

SB621 Investigatory Powers for PABs.pdf

Uploaded by: Alicia Pereschuk

Position: FAV

Dear Chairman Smith and Members of the Judicial Proceedings Committee:

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white 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 43. I am testifying in support of SB621.**



Showing Up for Racial Justice

In 2021, the General Assembly overwhelmingly passed HB640, 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 among county lawmakers. One major question left open by HB640 is whether a county may empower a PAB to conduct its own investigations of police misconduct or has the power to subpoena evidence. SB621 would amend the law to clarify that counties may invest the PAB with investigatory powers.

The major rationale for reform of the police accountability system is that allowing the police to investigate and prosecute their own misconduct has not been effective. PABs' purpose is 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? We believe not. This body has previously agreed on the importance, as seen in research and best practices, 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 the investigation found actually contributed to the culture of corruption in the department.¹ If a PAB has no power to investigate further, the police department 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 utilize that tool.

It is for these reasons that I am encouraging you to vote **in support of SB621**. Thank you for your time, service, and consideration.

Sincerely,
Alicia Pereschuk
321 W. 28th St
Baltimore MD 21211
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 2/16/24.

SB621_ArielleJuberg_FAV.pdf

Uploaded by: Arielle Juberg

Position: FAV

Dear Chairman Smith and Members of the Judicial Proceedings Committee:

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are 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 8. **I am testifying in support of SB621.**



Showing Up for Racial Justice

This bill would amend 2021's HB640 to clarify that counties may invest their police accountability board (PAB) with investigatory powers.

As a community member, I value transparency in government operations. PABs' purpose is to ensure that misconduct complaints from community members are examined fairly and transparently by an independent and impartial party. Can the PAB and its administrative charging committee be truly independent if all information is provided by the police department whose members are being investigated? We believe not. The General Assembly has previously agreed on the importance, as seen in research and best practices, 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 the investigation found actually contributed to the culture of corruption in the department.¹ 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 utilize that tool.

It is for these reasons that I am encouraging you to vote **in support of SB621.**

Thank you for your time, service, and consideration.

Sincerely,

Arielle Juberg
3411 Upton Road
Baltimore, MD 21234
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 2/16/24.

Gibson-Banks Center Testimony - SB 621.pdf

Uploaded by: Brandon Miller

Position: FAV

Gibson-Banks Center for Race and the Law

**Testimony *in Support* of Senate Bill 621
County Police Accountability Boards – Investigation of Complaints of Police Misconduct**

To: Senator William C. Smith, Jr., Chair, and Members of the Senate Judicial Proceedings Committee

From: Brandon Miller, Ereik L. Barron Fellow, Gibson-Banks Center for Race and the Law, University of Maryland Francis King Carey School of Law

Date: February 20, 2024

I am a second-year student and the Ereik L. Barron Fellow at the Gibson-Banks Center for Race and the Law (“Gibson-Banks Center”) at the University of Maryland Francis King Carey School of Law. The Gibson-Banks Center works collaboratively to re-imagine and transform institutions and systems of racial and intersectional inequality, marginalization, and oppression. The Gibson-Banks Center supports Senate Bill 621 (“SB 621”), which would authorize the local governing body of a county to equip its police accountability board with investigatory and subpoena powers and the ability to investigate a complaint of police misconduct concurrently with law enforcement.

These independent investigatory powers would advance the goal of community oversight of police officers while contributing to a safer, more effective, and more humane system of law enforcement. These powers would help effectuate the promise of the Maryland Police Accountability Act of 2021, which aimed to foster greater community involvement in the police disciplinary process. Due to the present construction of the law, counties (and Baltimore City) have shied away from investing their police accountability boards with independent investigatory capacity, stifling their potential as mechanisms for authentic accountability. SB 621 would ensure that local governing bodies are permitted to empower their police accountability boards with such authority. SB 621 therefore represents a firm commitment to a more robust system of police accountability and transparency, and a transformed system of policing overall.

Police officers in Maryland have violated and brutalized the state’s residents, especially Black residents. For example, officers in Prince George’s County have had a track record of notable incidents of racist police brutality dating back to the 1960s.¹ The Baltimore City Police

¹ See Jonathan W. Hutto, Sr. & Rodney D. Green, *Social Movements Against Racist Police Brutality and Department of Justice Intervention in Prince George’s County, Maryland*, 93 J. OF URBAN HEALTH: BULLETIN OF

Department has also garnered notoriety and a federal consent decree due to its mistreatment of Black residents and systemic patterns of unconstitutional conduct.² These two jurisdictions' policing problems have been exacerbated and enabled by ineffective internal oversight systems within the respective police departments that have failed to hold abusive officers accountable and deter misconduct.³

History illuminates the racial justice significance of police accountability. The demand for police accountability grew out of Black people's experiences with violent, negligent, and white supremacist policing during the early to mid-20th century. Groups such as the ACLU and the NAACP translated Black people's discontent with these conditions into policy proposals for police accountability boards in the 1950s.⁴ As Black rebellion against police oppression engulfed major cities in the 1960s, more leaders of the civil rights movement, including Dr. Martin Luther King, Jr., joined the call for police accountability boards.⁵ The aims of SB 621, therefore, are in the lineage of an important tradition of racial justice advocacy.

History also shows that police accountability is critical because of the potential for influences outside of Black communities to negatively shape police treatment of Black people. Before the civil rights era, police practices were often accountable to white residents who despised Black people.⁶ In modern times, outside forces continue to generate the mistreatment of Black residents. For example, racist stop-and-frisk practices have been tied to attempts to appease white voters.⁷ Gentrification as well has been identified as an impetus for aggressive policing which disproportionately harms Black residents.⁸ For these reasons, empowered police accountability boards are necessary to achieve a system where police officers are responsive to the needs and interests of Black people, as opposed to the desires and objectives of external forces.

THE N.Y. ACADEMY OF MEDICINE 89, 100-03 (2016) (chronicling the history of racist police brutality scandals in Prince George's County).

² U.S. DEP'T OF JUSTICE, CIVIL RIGHTS DIV., INVESTIGATION OF THE BALTIMORE CITY POLICE DEPARTMENT 3 (2016).

³ See *id.* at 139-53 (outlining deficiencies in the Baltimore City Police Department's complaint system and misconduct accountability structure); MICHAEL GRAHAM, EXPERT REPORT OF MICHAEL GRAHAM IN *HISPANIC NATIONAL LAW ENFORCEMENT ASSOCIATION NCR ET AL. V. PRINCE GEORGE'S COUNTY ET AL.* 4-6 (2020) (concluding that the Prince George's County Police Department's complaint management policies and practices were inadequate).

⁴ See SAMUEL WALKER, POLICE ACCOUNTABILITY: THE ROLE OF CIVILIAN OVERSIGHT 23-24 (2001) (discussing the role of the ACLU and NAACP in the establishment of the Philadelphia Police Advisory Board in 1958, one of the nation's first significant accountability boards).

