

City of Havre de Grace _Rybczynski_SB 409_FAV.pdf

Uploaded by: Adam Rybczynski

Position: FAV



City of Havre de Grace

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February 22, 2023

The Honorable William C. Smith, Jr., Chair
Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, Maryland 21401

RE: Favorable - SB 409- Police Accountability Boards and Administrative Charging Committees - Municipal Corporations

Chairman Smith and the honorable members of the Judicial Proceedings Committee:

The Mayor and City Council of Havre de Grace (“the City) supports SB 409. If passed, the bill would enable municipalities to establish police accountability boards to receive complaints of police misconduct from the public. Under the current statute created by Chapter 59 of the *2021 Laws of Maryland*, only a county government can create a police accountability board, and as such municipal police officers are subject to them.

The City respectfully requests the committee give SB 409 a favorable report.

SB 409 - FAV - MML.pdf

Uploaded by: Bill Jorch

Position: FAV



Maryland Municipal League

The Association of Maryland's Cities and Towns

TESTIMONY

February 21, 2023

Committee: Senate Judicial Proceedings

Bill: SB 409 - Police Accountability Boards and Administrative Charging Committees -
Municipal Corporations

Position: Support

Reason for Position:

The Maryland Municipal League supports Senate Bill 409, which seeks to add the municipal perspective to the police disciplinary framework. Specifically, the bill authorizes municipal governments to establish a police accountability board (PAB) and administrative charging committee (ACC) to handle complaints against officers of that municipality.

As mandated by the law that went into effect July 1, 2022, each county is setting up their PAB and ACC to handle complaints against officers that operate in their county, including municipal officers. However, the roll out of the PABs and ACCs has been rocky and in many instances municipal input has either been ignored or not solicited at all. This is a problem for all 157 municipalities, and especially for the 89 with police departments.

Specifically, here are the problems this bill addresses:

- 1) The potential for case backlog is real, with only one PAB and ACC in each county to handle complaints against all officers. Prince George's County has 25 municipal police departments in addition to the county police department.
- 2) Municipal values and voices are lost in this process and are being ignored by the counties. The lack of meaningful municipal input is tangibly impacting the makeup of the PABs and ACCs.
- 3) Municipal police departments operate independently from their county counterparts, yet the existing framework mandates county oversight over this municipal service in an awkward arrangement rarely seen in the State. In at least five instances across the State, a municipal police agency has more officers than their county department, yet it is the county that has full control over the PAB/ACC process.

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- 4) Not all municipalities will exercise this new authority, but those that do will work under the same safeguards already in place for the counties.

The authority granted to municipalities in this bill will allow for municipal governments, should they choose to exercise this authority, the ability to create a PAB and ACC in a fashion that reflects their community and its values, while also spreading the case load among more entities, thereby shortening response times. There are significant costs associated with establishing and administering these entities and municipal governments must weigh those costs with the benefits to determine if it is appropriate to create their own PABs and ACCs.

The provisions in SB 409 alleviate the concerns listed above while providing flexibility for municipal governments. For these reasons the League respectfully requests that this committee provide Senate Bill 409 with a favorable 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

SB0409 PABs - Municipal Corporations FWA.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0409
Police Accountability Boards and Administrative Charging Committees -
Municipal Corporations

Bill Sponsor: Senator Watson

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: **FAVORABLE WITH AMENDMENTS**

I am submitting this testimony in strong support of SB0409 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Our members are very supportive of police officers, but believe just as strongly that there should be accountability to the public. In every successful community, there is a working trust between the community and the police. In Maryland, as in many other states, there have been too many instances where it is clear that the police are being their own enforcers and generally not ensuring that they are transparent with the community, nor are they able to discipline one of their own who hurts a community member.

Enter the Police Accountability Board, which has become the only way that some transparency and accountability can be accomplished. This bill would require each municipality to have a Police Accountability Board. Our members believe that this is a wise course of action. It would give the community a more formal mechanism for handling complaints of police misconduct and would also allow for reporting of the number of complaints and their disposition, which is information the community needs. Finally, it would allow for some positive ideas and policy recommendations to be made available to the police force.

