

MCPA - MSA SB 533 - Time Limit for Filing Charges-

Uploaded by: Andrea Mansfield

Position: FAV



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
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 7, 2025

RE: **SB 533 Public Safety – Police Accountability – Time Limit for Filing
Administrative Charges**

POSITION: SUPPORT

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT** SB 533.

This bill provides clarification as to when a law enforcement agency is required to file administrative charges arising out of an investigation of alleged police misconduct. Administrative charges not required to be reviewed by the Administrative Charging Committee (ACC) would need to be filed within one year and a day from the time the law enforcement became aware of the incident. With respect to criminal charges, the one year and a day timeframe for administrative charges would begin once the investigating law enforcement agency determines the matter is not related to criminal activity, the final disposition of the charges, or the ACC or agency decline to file criminal charges. Further clarification of these time frames will ensure proper action by the agency and the ACC, and discipline of officers.

For these reasons, MCPA and MSA **SUPPORT** SB 533 and request a **FAVORABLE** Committee report.

OSP Support SB533.FINAL.pdf

Uploaded by: Sarah David

Position: FAV

STATE OF MARYLAND

CHARLTON T. HOWARD III
State Prosecutor

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SUPPORT FOR SB 533

Mr. Chairman and Members of the Judicial Proceedings Committee:

We are writing to express the support of the Office of the State Prosecutor for Senate Bill 533. The Office of the State Prosecutor is tasked with enforcing political corruption and police misconduct cases throughout Maryland and believes that this legislation will help ensure that police misconduct throughout the State of Maryland can be properly investigated and, where appropriate, prosecuted.

The Office of the State Prosecutor

The Office of the State Prosecutor is an independent agency within the Executive Branch of government. The Office is tasked with ensuring the honesty and integrity of State government and elections by conducting thorough, independent investigations and, when appropriate, prosecutions of criminal conduct affecting the integrity of our State and local government institutions, officials, employees, and elections.

SB 533 - Staying Administrative Investigations During a Criminal Investigation

SB 533 allows for police misconduct that is the subject of a criminal investigation to be investigated criminally before the administrative proceedings begin. This helps protect a criminal investigation from legal challenges derived from different investigative procedures that guide criminal and administrative investigations. While it is important that administrative proceedings against police take place quickly and efficiently, it is also important to preserve the ability to prosecute individuals who commit crimes, whoever they are.

Criminal investigations, especially those against police officers, take time. Though the Office of the State Prosecutor has in-house investigators, we must rely on already overburdened law enforcement agencies to extract and process electronic evidence. Even if the crime is reported quickly, it often requires at least one phone extraction as well as other electronic forensics. The extraction and review of electronics can take months. Quite often, the behavior in our cases has taken place over the course of years, and victims' phones, targets' phones, and witness's phones all need to be reviewed, in addition to other electronics.

In addition, cases with allegations of police misconduct also involve interviews with other members of the target's police department. If there is an administrative investigation, the department has the ability to compel a police officer's statement, including the target's, which means the statement does not have 5th Amendment protections. That statement, or anything

derived from it, cannot be used in a criminal investigation or prosecution, meaning that any police officer exposed to that statement cannot even be interviewed by criminal prosecutors and investigators.

The Office of the State Prosecutor recently created a unit to address Official Misconduct involving special victims. We now have a specialized prosecutor and investigator to handle the complexities of prosecuting cases involving people using their positions to exploit victims.

This is another area that is important to consider when allowing internal investigations to be stayed during the criminal investigation. Every time a victim must undergo an interview, it can be difficult and traumatizing for the victim. In addition, often those who conduct administrative investigations don't have specialized SVU training, which can introduce complexities in a criminal investigation and additional hardship for the victim based on the way the interview may be conducted, as well as difficulties in any potential prosecution or trial.

This situation occurred last year during a prosecution of a police officer who was charged, and eventually convicted of misconduct in office, for having sexual relationships with teenage girls while he was on duty. The police department where the officer worked was cooperative and supportive throughout the investigation but had to commence administrative procedures before the case was prosecuted. Thanks to heightened measures taken by the department to isolate individuals involved in the administrative process from the criminal proceeding, we were able to manage the challenges that come with compelling a statement before a prosecution. However, this situation presented a risk of us having to tell our young victims that we could not try the case because evidence was tainted through no fault of theirs. That risk is unacceptable.

We believe this is important legislation to ensure justice for victims throughout the State and encourage this Committee to issue a favorable report on SB 533.