⁵ See, e.g., Peniel E. Joseph, *What would Martin Luther King Jr. say about the current civil unrest?*, THE WASHINGTON POST (Jun. 1, 2020) (<https://www.washingtonpost.com/nation/2020/06/01/what-would-martin-luther-king-jr-say-about-current-civil-unrest/>) (discussing Dr. King's advocacy for a civilian review board in Harlem).

⁶ See SIMON BALTO, OCCUPIED TERRITORY, POLICING BLACK CHICAGO FROM RED SUMMER TO BLACK POWER 92-96 (2019) (explaining the rise of aggressive policing in Black communities in Chicago as a response to the demands of racist and crime anxious white Chicagoans).

⁷ See Katie Meyer, *Will ongoing gun violence bring a stop-and-frisk resurgence to Philly? It wouldn't be the first time*, WHY (Jul. 15, 2022), <https://why.org/articles/philly-gun-violence-police-stop-and-frisk/> (including the perspective that stop-and-frisk is an effort to court white voters).

⁸ Brenden Beck, *The Role of Police in Gentrification*, THE APPEAL (Aug. 4, 2020), <https://theappeal.org/the-role-of-police-igentrification-breonna-taylor/>.

Independent investigatory and subpoena powers are essential for effective police accountability boards. SB 621 seeks to ensure that police accountability boards are able to break through the “blue wall of silence” and deter police misconduct with the ability to conduct thorough and objective investigations. It also aims to resist the reduction of police accountability boards to toothless entities that fail to transfer power to communities. With its promise of greater community oversight, SB 621 also leads toward greater public safety through a renewed partnership between community members and police departments based on respect and trust and the priorities and concerns of the community. For these various reasons, we ask for a favorable report on SB 621.

This written testimony is submitted on behalf of the Gibson-Banks Center for Race and the Law at the University of Maryland Francis King Carey School of Law and not on behalf of the School of Law or the University of Maryland, Baltimore.

Testimony supporting Maryland proposed legislation

Uploaded by: Carolyn Seaman

Position: FAV

February 20, 2024

Senate Committee on Judicial Proceedings
Sen. William C. Smith, Jr., Chair
2 East
Miller Senate Office Building
Annapolis, MD 21401

Dear Senator Smith and Committee Members:

We are submitting this letter as written testimony **in strong support of SB0621**, the PAB Investigatory Powers bill introduced by Senator Carter, in advance of your hearing on February 21.

As members of the Takoma Park Presbyterian Church and in response to our understanding of the gospel, we are active in anti-racism work including efforts to redefine public safety and transform policing. Presbyterians for Police Transformation is the body within our congregation charged with leading this aspect of our ministry. We realize that the movement for racial justice, including the much-needed transformation of policing in this country, requires a comprehensive approach. After much research, discussion, and reflection, we have chosen 7 priorities for our advocacy work in the area of police reform in Maryland. One of these priorities is the establishment of effective civilian oversight of police institutions. To that end, we are writing **in support of proposed bill SB0621**, “County Police Accountability Boards – Investigation of Complaints of Police Misconduct.”

We were immensely encouraged by the landmark legislation passed by the Maryland legislature in 2021 that, among other things, repealed the Law Enforcement Officers Bill of Rights (LEOBR). This paved the way for truly meaningful transformation of policing institutions in Maryland and the dismantling of the systemic racism that results in disproportionate harm to people of color. The 2021 legislation also presented a structure that now facilitates civilian oversight in the state. One part of that structure is the establishment of Police Accountability Boards (PABs) that can review the outcomes of investigations of alleged police misconduct. We have been monitoring the creation of these boards in Maryland jurisdictions in our part of the state (primarily in Montgomery County).

The institution of these boards has revealed some of the oversights and deficiencies of the structure. A major deficiency is the inability of PABs to conduct their own investigations of allegations of misconduct, and thus their dependence on the outcomes of investigations conducted by policing organizations themselves, and the delay necessitated by waiting until the police-led investigations are complete. We believe this prevents the PABs across the state from achieving their intended goal of effective civilian oversight of police.

We believe that policing institutions have the resources and skills to conduct thorough and responsible internal investigations of police misconduct allegations, and in most cases do. However, independent investigations are needed in many cases to ensure public confidence in the process and outcomes. When police internal investigations are perceived to be biased and designed to tolerate police misconduct, this erodes public confidence in the process, and provides no disincentive for police officers to engage in misconduct. These are in fact the goals of establishing civilian oversight of policing, and so without investigative authority, the PAB structure falls short.

We strongly encourage the legislature to pass SB0621.

Sincerely,

Laura Heaven
Takoma Park
laura.heaven@gmail.com

Ferd Hoefner
Takoma Park
fhoefner@gmail.com

Mary Jacksteit
Takoma Park
mary.jacksteit@gmail.com

Wendy Lukehart
Silver Spring
wendylukehart@gmail.com

Ruth Noel
Silver Spring
rmnoel@verizon.net

Carolyn Seaman
Columbia
cseamangm@gmail.com

SB0621_Investigation_of_Complaints_of_Police_Misco

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0621
County Police Accountability Boards
Investigation of Complaints of Police Misconduct

Bill Sponsors: Senator Carter

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Aileen Alex, co-chair

Position: **FAVORABLE**

I am submitting this testimony in favor of SB0621 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.

Police accountability boards play a crucial role in ensuring transparency, fairness, and accountability within law enforcement agencies. However, under current legislation, PABs lack independent investigatory and subpoena powers. Maryland PABs are reliant on internal investigations conducted by the very police departments that need to be held accountable. Thus, distrust of the police force is not fully addressed.

With the powers of investigation and subpoena regarding police misconduct, our PAB's go from being what has been referred to as an advisory board to an accountability board. This bill provides PABs with the tools they need to be able to conduct investigations free from interference. It also has the potential of freeing good officers from being maligned by the conduct of a few.

MLC strongly supports a bill that authorizes PABs to exercise investigatory and subpoena powers, concurrently with a law enforcement agency investigating the complaint.

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

SB621 Investigatory Powers for PABs.docx.pdf

Uploaded by: Christina Nemphos

Position: FAV

Dear Chairman Smith and Members of the Judicial Proceedings Committee:

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white 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 Maryland District 40 - I live in the Medfield neighborhood of Baltimore. **I am testifying in support of SB621.**



Showing Up for Racial Justice

In 2021, the General Assembly overwhelmingly passed HB640, 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 among county lawmakers. One major question left open by HB640 is whether a county may empower a PAB to conduct its own investigations of police misconduct or has the power to subpoena evidence. **SB621 would amend the law to clarify that counties may invest the PAB with investigatory powers.**

The major rationale for reform of the police accountability system is that allowing the police to investigate and prosecute their own misconduct has not been effective. PABs' purpose is 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?** We believe not. This body has previously agreed on the importance, as seen in research and best practices, 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 the investigation found actually contributed to the culture of corruption in the department.¹ If a PAB has no power to investigate further, the police department can thwart its work by failing to conduct a thorough investigation. **A PAB with investigatory powers can be a powerful tool for counties struggling to establish a good police accountability system.** Please ensure that the counties have the ability to utilize that tool as they see fit.

