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To: House Judiciary Proceedings Committee Members

From: James Gormley, Member of the Police Accountability Board of Howard County

Re: Testimony in support of SB285 sponsored by Senator Carter

I am a member of the Police Accountability Board of Howard County, writing to you in my individual capacity. I write to express my support of Senator Carter's Bill SB285, which empowers each county to be able to provide its Police Accountability Board (PAB) with subpoena and investigative powers.

Key provisions of the Maryland Police Accountability Act of 2021 (MPAA) sought to establish an independent, citizen-led role in (i) "ensuring public accountability and transparency" (*COMAR 12.04.09.03A*) whenever an LEA exercises its police powers (one of the current roles of the Police Accountability Boards); and (ii) reviewing LEA investigations of alleged police misconduct (the current role of the Administrative Charging Committees).

However, the MPAA's construct, while well-intentioned, has serious shortcomings. The MPAA requires the PABs to ensure accountability and transparency in policing, **but provides the PABs with no tools for doing so**. The MPAA provides the ACCs with the authority to review the outcomes of LEA disciplinary investigations, **but provides no ability for the ACCs to conduct their own independent investigation concurrently**. This effectively limits the ACCs to reliance on the investigation by the Police Department's Internal Affairs Division, with the investigative trail being completely stale by the time of the much-delayed ACC review, occurring as much as a year or more after the alleged police misconduct.

**Senator Carter's SB285 fixes both these flaws** and will more effectively implement the objective of the General Assembly underlying the MPAA, by authorizing each county's governing body to give its PAB the power it needs to ensure police accountability and transparency, and to investigate alleged police misconduct independently of, and concurrently with, the LEAs.

I recommend that two amendments be considered to improve Senator Carter's Bill SB285: (1) It should be made clear in SB285 that the PAB is able to exercise its subpoena powers in the execution of **all** its responsibilities, both to conduct investigations of alleged police misconduct and also to fulfill its further ongoing responsibility on a real-time basis of ensuring "public accountability and transparency" in policing; and (2) in authorizing its PAB to exercise subpoena power, each county's governing body should be authorized by SB285 to also remove any discretion otherwise exercisable by custodians of record under the Maryland Public Information Act (MPIA) to deny inspection of the public records being subpoenaed. This will address any potential for LEAs to resist a PAB subpoena by arguing that the MPIA pre-empts the county law authorizing the subpoena.

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As such, I recommend that the Judicial Proceedings Committee issue a favorable report for SB285 (with amendments as discussed above).

Sincerely,

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