



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