It is for these reasons that I am encouraging you to vote **in support of SB621**. Thank you for your time, service, and consideration.

Sincerely,
Christina Bell Nemphos
1301 W 42nd St., Baltimore, Md 21211
Showing Up for Racial Justice Baltimore

¹ The Steptoe report, pages 479-482. Accessed at <https://www.steptoe.com/a/web/219380/3ZF1Gi/gtff-report.pdf> on 2/16/24.

SB621 Investigatory Powers for PABs.pdf

Uploaded by: Daryl Yoder

Position: FAV

Dear Chairman Smith and Members of the Judicial Proceedings Committee:

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white 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 44A. **I am testifying in support of SB621.**



Showing Up for Racial Justice

In 2021, the General Assembly overwhelmingly passed HB640, 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 among county lawmakers. One major question left open by HB640 is whether a county may empower a PAB to conduct its own investigations of police misconduct or has the power to subpoena evidence. SB621 would amend the law to clarify that counties may invest the PAB with investigatory powers.

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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 the investigation found actually contributed to the culture of corruption in the department.¹ If a PAB has no power to investigate further, the police department 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 utilize that tool.

It is for these reasons that I am encouraging you to vote **in support of SB621**. Thank you for your time, service, and consideration.

Sincerely,
Daryl Yoder
309 Glenmore Ave.
Catonsville, MD 21228
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 2/16/24.

SB621 Investigatory Powers for PABs.pdf

Uploaded by: David Cramer

Position: FAV

Testimony to the Judicial Proceedings Committee

SB621 County Police Accountability Boards - Investigation of Complaints of Police Misconduct

Position: Support

Dear Chairman Smith and Members of the Judicial Proceedings Committee:

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white 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 **43A**. I also serve as a member of Baltimore City's **Administrative Charging Committee (ACC)** which informs my comments below. **I am testifying in support of SB621.**



Showing Up for Racial Justice

As an ACC member reviewing over 600 cases of alleged misconduct by members of Baltimore City's police department and sheriff's office since June, 2023, I am a direct witness to the internal investigatory work of both police forces. The BPD has greatly improved its office that handles investigations since the beginning of our city's Consent Decree, but we know changes in leadership often lead to changes in priorities. Baltimore City experienced many turnovers of Police Commissioner leadership prior to Commissioner Harrison who brought stability and progress on many crucial fronts; but he has now been replaced and we can already see how leaders in crucial positions are already affected, especially in the area of police accountability. My hope is that progress in the internal investigatory work will continue to be a priority and will continue to improve, but what happens if it doesn't? It is crucial for the Police Accountability Board with its adjudication arm, the Administration Charging Committee, to have its own investigatory powers either to supplement the police department's internal investigations; or, if those efforts falter, to replace them. Having investigatory power – whether in reserve or in use – can serve as a back up or as a warning if the quality of investigations are not sufficient to allow the ACC to make complete, fair and impartial adjudications. This will allow the PAB/ACC to continue to have the power to hold our police departments accountable as intended by the General Assembly which overwhelmingly passed HB640 In 2021. HB640 created a new system of reporting, adjudicating, and imposing discipline in police misconduct complaints. One major question left open by HB640 is whether a county may empower a PAB to conduct its own investigations of police misconduct. SB621 would amend the law to clarify that counties may invest the PAB with investigatory powers.

It is for these reasons that I am asking you to vote **in support of SB621.**

Sincerely,

David Cramer
6150 Chinquapin Parkway
Baltimore, MD 21239
Showing Up for Racial Justice Baltimore

SB621 Investigatory Powers for PABs.pdf

Uploaded by: Erica Palmisano

Position: FAV

Dear Chairman Smith and Members of the Judicial Proceedings Committee:

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white 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 12. **I am testifying in support of SB621.**



Showing Up for Racial Justice

In 2021, the General Assembly overwhelmingly passed HB640, 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 among county lawmakers. One major question left open by HB640 is whether a county may empower a PAB to conduct its own investigations of police misconduct or has the power to subpoena evidence. SB621 would amend the law to clarify that counties may invest the PAB with investigatory powers.

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It is for these reasons that I am encouraging you to vote **in support of SB621**. Thank you for your time, service, and consideration.

Sincerely,
Erica Palmisano
5580 Vantage Point Rd, Apt 5, Columbia, MD
Showing Up for Racial Justice Baltimore

¹ The Steptoe report, pages 479-482. Accessed at <https://www.steptoe.com/a/web/219380/3ZF1Gi/gtff-report.pdf> on 2/16/24.

SB0621 PAB Investigatory Powers Bill.pdf

Uploaded by: Ferd Hoefner

Position: FAV

February 20, 2024

Senate Committee on Judicial Proceedings
Sen. William C. Smith, Jr., Chair
2 East
Miller Senate Office Building
Annapolis, MD 21401

Dear Senator Smith and Committee Members:

We are submitting this letter as written testimony **in strong support of SB0621**, the PAB Investigatory Powers bill introduced by Senator Carter, in advance of your hearing on February 21.

As members of the Takoma Park Presbyterian Church and in response to our understanding of the gospel, we are active in anti-racism work including efforts to redefine public safety and transform policing. Presbyterians for Police Transformation is the body within our congregation charged with leading this aspect of our ministry. We realize that the movement for racial justice, including the much-needed transformation of policing in this country, requires a comprehensive approach. After much research, discussion, and reflection, we have chosen 7 priorities for our advocacy work in the area of police reform in Maryland. One of these priorities is the establishment of effective civilian oversight of police institutions. To that end, we are writing **in support of proposed bill SB0621**, “County Police Accountability Boards – Investigation of Complaints of Police Misconduct.”

We were immensely encouraged by the landmark legislation passed by the Maryland legislature in 2021 that, among other things, repealed the Law Enforcement Officers Bill of Rights (LEOBR). This paved the way for truly meaningful transformation of policing institutions in Maryland and the dismantling of the systemic racism that results in disproportionate harm to people of color. The 2021 legislation also presented a structure that now facilitates civilian oversight in the state. One part of that structure is the establishment of Police Accountability Boards (PABs) that can review the outcomes of investigations of alleged police misconduct. We have been monitoring the creation of these boards in Maryland jurisdictions in our part of the state (primarily in Montgomery County).

The institution of these boards has revealed some of the oversights and deficiencies of the structure. A major deficiency is the inability of PABs to conduct their own investigations of allegations of misconduct, and thus their dependence on the outcomes of investigations conducted by policing organizations themselves, and the delay necessitated by waiting until the police-led investigations are complete. We believe this prevents the PABs across the state from achieving their intended goal of effective civilian oversight of police.