Our only concern is that, although the Police Accountability Board would not include active, serving officers, we believe it should also not include any retired or former officers. It should be purely civilian.

We strongly support this bill and recommend a **FAVORABLE WITH AMENDMENTS** report in committee.

Gormley Testimony

Uploaded by: Jim Gormley

Position: FAV

To: House Judiciary Proceedings Committee Members

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

February 20, 2022

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 Senate Bill 409, with an important amendment. I would note:

1. My concern (and the consequential need for an amendment to Senate Bill 409) arises with respect to the following: the new provisions for Municipal Corporations contain a significant and detrimental change, one which would result in a significant de-scoping of a PAB's authority and responsibilities for municipalities. Namely:

(a) Existing language in 3-102 (a) (1), covering counties:

hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing; [emphasis added]

(b) Proposed language in 3-102 (c)(1) (I) covering Municipal Corporations:

HOLD QUARTERLY MEETINGS WITH HEADS OF GOVERNMENT AGENCIES IN THE MUNICIPAL CORPORATION AND HEADS OF LAW ENFORCEMENT AGENCIES WITH JURISDICTION IN THE MUNICIPAL CORPORATION TO IMPROVE MATTERS OF POLICING IN THE MUNICIPAL CORPORATION;

2. The omission in the Bill of the language "and otherwise work....." takes away the broad and general authorization (currently provided for counties in the existing legislation) for PABs to *[otherwise] work with* LEAs etc. to improve matters of policing. Now the only PAB authorization is *to meet quarterly* with LEAs etc. to do so.
3. It is unclear why the General Assembly would wish to provide significantly less authority to PABs in municipalities than currently exists for counties. I recommend the following amendment to the original Bill 409's text (which would fully replicate the provisions currently applying to counties):

HOLD QUARTERLY MEETINGS WITH HEADS OF GOVERNMENT AGENCIES IN THE MUNICIPAL CORPORATION AND HEADS OF LAW ENFORCEMENT AGENCIES WITH JURISDICTION IN THE MUNICIPAL CORPORATION AND OTHERWISE WORK WITH THOSE GOVERNMENT AGENCIES AND LAW ENFORCEMENT AGENCIES TO IMPROVE MATTERS OF POLICING IN THE MUNICIPAL CORPORATION;

Respectfully submitted,

James R. Gormley
(m) 443 386 1449

HB518 & SB409 - Municipal PAB ACC - LOS.pdf

Uploaded by: Kaleigh Leager

Position: FAV



CAROLINE COUNTY
you belong here
CAROLINE COUNTY COMMISSIONERS OFFICE

JAMES TRAVIS BREEDING, PRESIDENT
LARRY C. PORTER, VICE PRESIDENT
NORMAN FRANKLIN BARTZ, III., COMMISSIONER
109 Market Street, Room 123
Denton, Maryland 21629

House Bill 518/Senate Bill 409

Police Accountability Boards and Administrative Charging Committees – Municipal Corporations

Position: **SUPPORT**

Date: 2/21/23

To: Judicial Proceedings

The Caroline County Commissioners **SUPPORT** HB518/SB409 Police Accountability Boards and Administrative Charging Committees – Municipal Corporations.

The Caroline County Commissioners fully believe that municipalities should have the ability to have their own PAB's/ACC's. Municipal Police Departments far outnumber the amount of County Departments and typically have more interactions with citizens than County Departments do in general. Currently, the Counties are responsible for the financial and administrative burden of hearings stemming from Municipal Departments.

With this, we respectfully request a favorable report on HB518/SB409.

Sincerely,

J. Travis Breeding
President
Caroline County Commissioners

SB 0409 - Favorable.pdf

Uploaded by: Kenneth Phelps, Jr.

