county governments to authorize its own police accountability board to investigate allegations of police misconduct.

The structure of police accountability boards as established by the police reform legislation of 2021 is intended to enhance public oversight of officer misconduct. This legislation would extend local government power to further enable this civilian body. Additionally, since the bill creates this ability only as an option for local governments rather than a mandate, it does not require any action from counties that feel their existing process is sufficient to uphold the intent of the original law.

Each Maryland county has worked, on a rapid timeline, to establish these boards. The process has not been without its challenges. There are still regulations requiring clarity and various nuances to the language that leave a variety of legal questions and complications open for interpretation. SB 285 recognizes the difficulties counties are currently facing in this space by simply authorizing a new tool for those localities to exercise at their discretion.

In just the first couple months of operation, the required annual reports reveal how different the volume and types of cases can be from jurisdiction to jurisdiction. Collaboration between the civilian-led boards, their local government, and local law enforcement is essential in this process. Together, these entities are a hyper-local community of stakeholders that all want the best for Maryland residents. Communities understand their own needs better than anyone through the commonalities they share as neighbors. Empowering this community collaborative to decide what is best and take the appropriate actions or inactions upholds the continuity of purpose that residents must be able to rely on from their leaders and each other.

The integrity of the civilian oversight process is paramount to fulfilling the intent of police reform that has been absolutely and devotedly undertaken by all local governments. The attempt to further enable counties in that process encourages and preserves a trust in local authorities that stands to restore the faith of the public. Accordingly, MACo urges a **FAVORABLE** report for SB 285.

SB 0285-Fav Testimony POLICY FOUNDATION OF MARYLAN

Uploaded by: Sarahia Benn

Position: FAV

Policy Foundation of Maryland

Committee: Judicial Proceedings Committee

Testimony on: SB 285 - County Police Accountability Boards – Investigation of Complaints of Police Misconduct

SPONSOR: Senator Jill P. Carter

Organization: Policy Foundation of Maryland, Maryland Coalition for Justice and Police Accountability

Person Submitting: Sarahia Benn (Executive Dir.) PFOM

Position: Favorable

Hearing Date: February 14, 2023 1PM

Mr. Chair and Members of the Committee,

Thank you for allowing testimony today in support of SB0285. Policy Foundation of Maryland is a grassroots organization focused on State and County level legislation and policies that impacts Black, Brown, Marginalized, low income communities and Veterans affairs. Criminal Justice legislation is of massive importance to these communities particularly due to how impacted these communities have been historically and currently particularly in for multiply residents in rural areas.

The provisions outlined in SB0285 play an essential role in our pursuit of meaningful, independent police accountability boards at the county level. Without these provisions the current police accountability boards lack the intended positive impact to provide a transparent process.

The support this committee had for the Maryland Police Accountability Act throughout the 2021 session was historic and admirable. However, implementation of HB 670 throughout the past year has made it clear that additional legislation is needed to clarify the necessary authority local governing bodies have to empower their PAB's. In order for local PABs to follow through on the fundamental goals of the MPAA, the legislature must clarify that local bodies can give their PABs the power to conduct independent investigations into misconduct complaints.

The main function of Police Accountability Boards is to assess the quality of police discipline and issue reports and recommendations to improve police accountability. Without the ability to conduct their own separate and concurrent investigations into complaints, the boards lack meaningful capacity to do so and must accept law enforcement investigations at face value.

Additionally, some are filled with law enforcement and not community voices as was intended. This is clearly in opposition to the intended impact of the creation of the PABs. Fundamentally, without investigatory and subpoena powers, PABs are largely hamstrung in their ability to fulfill their role.

[Harford County was one of the last counties to send out notice to form a police accountability board.](#) Harford County is known for having the most (mysterious) declared suicides (incidents) at its detention center in the entire state of Maryland that have had investigations that many in and outside of Harford considered as suspicious and not as transparent as necessary. [Marlyn Barnes case being one.](#)

[It also seems that due to the limitations of the PABs that there is a lack of following the intent of bill in the PAB.](#) Rural areas such as Harford, Cecil, and the Eastern Shore have a multiply marginalized demographic of 1/3 of the overall population. This means there is an especially need for more impact in the policy of the PABs to ensure that the multiple marginalized communities are not further marginalized in these areas and Maryland wide. Considering that for the first time in history multiply marginalized communities represent almost 54% of all of Maryland's population we need to ensure policy speaks for these underrepresented communities. By strengthening the PABs it will positively impact marginalized communities.