We believe that policing institutions have the resources and skills to conduct thorough and responsible internal investigations of police misconduct allegations, and in most cases do. However, independent investigations are needed in many cases to ensure public confidence in the process and outcomes. When police internal investigations are perceived to be biased and designed to tolerate police misconduct, this erodes public confidence in the process, and provides no disincentive for police officers to engage in misconduct. These are in fact the goals of establishing civilian oversight of policing, and so without investigative authority, the PAB structure falls short.

We strongly encourage the legislature to pass SB0621.

Sincerely,

Laura Heaven
Takoma Park
laura.heaven@gmail.com

Ferd Hoefner
Takoma Park
fhoefner@gmail.com

Mary Jacksteit
Takoma Park
mary.jacksteit@gmail.com

Wendy Lukehart
Silver Spring
wendylukehart@gmail.com

Ruth Noel
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Carolyn Seaman
Columbia
cseamangm@gmail.com

SB621_HeidiRhodes_FAV.pdf

Uploaded by: Heidi Rhodes

Position: FAV

2/21/2024

Heidi Rhodes
Silver Spring, MD 20904



TESTIMONY ON SB261 - POSITION: FAVORABLE
**County Police Accountability Boards - Investigation of Complaints of Police
Misconduct**

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee

FROM: Heidi Rhodes on behalf of Jews United for Justice

My name is Heidi Rhodes. I am a resident of District 14. I am submitting this testimony on behalf of Jews United for Justice in support of SB621 County Police Accountability Boards – Investigation of Complaints of Police 3 Misconduct. My Jewish faith has clear guidelines that stress the need for full community participation in this oversight process. Rabbi Yitzhak taught that "A ruler is not to be appointed unless the community is first consulted" (Babylonian Talmud Berachot 55a) – his teaching reminds us that this vital oversight needs to be by and for the community that is being policed. Oversight is a critical need in our society especially for those with the power to disrupt and disturb lives. We need an independent civilian police review process that reflects the diversity of the community being policed. Without this, it is contrary to the spirit of the Maryland Police Accountability Act (MPAA) of 2021 which established the Police Accountability Board and will only maintain the status quo.

In addition, I have learned in my over 35 years with the Intelligence Community that those with the extraordinary power to cause damage to our community require civilian oversight. As an example, after the Snowden revelations, a new civilian oversight organization was established, run by those *outside* the Intelligence community, which had the authority to delve into every aspect of our work and to institute new control procedures. These were especially important in times when judgment calls had to be made. While we had our own Inspector General investigations, it was key that someone outside the process was also investigating.

We acknowledge that police need to make many judgment calls as they conduct their work. What I learned through my IC work was that when people have strong oversight they tend to err on the side of caution when making those judgment calls. This caution can mean that unconscious biases and stereotypes are less likely to come into play by those making these calls.

Both my Jewish faith and my long career have taught me that strong oversight mandates the ability to conduct independent investigations. To be true to the spirit of the 2021 MPAA and to make true oversight by the communities being policed a reality in Maryland we need the Police Accountability Board to have independent investigative powers. **I respectfully urge this committee to return a favorable report on SB621.**

SB621 Investigatory Powers for PABs.pdf

Uploaded by: Holly Powell

Position: FAV

Dear Chairman Smith and Members of the Judicial Proceedings Committee:

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white 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 46. I am testifying in support of SB621.**



Showing Up for Racial Justice

In 2021, the General Assembly overwhelmingly passed HB640, 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 among county lawmakers. One major question left open by HB640 is whether a county may empower a PAB to conduct its own investigations of police misconduct or has the power to subpoena evidence. SB621 would amend the law to clarify that counties may invest the PAB with investigatory powers.

The major rationale for reform of the police accountability system is that allowing the police to investigate and prosecute their own misconduct has not been effective. PABs' purpose is 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? We believe not. This body has previously agreed on the importance, as seen in research and best practices, 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 the investigation found actually contributed to the culture of corruption in the department.¹ If a PAB has no power to investigate further, the police department 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 utilize that tool.

It is for these reasons that I am encouraging you to vote **in support of SB621**. Thank you for your time, service, and consideration.

Sincerely,
Holly Powell
2308 Cambridge Steet
Baltimore, Maryland 21224
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 2/16/24.

SB0621 Testimony.pdf

Uploaded by: Jill Carter

Position: FAV



THE SENATE OF MARYLAND
Annapolis, Maryland 21401

Testimony of Senator Jill P. Carter
In Favor of SB0621 – County Police Accountability Boards -
Investigation of Complaints of Police Misconduct
Before the Judicial Proceedings Committee
On February 21st 2024

Mr. Chairman, Vice Chair, and Members of the Committee:

SB-621 will authorize a local governing body of a county (including Baltimore City) to authorize the local Police Accountability Board (PAB) to exercise investigative and subpoena powers; and conduct investigations of police conduct concurrently with a law enforcement agency investigation. This bill was brought before this committee last year.

In 2021, the General Assembly, recognizing the need and benefits of a police accountability board, passed HB0670, also known as the Maryland Police Accountability Act (MPAA). The MPAA, among other things, mandated the formation of PBAs in each of Maryland's 23 counties and Baltimore City.

When this general assembly passed the Maryland Police Accountability Act of 2021, it did so with the requirement that all 23 counties and Baltimore City would form Police Accountability Boards (PABs), with the intention that they would help with the divide between Maryland police departments and their residents by receiving police misconduct complaints and passing along policy advice to departments. To hear these, within the PAB there is a smaller

“administrative charging committee”, whose members are entrusted with hearing the misconduct complaints. To this effect, and despite a rocky rollout, police accountability boards have largely been a success, with PABs leading to a higher level of accountability and transparency as well as being able to make recommendations to police departments yearly, educating them about safer and more effective policing practices, per *Maryland Matters*.

More specifically to my District 41 constituents, the Baltimore City PAB has served an integral and important role in improving the police-community relationship, hearing over 400 cases alone from June through the end of last year according to WJZ. The PAB has also promoted quality improvements as it pertains to how the police conduct their own internal investigations, with *The Baltimore Banner* noting that there is a noted improvement in misconduct report writing and filing.

Since 1973, the City of Berkley, California has a citizen review board that has subpoena and investigatory powers to investigate complaints of police misconduct simultaneously with the police department, rather than sequentially.

Berkley’s system has worked successfully for forty (40) years. Maryland can and should do the same. When the General Assembly passed the MPAA, it was hoped that counties and local jurisdictions would do what is best and appropriate to empower PABs That, however, did not happened. Granting PABs with subpoena and investigatory powers will restore confidence in police misconduct investigations and the much-needed transparency in the entire investigative process. PABs need the tools ensure that police departments in Maryland are using the best possible practices, as well as ensuring safety and accountability for the citizenry.

In just a few short years PABs have made significant strides in their goals of promoting transparency and accountability, and should be trusted with investigatory and subpoena power. *The Baltimore Banner* noted that of those roughly 400 police misconduct cases that the PAB heard in 2023, the PAB disagreed with the police department’s internal conclusion seven times.

If we want to maintain building trust between the police and community and holding offending officers accountable, the PAB must be given the power to run its own investigations. If the PAB is already entrusted with hearing these misconduct complaints initially as well as making policy recommendations, there should be no reason why they cannot jointly, along with the police's own investigation, should not be allowed to perform their own as well.