Position: FAV



TESTIMONY IN SUPPORT OF SB 0409

**Police Accountability Boards and Administrative Charging Committees -
Municipal Corporations**

FAVORABLE

TO: Sen. William C. Smith, Jr., Chair, Sen. Jeff Waldstreicher, Vice Chair and the members of the Senate Judicial Proceedings Committee

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

DATE: February 21, 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

SB0409_FAV_City of Rockville_Police Accountability

Uploaded by: Pam Kasemeyer

Position: FAV



Testimony of the Mayor and Council of Rockville
Senate Bill 409 – Police Accountability Boards and Administrative Charging
Committees – Municipal Corporations
Support

The Rockville Mayor and Council thank Chairman Smith and the members of the Senate Judicial Proceedings Committee for the opportunity to provide written testimony on SB 409.

The Rockville Mayor and Council in partnership with the Maryland Municipal League support this legislation, which aligns with our priority for municipalities to be authorized to create their own Police Accountability Board and Administrative Charging Committee. As you consider the merits of this legislation, we urge the Committee to provide SB 409 with a favorable report and forward it to the Senate floor for a vote.

A component of the police reform suite of legislation that passed in 2021 requires each County to have a Police accountability Board and establish an Administrative Charging Committee. The law does not, however, offer municipalities the option to establish their own Police Accountability Board and Administrative Charging Committee, despite Rockville and other municipal police departments having autonomy from our county counterparts. Under current law, County boards respond to and address municipal policing issues, which is inefficient and problematic.

Rockville and other municipal police agencies should have the ability to establish their own Police Accountability Boards and Administrative Charging Committee to handle police misconduct complaints from the public and for its residents to be represented on the boards. Municipal police agencies and their residents are most familiar with the issues in their respective communities and are best positioned to work together to address matters that need attention.

In closing, we believe that SB 409 is good public policy that would facilitate increased accountability and collaboration between municipal law enforcement agencies and the community. We ask for your support for this important legislation.

Prince George's County Municipal Assoc

Uploaded by: Patrick Wojahn

Position: FAV



Prince George's County Municipal Association

An Association of 27 Municipalities



February 21, 2023

SB409 - Police Accountability Boards and Administrative Charging Committees – Municipal Corporations
Senate Judicial Proceedings Committee
Position: SUPPORT

Dear Chairman Smith and Committee Members:

The Prince George's County Municipal Association writes to support SB409 - Police Accountability Boards and Administrative Charging Committees - Municipal Corporations. If enacted, this legislation would empower municipalities to create their own police accountability boards and administrative charging committees rather than having to rely on county boards to ensure accountability for our municipal police forces.

Allowing municipalities to establish their own police accountability boards and administrative charging committees would provide several benefits to ensuring the reliability of police accountability processes and protecting the rights of complainants. It would reduce the burden on county boards and ensure that both county and municipal boards would be better able to expeditiously review complaints. It would also ensure greater local engagement with municipal populations.

Since municipal police agencies are typically independent from county agencies, allowing a county board to have oversight over a municipal body is an awkward arrangement rarely seen anywhere else in the state. Permitting municipalities to create their own boards would allow each municipality to create an accountability process that reflects the community and its values, while shortening response times and allowing municipalities to share the costs.

We believe SB489 will allow for greater and more effective police accountability in municipalities across the state, and respectfully request a favorable report.

Patrick Wojahn

PGCMA President

240-988-7763 (C)

President@ThePGCMA.com

Pronouns: He/Him/His

City of Cumberland - SB409 (Support) Session 2023.

Uploaded by: Raymond Morriss

Position: FAV



CITY OF CUMBERLAND MARYLAND

Senator William Smith, Jr. *Chair*
Senate Judicial Proceedings Committee
Miller Senate Office Building, 2 East
Annapolis, Maryland 21401

Re: Senate Bill 409/House Bill 518: Police Accountability Boards and Administrative Charging Committees - Municipal Corporations – SUPPORT

February 21, 2023

Dear Chairman Smith and the Members of the Senate Judicial Proceedings Committee:

On behalf of the City of Cumberland, I write to you in support of Senate Bill 409/ HB 518, entitled: *Police Accountability Boards and Administrative Charging Committees - Municipal Corporations*.

As written, SB409/HB518 would authorize municipalities, in Maryland, to create Police Accountability Boards to receive complaints of police misconduct from the general public. In addition, the legislation would allow a municipal corporation to establish an administrative charging committee to serve law enforcement agencies in the municipal corporation.