For these reasons, I urge an **FAVORABLE REPORT** on **SB0285**.

Respectfully submitted,



Sarahia Benn
(Policy Foundation of Maryland, MCJPA)

(Dedicated to Black History month)

“My race needs no special defense, for the past history of them in this country proves them to be equal of any people anywhere. All they need is an equal chance in the battle of life.”

—[Robert Smalls, U.S. congressman, 1895](#)

SB285- investigatory powers for PAB (1).pdf

Uploaded by: Tamara Todd

Position: FAV

Dear **Senator Smith and the Judicial Proceedings Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs and the Maryland Coalition for Police Justice and Accountability. I am a resident of District 10. I **am testifying in support of SB 285.**



In 2021, the General Assembly overwhelmingly passed HB 640, which created a new system of reporting, adjudicating, and recommending discipline in police misconduct complaints. Each county was directed to form its own police accountability board (PAB), to receive complaints from the public and refer them to a charging committee which would decide whether to pursue a disciplinary hearing. Many details about the PABs were left to the discretion of each county, which unfortunately caused some confusion amongst county lawmakers. One major question left open by HB 640 is whether a county may empower a PAB to conduct its own investigations of police misconduct, and grant it the power to subpoena evidence.

The major rationale for reform of the police accountability system is that allowing the police to investigate and prosecute their own misconduct has not worked. PABs are supposed to ensure that complaints of misconduct are examined fairly and transparently by an independent and impartial party. Yet, can the PAB and its administrative charging committee be truly independent if all its information is provided by the police department whose members are being investigated? This body has previously agreed on the importance of independent investigation: in creating Baltimore's Civilian Review Board, the legislature granted that body the ability to gather evidence in pursuit of its mission.

One of the problems cited by the largest in-depth investigation of the Gun Trace Task Force scandal was Internal Affairs' failure- for various reasons- to conduct adequate investigations into misconduct allegations; a systemic failure that it found contributed to the culture of corruption in the department.¹ If a PAB has no power to investigate further, the police can thwart its work by failing to conduct a thorough investigation. A PAB with investigatory powers can be a powerful tool in the arsenal of counties struggling to establish a good police accountability system. Please ensure that the counties have the ability to pick up that tool.

It is for these reasons that I am encouraging you to vote **in support of SB 285.**

Thank you for your time, service, and consideration.

Sincerely,
Tamara Todd
221 Northway Rd, Reisterstown, MD, 21136
Showing Up for Racial Justice Baltimore

¹ The Steptoe report, pages 479-482. Accessed at <https://www.steptoe.com/a/web/219380/3ZF1Gi/gttf-report.pdf> on 2/12/23.

SB285_TobyDitz_FAV.pdf

Uploaded by: Toby Ditz

Position: FAV

February 14, 2023

TESTIMONY ON SB285 - POSITION: (FAVORABLE)
**Count Police Accountability Boards-Investigation of Complaints of Police
Misconduct**

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Toby Ditz

I am Toby Ditz, an almost 40-year resident of Baltimore City in District 40. I've been working as a volunteer locally and statewide on police reform since 2015. **I support SB285.**

One of the main aims of Maryland Police Accountability Act (HB670) was to ensure that every County in Maryland would establish a community oversight board with a mandate to review police policies and also to systematically oversee cases of demonstrated police misconduct.

As every major study on police accountability has shown,¹ civilian oversight boards like our new PABS must be able to act *independently* of the police department which they oversee. In order to do their jobs well, the PABS will need to have subpoena power and powers of investigation. When the cases before them are especially grave or when police departments fail to do speedy and unbiased internal investigations, this independent subpoena and investigatory power is essential.