I urge this committee to give a favorable report on SB0621. Thank you for your time.

Respectfully,

Jill P. Carter

SSJC Testimony in Favor of SB 621 - PAB Investigat

Uploaded by: Joanna Silver

Position: FAV



TESTIMONY IN SUPPORT OF SB 621
Senate Judicial Proceedings Committee, February 21, 2024

The Silver Spring Justice Coalition (SSJC) is a coalition of community members, faith groups, and civil and human rights organizations from throughout Montgomery County committed to eliminating harm caused by police and empowering those communities most affected by policing. In furtherance of this goal, it is essential that we give local governing bodies the authority to give their Police Accountability Boards the power to issue subpoenas and conduct independent investigations into complaints of police misconduct.

SSJC was the lead community advocacy organization that worked with our County Council to pass the legislation that created our Police Accountability Board and our Administrative Charging Committee. One of our demands, supported by many in our community, was that our PAB must be able to investigate individual instances of police misconduct in order to effectively do its job as the civilian oversight body for policing in our County. However, we repeatedly heard from council members that they were unwilling to consider this request because the Maryland Police Accountability Act did not expressly give the PABs that authority.

This bill clarifies this important issue, removing any doubt that local governing bodies may, if they choose to, give their PABs independent investigatory and subpoena powers. **It is enabling legislation and nothing more.**

While some may argue that giving the PAB independent investigative powers is redundant and unnecessary, our community disagrees. We don't think the PAB should have to rely on the law enforcement agency's investigation alone, even with the ACC's ability to request additional information. This concern has only grown for us this year as we've seen that our PAB receives very little from the ACC about the LEA's investigation; our PAB's oversight of the investigative process has been limited to reviewing a final investigative report. It is simply not possible for a civilian body to assess the quality of the law enforcement agency's investigation, or to assess the quality of the policing under investigation, without the independent ability to conduct their own investigation; this degree of oversight is necessary to end the practice of police policing themselves and to improve policing overall.

For these reasons we urge you to issue a favorable report.

◆ silverspringjustice.wordpress.com ◆ Facebook: ssjusticecoalition ◆ Twitter: @SilverCoalition ◆
◆ silverspringjustice@gmail.com ◆

JAS Testimony in SUPPORT of SB 621.pdf

Uploaded by: John Spillane

Position: FAV

Testimony in SUPPORT of SB 621

**County Police Accountability Boards - Investigation of
Complaints of Police Misconduct**

Senate Judicial Proceedings Committee

February 21, 2024

Dear Honorable Chair and Members of the Committee,

My name is John Spillane and I live in Hyattsville. I am testifying in support of SB 621. I think we'd all agree that public safety in our community is only as good as the trust we have in our police. In Prince George's County, where I live, trust in the police is fraught. This distrust is fueled by prevailing public opinion, based on years of experience, that our police department does not sufficiently hold officers accountable for misconduct.

According to the Graham Report released in 2021, the Prince George's County Police Department routinely failed to adequately respond to internal and external complaints of racial harassment, discrimination, and misuse of force.

Independent investigation of police misconduct is critical to meaningful accountability. That's why many people in our county welcomed the creation of the Police Accountability Board last year. But it's not enough.

This bill would give the PABs the ability to conduct independent investigations. That would provide the PABs a greater likelihood that investigations will be meaningful and that the public will trust their outcomes.

Despite strong community support, research, and documented best practices showing that independent investigatory powers are critical to community oversight, no PABs in Maryland have this authority now. Currently, PABs and Administrative Charging Committees are relying solely on internal police investigations when conducting reviews and deciding whether or not to charge an officer.

For Police Accountability Boards to truly act as independent and active oversight bodies, these powers must be awarded to PABs around the state. This bill clarifies that local governing bodies have the power to allow their PABs to issue subpoenas, interview witnesses, and employ other investigative techniques necessary to draw accurate conclusions about incidents, and to investigate claims prior the ACC making a decision.

For people to trust the integrity of investigations into police misconduct complaints, PABs must be able to conduct investigations of their own to provide accurate assessments of complaints and their outcomes. Only then will we have true public safety for all.

John A. Spillane

6110 43rd St.

Hyattsville, MD

SB621 Investigatory Powers for PABs.docx.pdf

Uploaded by: Lindsay Keipper

Position: FAV

Dear Chairman Smith and Members of the Judicial Proceedings Committee:

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white 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 46 and I am testifying in support of SB621.**



Showing Up for Racial Justice

In 2021, the General Assembly overwhelmingly passed HB640, 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 among county lawmakers. One major question left open by HB640 is whether a county may empower a PAB to conduct its own investigations of police misconduct or has the power to subpoena evidence. SB621 would amend the law to clarify that counties may invest the PAB with investigatory powers.

The major rationale for reform of the police accountability system is that allowing the police to investigate and prosecute their own misconduct has not been effective. PABs' purpose is 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? We believe not. This body has previously agreed on the importance, as seen in research and best practices, 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 the investigation found actually contributed to the culture of corruption in the department.¹ If a PAB has no power to investigate further, the police department 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 utilize that tool.

It is for these reasons that I am encouraging you to vote **in support of SB621**. Thank you for your time, service, and consideration.

Sincerely,

Lindsay Keipper

2425 Fleet St.

Showing Up for Racial Justice Baltimore

¹ The Steptoe report, pages 479-482. Accessed at <https://www.steptoe.com/a/web/219380/3ZF1Gi/gtff-report.pdf> on 2/16/24.

SB0621 support 2024.pdf

Uploaded by: Linnie Girdner

Position: FAV

Dear Members of the Judicial Proceedings Committee,

I am a resident of District 33A and a member of Showing Up for Racial Justice Annapolis and Anne Arundel County. I am writing to urge you to **support** SB 621.

The provisions outlined in SB 621 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 HB0670 throughout the past two years has made it clear that legislation is needed to clarify the authority local governing bodies have to empower their PABs. 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.

Until all Police Accountability Boards are able to get independent investigative authority, their effectiveness will be severely limited. It is for this reason that I am encouraging you to vote in support of SB 621.

I appreciate your time, service, and consideration.

Sincerely,

Linda Girdner, Ph.D.
941 Fall Ridge Way
Gambrills, MD 21054

Testimony for SB 621.pdf

Uploaded by: Lynda Davis

Position: FAV

February 20, 2024

Dear Members of the Judicial Proceedings Committee,

I am a member of Showing Up for Racial Justice Annapolis and Anne Arundel County. I am a resident of District 12B. I am writing to urge you to **support** SB 621.

The provisions outlined in SB 621 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 HB0670 throughout the past two years has made it clear that legislation is needed to clarify the authority local governing bodies have to empower their 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.

Until all Police Accountability Boards are able to get independent investigative authority, their effectiveness will be severely limited. It is for this reason that I am encouraging you to vote in **support of SB 621**.

