

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 Dr. Matthew Fogg a retired after 30 years as a Chief Deputy United States Marshal. I have been involved in police task force operations handling warrants and investigations of people in most states across America to include the great state of Maryland. I'm a Maryland resident and Heritage Chapter President for Blacks In Government (www.BIGNET.org) 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 (MPAA) 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 Police Accountability Boards (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.

Because I have worked closely with State and municipal police departments across America I can state first hand that command and control environments of police operations are designed to coverup nefarious activity in order to protect the image of the police departments.

In law enforcement this coverup mechanism is known as the *blue wall of silence*. I have testified in favor of legislation in this House and for other Federal, State and Municipalities on the need for Civilian Review Boards that must have subpoena power and the ability to provide meaningful law enforcement oversight outside of the command and control the police departments nationwide

Most Officers understand the retribution they will face when reporting on rogue police procedures and although they are part of the reference group and want to tell the truth about incidents that hold bad policing accountable – most officers will not come forward for fear of internal retribution.

BIG is currently supporting Federal legislation for [Whistleblower protections for law Officers](#) testifying against other law officers.

Therefore Bill 285 is not enough but clearly this legislation is moving in the right direction for equity and fairness for PAB's to investigate and obtain truthful and transparent evidence.

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

Appreciatively,

Dr. Matthew Fogg / Blacks In Government Heritage Chapter President

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