This bill should not be controversial. The legislation of 2021 allows each jurisdiction considerable scope to flesh out their PABS' powers. As I understand it, SB285 simply confirms that jurisdictions *already* have the legal ability under Maryland law to confer independent investigatory power on their Boards—a point that apparently caused confusion as the Boards were being set up last year. So this legislation would give jurisdictions the confidence to confer these powers as many wish, but it does not *require* any particular jurisdiction to do so.

I respectfully urge this committee to return a favorable report on SB285.

¹ See for example, the recommendations on investigatory powers for civilian oversight boards in the report commissioned by the parties to the Consent Decree governing the Baltimore Police Department. [The Community Oversight Task Force's Recommendations for Strengthening Police Accountability and Police Community Relations in Baltimore City](#) (August 2018), pp 5, 11-12, and especially 23-25. C [OFTE REPORT](#).

Councilmember Will Jawando written testimony in su

Uploaded by: Will Jawando

Position: FAV



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

WILL JAWANDO
COUNCILMEMBER
AT-LARGE
CHAIR, EDUCATION & CULTURE COMMITTEE
PLANNING, HOUSING, AND PARKS COMMITTEE

February 13, 2023

Montgomery County Councilmember Will Jawando
Testimony in Support of SB0285
County Police Accountability Boards – Investigation of Complaints of Police Misconduct
February 14, 2023

Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee:

I am writing to share my support for SB0285, which would allow local governing bodies to authorize a police accountability board (PAB) to exercise investigatory and subpoena powers, and allow PABs to conduct an investigation of police misconduct concurrently with a law enforcement agency investigating the complaint. I would welcome this strengthening of police accountability boards as part of our ongoing efforts to make our community as safe as possible for all.

In the last few years, we have made significant strides in Montgomery County to improve law enforcement. For example, the County required independent investigations after officer-involved deaths, raised the standard of when deadly force can be used, and required additional training of our County police through Montgomery College on topics related to socially just policing, communication skills, and community engagement. These improvements strengthen our law enforcement and our community more generally.

Our county will continue its efforts to improve law enforcement as a part of a broader effort to improve public safety, and the state's partnership and support in those efforts will be important. SB0285 presents an opportunity for the state to provide counties, such as mine, additional tools to ensure greater transparency and accountability in law enforcement.

Later this year, the Montgomery County Police Department will be under the jurisdiction of our Police Accountability Board. The county's PAB began their work in July 2022 and continues to evaluate

policing trends and provide policy recommendations to improve police accountability. Allowing PABs to exercise investigatory and subpoena powers would itself be helpful, and healthy, as our community continues to grapple with how best to build a more just community, where all people can be and feel safe.

I appreciate your thoughtful deliberation of this legislation, and thank you for the opportunity to submit this written testimony. I urge a favorable report on SB0285 to advance justice and accountability in law enforcement.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Will Jawando", with a long horizontal flourish extending to the right.

Will Jawando

SB 285_FAV_PAB Independent Investigations -3.pdf

Uploaded by: Yanet Amanuel

Position: FAV



Testimony for the Senate Judicial Proceedings Committee

Tuesday, February 14th, 2023

SB 285 - County Police Accountability Boards – Investigation of

Complaints of Police Misconduct

FAVORABLE

YANET AMANUEL
PUBLIC POLICY
DIRECTOR

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

3600 CLIPPER MILL
ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND
DIRECTORS
HOMAYRA ZIAD
PRESIDENT

DANA VICKERS
SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland supports SB 285, which would explicitly authorize a local governing body of a county, including Baltimore City, by local law, to empower its police accountability board to exercise investigatory and subpoena powers. Only with this clarification can the Maryland Police Accountability Act of 2021 be implemented as intended and give communities truly meaningful oversight of police misconduct.

For decades, many jurisdictions in Maryland have advocated for community oversight of the police disciplinary process in response to the rampant police violence and corruption in their communities, which includes the authority to conduct independent investigations. However, the Law Enforcement Officers Bill of Rights impeded Maryland jurisdictions from establishing adequate community oversight due to provisions in the law that expressly prohibited investigations conducted by civilians from resulting in discipline (Pub. Safety §3-104(b)). This is why the efforts to repeal the law in 2021 received immense support from community members across the state.