I appreciate your time, service, and consideration.

Sincerely,

Lynda Davis,
Linthicum

SB 621 County Police Accountability Boards

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB0621

February 21, 2024

TO: Members of the Senate Judicial Proceedings Committee

FROM: Nina Themelis, Director of Mayor's Office of Government Relations

RE: Senate Bill 621 – County Police Accountability Boards - Investigation of Complaints of Police Misconduct

POSITION: SUPPORT

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 621.

This bill authorizes local governing bodies for counties, including Baltimore City, by local law, to authorize its police accountability board to exercise investigatory and subpoena powers. Police accountability boards may conduct an investigation of a complaint of police misconduct concurrently with a law enforcement agency investigating the complaint.

Providing subpoena power to the Police Accountability Board will make it easier and faster for the Baltimore Police Department to provide documents to the Police Accountability Board because the requests would no longer fall within the Public Information Act, which requires extensive document review before production. Having subpoena power also sends a strong message that the government welcomes transparency. Additionally, allowing the Police Accountability Board to conduct concurrent investigations may produce more robust analysis and information gathering than the current process without that authority.

This legislation is enabling in nature, which allows for each jurisdiction to determine what level of additional power it would like to provide to its respective Police Accountability Board.

For those reasons, the Baltimore City Administration **supports** the passage of SB 621.

SB 621_FAV_PAB Independent Investigations_ MCJPA.p

Uploaded by: Olivia Spaccasi

Position: FAV



Testimony for the Senate Judicial Proceedings Committee

Wednesday, February 21st, 2024

SB 621 - County Police Accountability Boards – Investigation of Complaints of Police Misconduct

FAVORABLE

The ACLU of Maryland supports SB 621, which would explicitly authorize a local governing body of a county, including Baltimore City, by local law, to empower its police accountability board to exercise investigatory and subpoena powers. Only with this clarification can the Maryland Police Accountability Act of 2021 be implemented as intended and give communities truly meaningful oversight of police misconduct.

For decades, many jurisdictions in Maryland have advocated for community oversight of the police disciplinary process in response to the rampant police violence and corruption in their communities, which includes the authority to conduct independent investigations. However, the Law Enforcement Officers Bill of Rights impeded Maryland jurisdictions from establishing adequate community oversight due to provisions in the law that expressly prohibited investigations conducted by civilians from resulting in discipline (Pub. Safety §3-104(b)). This is why the efforts to repeal the law in 2021 received immense support from community members across the state.

Passed by General Assembly in 2021, the Maryland Police Accountability Act (MPAA) repealed the Law Enforcement Officer's Bill of Rights, replaced it with a new disciplinary framework, and mandated each county, including Baltimore City, to create a Police Accountability Board and Administrative Charging Committee. This landmark piece of legislation set up a basic framework for greater accountability, transparency, and community oversight in the police disciplinary process. Critical features of the board were left up to local jurisdictions, allowing them to establish the membership and budget and outline additional powers and procedures. However, due to confusion around the enabling legislation, local bodies erred on the side of caution and delayed empowering their PABs with the authority to conduct concurrent investigations into police misconduct complaints and issue subpoenas. SB 621

simply seeks to clarify that local governing bodies have the authority to grant their PAB's investigatory and subpoena powers.

Independent investigation of police misconduct is critical to meaningful accountability

Distrust in police is fueled by prevailing public opinion that police departments do not sufficiently hold officers accountable for misconduct. For instance, according to a national poll conducted by the Pew Research Center, 86 percent of Black people and 65 percent of white people surveyed said that police departments do a poor or only fair job of holding officers accountable for misconduct.¹ Both the lived experience of police violence victims in Maryland and data from recent reports serve as substantive proof for these claims.

According to the Graham Report released in 2021, the Prince George's County Police Department routinely failed to adequately respond to internal and external complaints of racial harassment, discrimination, and misuse of force.² Additionally, a 2016 Department of Justice (DOJ) investigation into the Baltimore Police Department (BPD) revealed that BPD not only discouraged internal and external complaints but, even for serious misconduct allegations, complaints were routinely deemed "not sustained" for no reason. Of the 1,382 allegations of excessive force that BPD tracked from 2010 through 2015, only 31 allegations, or 2.2 percent, were sustained. According to the DOJ assessment, procedures to investigate these claims were both inconvenient to the public and wholly inadequate, falling below the department's own policies and law enforcement standards. Adequate discipline was persistently rare.³

For members of the public to trust the integrity of investigations into police misconduct complaints, PABs must be able to conduct investigations of their own to provide accurate assessments of complaints and their outcomes.

Giving PABs investigatory authority over some or all complaints is not inconsistent with police agencies also having that authority

¹ Pew Research Center. (2020, July 9). Majority of Public Favors Giving Civilians the Power to Sue Police Officers for Misconduct. Pew Research Center - U.S. Politics & Policy. Retrieved from <https://www.pewresearch.org/politics/2020/07/09/majority-of-public-favors-giving-civilians-the-power-to-sue-police-officers-for-misconduct/>

² Graham, M. E. (2020, August 28). Expert Report of Michael E. Graham in Hispanic National Law Enforcement Association NCR et al. v. Prince George's County et al.. Washington Lawyers' Committee for Civil Rights and Urban Affairs. Retrieved from <https://www.washlaw.org/wp-content/uploads/2021/02/HNLEA-v-PGC-Aug-28-Graham-Report-Unsealed.pdf>

³ U.S. Department of Justice Civil Rights Division. (2016, August 10). INVESTIGATION OF THE BALTIMORE CITY POLICE DEPARTMENT. U.S. Department of Justice. Retrieved from <https://www.justice.gov/crt/file/883296/download>

The Baltimore City Civilian Review Board (CRB), created by a Public Local Law of the General Assembly, allows the CRB to conduct independent investigations of specific types of civilian complaints against officers in seven law enforcement agencies. Even though the agencies' own internal affairs units conduct parallel investigations, the CRB decides whether to investigate a complaint themselves or review the investigation of the internal affairs department. While the CRB has been limited in scope and authority prior to the MPAA, the independent investigations performed by the CRB staff have proven just how critical it is to have the option of conducting independent, civilian-led investigations into complaints. Beyond the increased trust and cooperation complainants show with CRB investigators, CRB and Public Integrity Bureau disagreed in 26% of concurrent investigations.⁴

The MPAA does not expressly prohibit PABs from having the power to investigate complaints independently

No provision in the MPAA prohibits local bodies from giving their boards these powers either in place of internal affairs or in parallel with them. Additionally, the MPAA does not have a preemption clause that would indicate the legislature's intention to bar the implementation of specific police accountability mechanisms, thereby precluding any local innovations or experimentation.

By affording the PABs with an opportunity to conduct independent investigations, PABs could provide a greater likelihood that investigations will be meaningful and that the public will trust their outcomes. For the forgoing reasons, the ACLU of Maryland urges a favorable vote on SB 621.