MAYOR

RAYMOND M. MORRISS

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CITY SOLICITOR

MICHAEL SCOTT COHEN

CITY CLERK

ALLISON LAYTON

Under current law, counties are required to establish Police Accountability Boards and Administrative Charging Committees that oversee the complaint procedure against all local police officers in the county – this also extends to municipal officers. Currently, the law only provides counties with the authority to create these boards and committees.

We believe that if a municipality wants to establish its own police accountability board and administrative charging committee, they should have the same ability and discretion as the counties. For these reasons, the City of Cumberland supports this legislation and respectfully requests this committee to give a FAVORABLE report to SB409/HB518.

Thank you for your time and consideration.

Sincerely,

Mayor Raymond Morriss
City of Cumberland



MEMBER MARYLAND
MUNICIPAL LEAGUE (MML)

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Final - 2023 MD SB409 Testimony - Robert Melvin.do

Uploaded by: Robert Melvin

Position: FAV



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Testimony from:

Robert Melvin, Senior Manager, State Government Affairs for the Northeast Region, R Street Institute

In SUPPORT of MD SB 409, “Police Accountability Boards and Administrative Charging Committees-Municipal Corporations.”

February 21, 2023

Maryland Senate Judicial Proceedings Committee

Chairman Smith and members of the committee,

My name is Robert Melvin, and I am the senior manager of state government affairs for the Northeast region with the R Street Institute. The R Street Institute is a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including criminal justice reform and civil liberty issues. This is why we find SB 409 noteworthy.

This bill would expand on House Bill 670, adopted in 2021, that established Police Accountability Boards (PAB) in each county in Maryland; however, a key distinction is that Senate Bill 409 would instead authorize each municipality in Maryland to institute PABs within their jurisdictions.¹

Ensuring law enforcement is responsive to the general public is not a contemporary idea, rather it is one that has been in existence since at least the 1920s.² Initially review boards were established in New York City, Philadelphia and Washington, D.C.³ Since that time there has been significant growth in the number of oversight boards for law enforcement with it rising from three to over 200 such panels.⁴

¹ House Bill 670, Maryland Police Accountability Act of 2021, Maryland General Assembly.

² Joseph De Angelis et al., “Civilian Oversight of Law Enforcement: Assessing the Evidence,” Office of Justice Programs, September 2016.

https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/161/attachments/original/1481727974/NACOLE_Accessing_theEvidence_Final.pdf?1481727974.

³ Ibid.

⁴ Michael De Bonis, “Civilian Review Boards Gain Popularity Among Police Reformers. How Effective Are They?,” WOSU 89.7 NPR News, June 24, 2020.

<https://news.wosu.org/news/2020-06-24/civilian-review-boards-gain-popularity-among-police-reformers-how-effective-are-they>.



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This coincides with burgeoning support for establishing civilian oversight boards, with the Pew Research Center finding that 75 percent of respondents support the creation of such boards.⁵

There has even been a recognition by law enforcement groups, such as the International Association of Chiefs of Police, which issued a report related to practices in modern policing. The report had several recommendations including that law enforcement agencies “establish a culture of transparency and accountability,” and “create formal community advisory committees that reflect the demographics of the community or neighborhood that is being served.”⁶ We believe that SB 409 would comport nicely with these suggestions.

Most jurisdictions have review boards, like those proposed in SB 409, so this common oversight mechanism is not novel; it has been tried and tested in many other states and localities.⁷ This approach provides many benefits for Maryland citizens and a responsive law enforcement community. The public tends to view these review commissions as more representative of the community, and they provide an opportunity for an outsider’s perspective to be brought forward in the compliant investigations process which can help identify and remediate shortcomings.

The focus on ensuring these PABs have diversity on them will also incentivize law enforcement to ensure there is no bias or appearance of bias in their investigations, thereby increasing legitimacy, trust and confidence in the process.⁸ Moreover, there is an increased probability that police trainings and community relations can be improved.

Finally, this bill provides municipalities with the ability to form these PABs, allowing them to decide individually if these would be helpful in their own communities. Ultimately, this proposal will help provide more sunlight on law enforcement agencies, which can help them become more responsive and gain public respect.