Passed by General Assembly in 2021, the Maryland Police Accountability Act (MPAA) repealed the Law Enforcement Officer's Bill of Rights, replaced it with a new disciplinary framework, and mandated each county, including Baltimore City, to create a Police Accountability Board and Administrative Charging Committee. This landmark piece of legislation set up a basic framework for greater accountability, transparency, and community oversight in the police disciplinary process. Critical features of the board were left up to local jurisdictions, allowing them to establish the membership and budget and outline additional powers and procedures. However, due to confusion around the enabling legislation, local bodies erred on the side of caution and delayed empowering their PABs with the authority to conduct concurrent investigations into police misconduct complaints and issue subpoenas. SB 285

simply seeks to clarify that local governing bodies have the authority to grant their PAB's investigatory and subpoena powers.

Independent investigation of police misconduct is critical to meaningful accountability

Distrust in police is fueled by prevailing public opinion that police departments do not sufficiently hold officers accountable for misconduct. For instance, according to a national poll conducted by the Pew Research Center, 86 percent of Black people and 65 percent of white people surveyed said that police departments do a poor or only fair job of holding officers accountable for misconduct.¹ Both the lived experience of police violence victims in Maryland and data from recent reports serve as substantive proof for these claims.

According to the Graham Report released in 2021, the Prince George's County Police Department routinely failed to adequately respond to internal and external complaints of racial harassment, discrimination, and misuse of force.² Additionally, a 2016 Department of Justice (DOJ) investigation into the Baltimore Police Department (BPD) revealed that BPD not only discouraged internal and external complaints but, even for serious misconduct allegations, complaints were routinely deemed "not sustained" for no reason. Of the 1,382 allegations of excessive force that BPD tracked from 2010 through 2015, only 31 allegations, or 2.2 percent, were sustained. According to the DOJ assessment, procedures to investigate these claims were both inconvenient to the public and wholly inadequate, falling below the department's own policies and law enforcement standards. Adequate discipline was persistently rare.³

For members of the public to trust the integrity of investigations into police misconduct complaints, PABs must be able to conduct investigations of their own to provide accurate assessments of complaints and their outcomes.

Giving PABs investigatory authority over some or all complaints is not inconsistent with police agencies also having that authority

¹ Pew Research Center. (2020, July 9). Majority of Public Favors Giving Civilians the Power to Sue Police Officers for Misconduct. Pew Research Center - U.S. Politics & Policy. Retrieved from <https://www.pewresearch.org/politics/2020/07/09/majority-of-public-favors-giving-civilians-the-power-to-sue-police-officers-for-misconduct/>

² Graham, M. E. (2020, August 28). Expert Report of Michael E. Graham in Hispanic National Law Enforcement Association NCR et al. v. Prince George's County et al.. Washington Lawyers' Committee for Civil Rights and Urban Affairs. Retrieved from <https://www.washlaw.org/wp-content/uploads/2021/02/HNLEA-v-PGC-Aug-28-Graham-Report-Unsealed.pdf>

³ U.S. Department of Justice Civil Rights Division. (2016, August 10). INVESTIGATION OF THE BALTIMORE CITY POLICE DEPARTMENT. U.S. Department of Justice. Retrieved from <https://www.justice.gov/crt/file/883296/download>

The Baltimore City Civilian Review Board (CRB), created by a Public Local Law of the General Assembly, allows the CRB to conduct independent investigations of specific types of civilian complaints against officers in seven law enforcement agencies. Even though the agencies' own internal affairs units conduct parallel investigations, the CRB decides whether to investigate a complaint themselves or review the investigation of the internal affairs department. While the CRB has been limited in scope and authority prior to the MPAA, the independent investigations performed by the CRB staff have proven just how critical it is to have the option of conducting independent, civilian-led investigations into complaints. Beyond the increased trust and cooperation complainants show with CRB investigators, CRB and Public Integrity Bureau disagreed in 26% of concurrent investigations.⁴

The MPAA does not expressly prohibit PABs from having the power to investigate complaints independently

No provision in the MPAA prohibits local bodies from giving their boards these powers either in place of internal affairs or in parallel with them. Additionally, the MPAA does not have a preemption clause that would indicate the legislature's intention to bar the implementation of specific police accountability mechanisms, thereby precluding any local innovations or experimentation.