Respectfully,

Maryland Coalition for Justice & Police Accountability (members listed below)

ACLU of Maryland
ACLU of Maryland, Montgomery County Chapter
Amnesty International
Arts Education in Maryland Schools (AEMS) Alliance
Baltimore Action Legal Team
Baltimore Bern Unit
Baltimore City Civilian Review Board
Baltimore for Border Justice
Be More Unified

⁴ Baltimore City Office of Civil Rights. (2018, July). Baltimore City Civilian Review Board: Annual Report July 2017 to July 2018. City of Baltimore: Office of Equity and Civil Rights. Retrieved from <https://civilrights.baltimorecity.gov/sites/default/files/CRB%20ANNUAL%20REPORT%20AUG%202018%20PUBLIC%20COPY.pdf>

Council on American-Islamic Relations (CAIR) - Maryland
CASA
Caucus of African-Americans Leaders
Citizens Policing Project
Coalition for Justice for Anton Black
Coalition of Concerned Mothers
Coalition of People Opposed Violence and Extremism
Common Cause Maryland
Community Actively Seeking Transparency (C.A.S.T.)
Community Justice
Court Watch & Judicial Accountability
Democratic Socialists of America – Baltimore City
Democratic Socialists of America – Greater Baltimore
Democratic Socialists of America – Prince George’s County
Disability Rights Maryland
Do the Most Good
Drug Policy Alliance
Equality Matters
For Kathy’s Sake
FreeState Justice
Greenbelt People Power
Helping Ourselves to Transform
Hispanic National Law Enforcement Association
Homeless Persons Representation Project
Innocence Project
InterFaith Action for Human Rights
Jews United For Justice
Ji'Aire's Workgroup Mental Health and Wellness
Justice Policy Institute
The JustUs Initiative
The Talking Drum
Kevin L. Cooper Foundation
Law Enforcement Action Partnership
Leaders of a Beautiful Struggle
League of Women Voters Maryland
LGBTQ Dignity Project
Life After Release
Making Changes LLC
Mama Sisterhood of Prince George’s County
March for Our Lives Maryland
Maryland Alliance for Justice Reform
Maryland Center on Economic Policy
Maryland Consumer Rights Coalition
Maryland Defenders Union

Maryland Justice Project
Maryland Office of the Public Defender
Maryland Poor People's Campaign
Maryland Prisoners' Rights Coalition
Maryland Restorative Justice Initiative
Montgomery County Civil Rights Coalition
Montgomery County Democratic Socialists of America
Mothers on the Move
NAACP Legal Defense and Educational Fund
NAACP Maryland
National Coalition for Drug Legalization
Nigerian American Lawyers Association - Washington DC Chapter
Organizing Black
Our Maryland
Our Prince George's
Our Revolution Maryland
Power Inside
Prevent Gun Violence Ministry, River
Road Unitarian Universalist Congregation
Policy Foundation of Maryland
Prince George's People's Coalition
Prisons to Professionals
Progressive Maryland
Public Justice Center
Racial Justice NOW!
Rebuild, Overcome, and Rise (ROAR) Center at University of
Maryland-Baltimore
Reproductive Justice Inside
Sanctuary DMV
SEIU 1199
Showing up for Racial Justice, Annapolis and Anne Arundel County
Showing Up for Racial Justice, Baltimore
Showing Up for Racial Justice, Montgomery County
The Shriver Center at UMBC
Silver Spring Justice Coalition
Southern Maryland Poor People's Campaign
Takoma Park Mobilization
The Talking Drum Incorporated
The Women of Color for Equal Justice Law Center
West Wednesdays
Wicomico County NAACP Branch 7028
Young People for Progress

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

SB621 - Support.pdf

Uploaded by: Rebecca Benzer

Position: FAV

Dear Members of the Judicial Proceedings Committee,

I am a member of Showing Up for Racial Justice Annapolis and Anne Arundel County. I am a resident of District #31, and I am writing to urge you to **support SB 621**.

The provisions outlined in SB 621 play an essential role in our pursuit of meaningful, independent police accountability boards (PABs) 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 HB0670 throughout the past two years has made it evident that legislation is needed to clarify the authority local governing bodies have to empower their PABs. 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.*

Until all Police Accountability Boards are able to get independent investigative authority, their effectiveness will be severely limited. And **effective PABs are essential to gaining public trust in our police**. It is for this reason that I am encouraging you to vote in support of SB 621.

Thank you for your time, service, and consideration.

Sincerely,
Rebecca Benzer
305 Bonheur Ave.
Gambrills, MD

SB621 Investigatory Powers for PABs(1).pdf

Uploaded by: Rebecca Shillenn

Position: FAV

Dear Chairman Smith and Members of the Judicial Proceedings Committee:

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white 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 45. I am testifying in support of SB621.**



Showing Up for Racial Justice

In 2021, the General Assembly overwhelmingly passed HB640, 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 among county lawmakers. One major question left open by HB640 is whether a county may empower a PAB to conduct its own investigations of police misconduct or has the power to subpoena evidence. SB621 would amend the law to clarify that counties may invest the PAB with investigatory powers.

The major rationale for reform of the police accountability system is that allowing the police to investigate and prosecute their own misconduct has not been effective. PABs' purpose is 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? We believe not. This body has previously agreed on the importance, as seen in research and best practices, 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 the investigation found actually contributed to the culture of corruption in the department.¹ If a PAB has no power to investigate further, the police department 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 utilize that tool.

It is for these reasons that I am encouraging you to vote **in support of SB621**. Thank you for your time, service, and consideration.

Sincerely,
Rebecca Shillenn
5401 Elsrode Avenue Baltimore MD 21214
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 2/16/24.

Eckel Support SB621 Investigatory Powers for PABs.

Uploaded by: Rianna Eckel

Position: FAV

Dear Chairman Smith and Members of the Judicial Proceedings Committee:

My name is Rianna Eckel, and I am a resident of the 43rd district. I am submitting this testimony as a member of Showing Up for Racial Justice Baltimore, a group of individuals working to move white 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 testifying in support of SB621.**



Showing Up for Racial Justice

In 2021, the General Assembly overwhelmingly passed HB640, 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 among county lawmakers. One major question left open by HB640 is whether a county may empower a PAB to conduct its own investigations of police misconduct or has the power to subpoena evidence. SB621 would amend the law to clarify that counties may invest the PAB with investigatory powers.

The major rationale for reform of the police accountability system is that allowing the police to investigate and prosecute their own misconduct has not been effective. PABs' purpose is 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? We believe not. This body has previously agreed on the importance, as seen in research and best practices, 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 the investigation found actually contributed to the culture of corruption in the department.¹ If a PAB has no power to investigate further, the police department 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 utilize that tool.

It is for these reasons that I am encouraging you to vote **in support of SB621**. Thank you for your time, service, and consideration.

Sincerely,
Rianna Eckel
2300 Hunter St, Baltimore MD 21218
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 2/16/24.