⁵ “Majority of Public Favors Giving Civilians the Power to Sue Police Officers for Misconduct,” Pew Research Center, July 9, 2020.

<https://www.pewresearch.org/politics/2020/07/09/majority-of-public-favors-giving-civilians-the-power-to-sue-police-officers-for-misconduct>.

⁶ “Practices in Modern Policing: Community Participation and Leadership,” International Association of Police Chiefs, 2018. https://www.theiacp.org/sites/default/files/2018-11/IACP_PMP_Community%20Leadership.pdf.

⁷ Darrel W. Stephens et al., “Civilian Oversight of the Police in Major Cities,” Office of Community Oriented Policing Services, 2018. <https://cops.usdoj.gov/RIC/Publications/cops-w0861-pub.pdf>.

⁸ Joseph De Angelis et al.

https://d3n8a8pro7vhm.cloudfront.net/nacole/pages/161/attachments/original/1481727977/NACOLE_short_doc_FINAL.pdf?1481727977.



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As mentioned earlier, this approach has been tried and tested for decades and in jurisdictions across the United States. There is broad support from the public for PABs, and the structure of SB 409 will ensure that they are perceived by the public as representing that community, provide an opportunity for gathering feedback and increase confidence in law enforcement. Therefore, this bill can help strengthen community relations with police. For these reasons, the R Street Institute urges you to support SB 409.

Thank you,

Robert Melvin
Senior Manager, Government Affairs for the Northeast Region
R Street Institute
rmelvin@rstreet.org

SB0409-JPR_MACo_SUP.pdf

Uploaded by: Sarah Sample

Position: FAV



Senate Bill 409

Police Accountability Boards and Administrative Charging Committees – Municipal Corporations

MACo Position: **SUPPORT**

To: Judicial Proceedings Committee

Date: February 21, 2023

From: Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS** SB 409. This bill would authorize municipal governments to establish their own police accountability boards (PAB) and administrative charging committees (ACC) to provide civilian oversight for investigations of police misconduct.

Counties were required to establish, staff, and manage a PAB and an ACC in every jurisdiction as mandated by law. MACo believes municipalities should be authorized with comparable powers within their own jurisdictions. This legislation could partially relieve counties of their very broad responsibility to provide civilian oversight for misconduct allegations involving all law enforcement bodies in their jurisdiction. For scale, without this legislation, Prince George's PAB and ACC would be managing this process for all twenty-seven law enforcement agencies operating within its jurisdiction.

Municipalities overseeing the investigations of their own law enforcement agencies will ensure the work is specific to the needs of their community and that the cases are reviewed in a timely manner. This momentum can serve to reinforce the public trust in the process by avoiding frustrating backlogs and bottle necks on matters where residents insist on speed and attentiveness. Allowing municipalities the autonomy to establish these entities will streamline implementation and fulfill the overall intent of community participation.

The integrity of the civilian oversight process is paramount to fulfilling the goals of law enforcement accountability. The mandated implementation is a task that has been absolutely and devotedly undertaken by all county governments. The allowance of municipalities to establish their own process as well preserves a trust in local authorities that the system demands, while sharing the administrative responsibilities with the appropriate parties. For this reason, MACo **SUPPORTS** SB 409 and urges a **FAVORABLE** report.

SB409_Police Accountability and Administrative Cha

Uploaded by: Therese Hessler

Position: FAV



Bill: SB409 - Police Accountability Boards and Administrative Charging Committees – Municipal Corporations

Senate Judicial Proceedings Committee

February 21, 2023

Position: Support

Dear Chair, Vice-Chair, and Members of the Committee:

The City of Gaithersburg writes to support SB409 - Police Accountability Boards and Administrative Charging Committees – Municipal Corporations.

SB409 would authorize a municipal corporation in the State to establish its own police accountability board and administrative charging committees, a power not afforded to municipalities through the Maryland Police Accountability Act of 2021. As you know, under this law, the authority to establish PAB's and ACC's was limited to counties. While we consider the establishment of PAB's and ACC's to be laudatory positive steps towards affirming public trust in law enforcement by holding those who violate that trust accountable, we believe that it was a mistake to deny municipal agencies with the capability and capacity to institute their own boards and commissions. SB409 would rectify this omission.