By affording the PABs with an opportunity to conduct independent investigations, PABs could provide a greater likelihood that investigations will be meaningful and that the public will trust their outcomes. For the forgoing reasons, the ACLU of Maryland urges a favorable vote on SB 285.

⁴ Baltimore City Office of Civil Rights. (2018, July). Baltimore City Civilian Review Board: Annual Report July 2017 to July 2018. City of Baltimore: Office of Equity and Civil Rights. Retrieved from <https://civilrights.baltimorecity.gov/sites/default/files/CRB%20ANNUAL%20REPORT%20AUG%202018%20PUBLIC%20COPY.pdf>

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

MCPA-MSA_ SB-285-County Police Accountability Boar

Uploaded by: Andrea Mansfield

Position: UNF



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

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

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 14, 2023

RE: **SB 285 – County Police Accountability Boards – Investigation of Complaints of
Police Misconduct**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 285**. This bill would authorize a local governing body to provide its Police Accountability Board (PAB) with investigative and subpoena powers under local law. Granting these powers is premature and doing so would complicate and create uncertainty over the investigative process. Local jurisdictions may elect to provide these powers for well-intentioned reasons without understanding the unintended, negative consequences of those actions.

In 2021, the General Assembly passed the Maryland Police Accountability Act which repealed the Law Enforcement Officer's Bill of Rights (LEOBR) and imposed historic and sweeping police reforms. Provisions in these painstakingly negotiated reforms mandated that counties establish PABs, Administrative Charging Committees (ACCs), and trial boards by July 1, 2022. It's important to keep in mind how these new pieces all interact.

PABs are established under local law and consist of civilian members that are required to work with local governments to improve policing, appoint members of the ACC and trial boards, receive complaints of police misconduct filed by the public, meet at least quarterly to review disciplinary matters considered by the ACC, and report annually on trends and recommendations to improve police accountability. Complaints of police misconduct can either be received by the PAB or the law enforcement agency for investigation. If received by the PAB, complaints are then forwarded to the law enforcement agency to investigate. The ACCs' purpose is to review the law enforcement agencies investigation, recommend whether to file administrative charges, and make disciplinary determinations according to the statewide matrix. Members of the ACC must receive specific training before serving on the committee. The goal of this setup is to have a consistent, equitable process to address police misconduct and accountability statewide.

Under SB 285, a local jurisdiction could choose to provide its PAB with the power to independently investigate a complaint of police misconduct concurrently with the law enforcement agency investigating

the complaint. Jurisdictions that choose to exercise the authority will have two separate entities investigating and issue reports on alleged police misconduct. The ACC will then have two separate investigative reports to review and consider when determining whether to file administrative charges and issue discipline.

Given the distinct roles provided to each of the boards, it was not intended under the Police Accountability Act for multiple entities to perform the investigation. Rather the intent was for the pieces to work together to ensure there was civilian engagement in police oversight and a standardized process for accountability across the state. At best this duplication in duties is poor use of time and resources, at worst it injects uncertainty and confusion into the investigative process.

Giving local jurisdictions the ability to choose whether to give PABs investigative and subpoena authority would result in an unequal playing field for police accountability. There would no longer be a standardized statewide process. Additionally, the ACC could be presented with conflicting investigative reports with no guidance on how to reconcile the two. This would open the door to criticisms and allegations of unfair treatment by the officers being investigated. Parallel investigative authority could wreak havoc on investigations where criminal violations are discovered. Law enforcement must work closely with prosecutors and CID in those cases and the alleged criminal issues must be addressed before the administration investigations proceed. PABs performing a concurrent investigation into a civil/administrative complaint could inadvertently derail a covert criminal investigation – especially considering PAB members are not trained and experienced in performing investigations.

The bottom line is that it would be premature to grant this authority. The proposed authority raises too many unanswered questions. Due to the scale of the reforms and pace of developing regulations, many of jurisdictions were just getting their boards established by the July 1 deadline. Given that the PABs have been in existence for less than a year and are still working out kinks, we are cautious about expanding their responsibilities and authorities. It would fundamentally change the role and responsibilities of certain PABs transforming them from a board that broadly reviews and reports on trends to one that performs substantive investigations. Altering responsibilities at this stage can create more problems than it presumably solves. It is prudent we allow some time for the boards to be in place so that any issues that arise or gaps that need to be filled can thoughtfully be addressed.

