

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.