Testimony in support of SB0621.pdf

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0621_RichardKaplowitz_FAV
2/22/2022

Richard Keith Kaplowitz
Frederick, MD 21703-7134

TESTIMONY ON SB#0621 - POSITION: FAVORABLE

County Police Accountability Boards - Investigation of Complaints of Police Misconduct

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3. I am submitting this testimony in support of SB#0621, County Police Accountability Boards - Investigation of Complaints of Police Misconduct

After multiple reports of police misconduct over the last few years the Maryland General Assembly mandated every county to create a Police Accountability Board. However, the board's powers to investigate complaints and use subpoena powers in that investigation were not granted by the new law. As such, it is still police agencies investigating police. The confidence level from the public that said investigation will be thorough and results visible is not present as these boards are currently established.

This bill will increase public confidence by giving to those Police Accountability Boards much broader powers. They will now have the discretion to exercise investigatory and subpoena power concurrently with a law enforcement agency investigating the complaint. It will increase transparency in the processing of police misconduct allegations.

The idea behind the establishment of the Police Accountability Boards was to make law enforcement accountable for any misconduct by a peace officer. This bill strengthens that idea by giving those boards powers to do an effective and complete job on any investigation.

I respectfully urge this committee to return a favorable report on SB0621.

SB621 Investigatory Powers for PABs.pdf

Uploaded by: Sarah Johnson

Position: FAV

Dear Chairman Smith and Members of the Judicial Proceedings Committee:

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white 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 41. **I am testifying in support of SB621.**



Showing Up for Racial Justice

In 2021, the General Assembly overwhelmingly passed HB640, 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 among county lawmakers. One major question left open by HB640 is whether a county may empower a PAB to conduct its own investigations of police misconduct or has the power to subpoena evidence. SB621 would amend the law to clarify that counties may invest the PAB with investigatory powers.

The major rationale for reform of the police accountability system is that allowing the police to investigate and prosecute their own misconduct has not been effective. PABs' purpose is 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? We believe not. This body has previously agreed on the importance, as seen in research and best practices, 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 the investigation found actually contributed to the culture of corruption in the department.¹ If a PAB has no power to investigate further, the police department 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 utilize that tool.

It is for these reasons that I am encouraging you to vote **in support of SB621**. Thank you for your time, service, and consideration.

Sincerely,
Sarah Johnson
1 Merryman Court
Baltimore, MD 21210
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 2/16/24.

SB0621-JPR_MACo_SUP.pdf

Uploaded by: Sarah Sample

Position: FAV



MARYLAND
Association of
COUNTIES

Senate Bill 621

County Police Accountability Boards – Investigation of Complaints of Police Misconduct

MACo Position: **SUPPORT**

To: Judicial Proceedings Committee

Date: February 21, 2024

From: Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS** SB 621. This bill would authorize county governments to allow police accountability boards to investigate allegations of police misconduct and issue subpoenas as part of an investigation.

The structure of police accountability boards, as established by the police reform legislation of 2021, is intended to enhance public oversight of officer misconduct. This legislation would extend local government power to further enable this civilian body. Additionally, since the bill creates this ability only as an option for local governments rather than a mandate, it does not require any action from counties that feel their existing process is sufficient to uphold the intent of the original law.

The integrity of the civilian oversight process is paramount to fulfilling the intent of police reform that has been absolutely and devotedly undertaken by all local governments. The attempt to further enable counties in that process encourages and preserves a trust in local authorities that stands to restore the faith of the public. Accordingly, MACo urges a **FAVORABLE** report for SB 621.

SB621 Investigatory Powers for PABs.docx.pdf

Uploaded by: Theresa Columbus

Position: FAV

Dear Chairman Smith and Members of the Judicial Proceedings Committee:

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white 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 **43A. I am testifying in support of SB621.**



Showing Up for Racial Justice

In 2021, the General Assembly overwhelmingly passed HB640, 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 among county lawmakers. One major question left open by HB640 is whether a county may empower a PAB to conduct its own investigations of police misconduct or has the power to subpoena evidence. SB621 would amend the law to clarify that counties may invest the PAB with investigatory powers.

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It is for these reasons that I am encouraging you to vote **in support of SB621**. Thank you for your time, service, and consideration.

Sincerely,

Theresa Columbus

712 Gorsuch Ave Apt. 1

Baltimore, MD 21218

Showing Up for Racial Justice Baltimore

¹ The Steptoe report, pages 479-482. Accessed at <https://www.steptoe.com/a/web/219380/3ZF1Gi/gtff-report.pdf> on 2/16/24.

MCPA - MSA SB 621 Police Accountability Boards-Opp

Uploaded by: Andrea Mansfield

Position: UNF



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William Smith Jr., Chair and
Members of the Senate 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, 2024

RE: **SB 621 – County Police Accountability Boards – Investigations of Police Misconduct**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE** SB 621 – County Police Accountability Boards – Investigations of Police Misconduct

SB 621 would allow counties to empower Police Accountability Boards (“PAB”) to “exercise investigatory and subpoena powers” and to conduct investigations of “police misconduct concurrently with a law enforcement agency investigating the complaint.”

Currently, each law enforcement agency is responsible for conducting investigations into alleged police misconduct. If the alleged police misconduct involves a member of the public, an Administrative Charging Committee (“ACC”) made up of five citizens reviews the agency’s investigation. Each ACC has the authority to request further information from an agency. The ACC is also empowered to note any failures of supervision that contributed to the misconduct. MCPA and MSA are not aware of any complaints that agencies have not been conducting thorough and complete investigations.

Allowing concurrent investigations by a PAB is a recipe for disaster and runs a severe risk of compromising not only administrative, discipline investigations but criminal prosecutions as well. Unlike law enforcement internal affairs divisions, PABs are not trained in the interplay between criminal and administrative investigations. Compelled statements and evidence obtained during an administrative hearing cannot be used in a criminal case and can, in fact, taint a criminal prosecution. Witnesses called before the PAB would provide statements that can be exploited by an officer’s criminal defense or employment attorney. Having to answer questions to the PAB in addition to a criminal or administrative investigation will also contribute to witness fatigue; while most citizens are willing to cooperate, the willingness has limits.

There are several unanswered questions presented by SB 621, the most important of which, “Investigate to what end?” Is a PAB investigation forwarded to an ACC for consideration of disciplinary charges? Additionally, what, if any, confidentiality requirements will be imposed on the PAB? Are the investigations open to inspection under the Maryland Public Information Act? What rights to privacy do officers, complainants, and witnesses have?

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667-314-3216 / 667-314-3236

There is a certain amount of irony that SB 621 gives the PAB *greater* power to investigate police misconduct than the agencies that employ the officer. Under the Police Accountability Act, law enforcement agencies do not have subpoena power. Subpoenas may be issued by a trial board – *after* an investigation is completed. (An Administrative Charging Committee may “request additional information or action from the law enforcement agency, including requiring additional information and the issuance of subpoenas,” Pub. Safety §3-104(f), but nothing in the Act gives agencies the authority to issue subpoenas.)

For these reasons, MCPA and MSA urge an **UNFAVORABLE** report on **SB 621**.