The Maryland Police Accountability Act of 2021 was a complex and historic piece of legislation. We do not want to undermine its goals by allowing premature piecemeal changes to cause unintended consequences to arise. For these reasons, MCPA and MSA **OPPOSE SB 285** and request an **UNFAVORABLE** Committee report.

SB 285 -UNF -MML.pdf

Uploaded by: Bill Jorch

Position: UNF



Maryland Municipal League
The Association of Maryland's Cities and Towns

TESTIMONY

February 14, 2023

Committee: Senate Judicial Proceedings

Bill: SB 285 - County Police Accountability Boards - Investigation of Complaints of Police Misconduct

Position: Oppose

Reason for Position:

The Maryland Municipal League opposes Senate Bill 285 as it will grant further authority to a county created police accountability board (PAB), without adding any dedicated municipal representation. Specifically, the bill allows counties to authorize their PAB to exercise investigatory and subpoena powers, including in complaints against municipal officers.

MML has raised issue with the specific aspect of the current framework for processing complaints against police officers, that municipal governments are not guaranteed any input into the formation of the county PAB or the administrative charging committee (ACC). This lack of representation is despite the fact that municipal governments operate independently of their county and their citizens often have different priorities than those of the county. Without meaningful municipal representation on the PAB, the voices of municipal residents are being lost in this process. This bill adds significant powers to the PAB, and it is therefore even more important to include municipal representation.

As MML has stated before, municipal participation in the PAB and ACC process is critical to making the police disciplinary framework comprehensive. Since SB 285 adds even more power to the PAB without any meaningful municipal representation, MML opposes SB 285 and asks for an unfavorable report.

FOR MORE INFORMATION CONTACT:

Theresa Kuhns

Angelica Bailey Thupari, Esq.

Bill Jorch

Justin Fiore

Chief Executive Officer

Director, Advocacy & Public Affairs

Director, Public Policy

Deputy Director, Advocacy & Public Affairs

1212 West Street, Annapolis, Maryland 21401

410-268-5514 | 800-492-7121 | FAX: 410-268-7004 | www.md-municipal.org

MCPA-MSA_ SB-285-County Police Accountability Boar

Uploaded by: Natasha Mehu

Position: UNF



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

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

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

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

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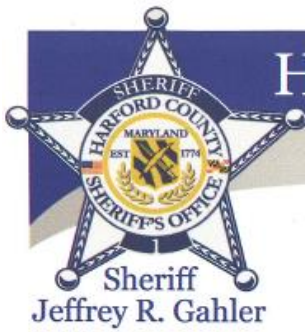
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The Maryland Police Accountability Act of 2021 was a complex and historic piece of legislation. We do not want to undermine its goals by allowing premature piecemeal changes to cause unintended consequences to arise. For these reasons, MCPA and MSA **OPPOSE SB 285** and request an **UNFAVORABLE** Committee report.

SB 285 PAB FINAL.pdf

Uploaded by: Sheriff Jeff Gahler

Position: UNF



HARFORD COUNTY SHERIFF'S OFFICE

COURAGE HONOR INTEGRITY

Senate Bill 285 - Oppose

County Police Accountability Boards – Investigations of Complaints of Police Misconduct

Letter of opposition to the Senate Judicial Proceedings Committee

February 14, 2023

Mr. Chairman and Members of the Senate Judicial Proceedings Committee, I am pleased to submit my written testimony in opposition to Senate Bill 285.

Over the last two years the General Assembly has passed several measures aimed at “Police Reform.” Two years later we find ourselves in a position where many of these new measures, which should already be in place, are not in place or not functioning as the law requires. Police Accountability Boards (PAB) and Administrative Charging Committees (ACC) around the State are clear examples of this. I just heard a recent report that in Baltimore City alone, 400 cases are waiting on action by the ACC. It is clear that time is what is needed to allow jurisdictions to make this process work and not new changes that will continue to distract and delay what we all supposedly desire – an accountability process that is fair and effective.