The City of Gaithersburg and other municipalities would benefit from this revision for the following reasons:

- There is no current requirement for municipal representation on these county-created entities. Specific review of municipal trends, practices, and recommendations should be made and considered by municipal officials;
- Keeping the boards and committee “local” means a heightened familiarity with that Police Department’s regulations and policies;
- These boards and committees must be established with the very same standards as those established at the County level;
- There is a backlog of disciplinary cases in Montgomery County, so requiring Gaithersburg Police Department cases to be processed through a County Board and Committee is likely to lead to substantial delays in disciplinary actions; and

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MAYOR
Jud Ashman

COUNCIL MEMBERS
Neil Harris
Lisa Henderson
Jim McNulty
Ryan Spiegel
Robert Wu

CITY MANAGER
Tanisha R. Briley

- Other municipalities agree, which is why the Maryland Municipal League (MML) has made this a legislative priority in 2023.

We believe that this legislation will establish essential representation, providing both public safety and accountability benefits across the State. We respectfully request a favorable report on SB409.

Should you have any questions, please feel free to contact me at 301-466-5350 or our government relations consultant, Therese Hessler, at therese@ashlargr.com. We appreciate your support.

Respectfully submitted,

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

Jud Ashman
Mayor

MCPA-MSA_ SB-409-PAB-ACC-Municipalities_Support-wi

Uploaded by: Andrea Mansfield

Position: FWA



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 21, 2023

RE: **SB 409 – Police Accountability Boards and Administrative Charging Committees –
Municipal Corporations**

POSITION: **SUPPORT WITH AMENDMENTS**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 409 WITH AMENDMENTS.** This bill would authorize municipalities to establish police accountability boards and administrative charging committees.

The Maryland Police Accountability Act of 2021 (CH 59, Acts of 2021), which establishes a statewide accountability and discipline process, requires each county to establish both Police Accountability Boards (PAB) and Administrative Charging Committees (ACC). Since its enactment, concerns have been raised by municipalities because they have no statutory role in the establishment or responsibilities of the PAB or ACC.

MCPA and MSA do not have concerns with municipalities establishing their own PABs and ACCs. However, MCPA and MSA want to be sure the lines of agency review and discipline are clear with respect to the county and municipal PABs and ACCs. As an example, a county police officer may be involved in an incident that may occur within a municipal jurisdiction. If a complaint is filed and adjudicated, it should be handled by the county PAB and ACC, not a municipal PAB and ACC. MCPA and MSA are seeking amendments to clarify that officers are subject to the PAB and ACC of the jurisdiction to which the officer is employed, not the PAB and ACC in the jurisdiction in which the incident and/or complaint occurred.

For these reasons, MCPA and MSA **SUPPORT SB 409 WITH AMENDMENTS** and offer to work with the Committee to develop the appropriate amendments needed.

2023-02-21 SB409 (Support with Amendments).pdf

Uploaded by: Hannibal Kemerer

Position: FWA

ANTHONY G. BROWN
Attorney General



CANDACE McLAREN LANHAM
Chief of Staff

CAROLYN A. QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

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February 21, 2023

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

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

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

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

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

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

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

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

cc: Committee Members

230220-SB0409-police-acctblty-bd-admn-chrgng-cmtee

Uploaded by: Christine Hunt

Position: UNF

Christine Hunt and Jay Crouthers
1014 Dockser Drive
Crownsville, MD 21032

February 20, 2023

Maryland General Assembly
Members of the Judicial Proceedings Committee
Annapolis, MD

RE: SB0409-Police Accountability Boards and Administrative Charging Committees-Municipal Corporations

Dear Senators,

We oppose SB 409 and respectfully request that you vote against it.

This bill has many aspects in it of the current law and we question the need for it.

Since the actions required under the bill are carried out by the counties, we feel that it is up to each county to determine what to do that is best for their citizens.

Please vote against SB 409.

Sincerely,

Christine Hunt and Jay Crouthers