

Gibson-Banks Center for Race and the Law

**Testimony *in Support* of House Bill 533
County Police Accountability Boards – Investigation of Complaints of Police Misconduct**

To: Delegate Luke Clippinger, Chair, and Members of the House Judiciary Committee

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I am a second-year student and the EreK 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 House Bill 533 (“HB 533”), 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. HB 533 would ensure that local governing bodies are permitted to empower their police accountability boards with such authority. HB 533 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 HB 533, 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*, WHYY (Jul. 15, 2022), <https://whyy.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. HB 533 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, HB 533 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 HB 533.

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.