In 2021, the General Assembly passed HB 670, named the Maryland Police Accountability Act. This legislation gave counties 18 months to prepare and comply with the new aspects of the law as it relates to a new system of administrative discipline for law enforcement officers. In Harford County, our PAB was appointed and seated the month the law became effective and our ACC was selected and seated in a timely manner; however, the required training from the Maryland Police Training and Standards Commission is just now taking place - five months after the effective date of the legislation. In conversation with other counties throughout the State, some have said their boards are not yet selected or operational, have not received the required training



and some have informed me that they cannot find enough members to sit on their ACC and/or PAB.

These changes have placed a significant financial and operational burden on local governments, one that many counties and state agencies (even those that strongly supported the legislation) were not prepared for. The scope of this past legislation has also resulted in most police disciplinary actions being brought to a complete halt. These were completely anticipated and predicted problems and this is all before we see any court challenges to the new process. Now is not the time to further conflate the scope of the problems with more modifications/changes to this evolving process.

Make no mistake, all law enforcement leaders in this State seek to hold bad cops accountable and make sure we have honorable men and women with the highest integrity and standards protecting our communities. This legislation does not serve that goal. This legislation before you today will create even greater challenges both operationally and fiscally. The newly established PABs were put in place to receive complaints, review statistics, hold regular meetings with law enforcement executives, and make recommendations to locally elected county leadership (County Commissioners, County Councils, and in Baltimore, the Mayor and City Council) on policies and practices. These boards were not formed to investigate complaints of police misconduct.

Changing this function will cost counties and taxpayers in jurisdictions who opt into this practice millions of more dollars in unfunded costs, require them to hire additional personnel, and force the State to establish even more comprehensive training; all to perform a function that is already being accomplished by trained personnel, with the expertise and experience necessary to understand what they are investigating.

This legislation also continues to move further away from our past effective statewide uniform disciplinary practice that existed with the Law Enforcement Officers Bill or Rights (LEOBR). Today, our State has countless different processes, and this legislation will serve to further that lack of uniformity in police accountability.

I ask the members of the committee for an unfavorable report on SB 285.

Respectfully Offered,

Sheriff Jeffrey R. Gahler

SB285-JPR-LOI.pdf

Uploaded by: Nina Themelis

Position: INFO



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB 285

February 14, 2023

TO: Members of the Judicial Proceedings Committee

FROM: Nina Themelis, Interim Director of Mayor's Office of Government Relations

RE: Senate Bill 285 – County Police Accountability Boards - Investigation of Complaints of Police Misconduct

POSITION: Letter of Information

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) is providing a letter of information for Senate Bill 285.

SB 285 provides the opportunity for local jurisdictions to bestow investigatory power to their Police Accountability Boards (PABs), furthering civilian oversight for allegations of law enforcement misconduct. Expanded investigatory powers for the PABs is an important component of robust oversight throughout the State, but the enabling legislation must provide flexibility to account for the makeup of each jurisdiction's Board and their respective resources.

The PAB for Baltimore City is comprised of 17 civilian members and has received over 400 complaints of police misconduct since July 1, 2022. On track to collect 700 complaints annually, the City would find the process of authorizing and reviewing investigations logistically unfeasible with the number of members and time required to properly accomplish this task. Adding language to allow for local jurisdictions like Baltimore City to provide investigatory authority to a subset of the PAB, instead of the entire entity, would allow for a more manageable implementation of this legislation.

Additionally, the City PAB is currently staffed by the same agency tasked with supporting the Civilian Review Board (CRB), the only independent body currently authorized to investigate law enforcement in Baltimore City. As the Office of Equity & Civil Rights (OECR) is already supporting two parallel police accountability structures, providing investigatory power to the PAB without abrogating the CRB at the state level would result in a drain of resources by requiring duplicate investigations by the same office.

For these reasons, the BCA respectfully submits a **letter of information** on SB 285. This bill furthers the efforts of accountability and transparency in policing, but there are additional considerations needed for individual jurisdictions such as Baltimore City in order to ensure implementation is effective and efficient.