Sincerely,

CHARLTON T. HOWARD, III
STATE PROSECUTOR

SB533_UNFAV_ACLUMD.pdf

Uploaded by: Dara Johnson

Position: FWA



**Testimony for the Senate Judiciary Proceedings Committee
February 7, 2025**

**SB 533 – Public Safety – Police Accountability – Time Limit for
Filing Administrative Charges**

FAVORABLE WITH AMENDMENTS

DARA JOHNSON
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ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland supports SB 533 if amended as addressed below. This bill is a reintroduction of amended legislation proposed last year that seeks to reinstate a one-year deadline, or statute of limitations, for bringing administrative charges against officers (as formerly provided under the largely repealed Law Enforcement Officers' Bill of Rights (LEOBR)). As an overarching concern, we continue to feel that the best policy would be to eliminate this arbitrary statute of limitations altogether, and not add an additional one, just as none existed when the LEOBR was first passed.

Barring that, however, we are aligned with the current bill's language reflecting prior amendments that address some of the critical concerns we previously raised, including treating all investigations the same, regardless of whether they involve members of the public; setting the trigger for the limitations period as the date the alleged misconduct came to the attention of the appropriate agency official; and applying the subsection (e) tolling provision to both subsection (c) cases (involving civilian complaints) and subsection (d) cases.

Nevertheless, we believe further amendments are necessary, as outlined below. Most importantly, we think it is critical that the one-year deadline apply not, as in this bill, to the completion of the Administrative Charging Committee's (ACC's) consideration of the case, but to the presentment of the investigative file to the ACC for consideration. We explain further below.

At bare minimum, Administrative Charging Committees must be provided sufficient time to meaningfully consider police misconduct investigations.

The biggest problem with the current language is that it includes the ACC's decision on whether to permit a misconduct case to go forward

within the one-year deadline, which we think is both misguided and unnecessary. Amending the relevant provision to instead reflect the deadline as running through the case's presentment to the ACC would help remedy this significant concern.

In the new system established by the Maryland Police Accountability Act of 2021 (MPAA), the ACC is the quasi-adjudicative body that is supposed to review every police misconduct investigation that involves a member of the public, and decide whether the officer should be administratively charged with violating departmental policy. Pub. Safety § 3-104(e). In order to meaningfully and effectively perform that role, they must have sufficient time to review the investigatory record and deliberate on it.

When the ACC thinks the investigation is inadequate in some way, the MPAA specifically empowers it to send the case back for further investigation, Pub. Safety § 3-104(f)(1). And the ACC is supposed to have 30 days to conduct its review, or send the case back for further investigation. Pub. Safety § 3-113(b). If the investigation is completed shortly before or at the one-year deadline, the ACC cannot meaningfully or adequately perform its statutorily mandated role, either of adjudicating, or of requiring further investigation. To make matters worse, the ACCs have no control of the pace of investigations, or when they are presented to them.

These problems are not hypothetical. In Baltimore, “Of the roughly 1,000 cases the [Baltimore administrative charging] committee has reviewed, nearly half of them were received within 15 days of their expiration, according to city data.”¹ Legislation that includes the ACC's consideration of a case within the one-year deadline will simply result in thousands of cases being dismissed without any review on the merits of the complaint. The arbitrary deadline has led to many cases being either administratively closed without any determination of whether misconduct occurred, or even dismissed even when misconduct was found to have occurred. See, e.g., *Balt. Police Dep't v. Brooks*, 247 Md. App. 193 (Ct. Spec. App. 2020) (dismissing charges against officers in 15 cases because charging documents were not signed until more than one year after the incidents came to light, even though the charges were approved within the deadline). This would be a devastating betrayal of

¹ B. Conarck, Frustrations With Civilian Oversight of Baltimore Police are Boiling Over, *The Baltimore Banner*, Dec. 2, 2024, <https://www.thebaltimorebanner.com/community/criminal-justice/police-accountability-board-independence-O5ZFCTAPK5EA5DYHS3NNB2DHOM/>.

the legislature's goals in repealing the LEOBR and reforming police discipline in Maryland.

To address this critical problem, SB 533 should be amended on p. 2, line 5 to delete "disposition by" and substitute "PRESENTMENT TO". We believe that this amendment is still consistent with prior concerns raised by the Fraternal Order of Police about police chiefs holding investigations over the heads of officers by failing to act (though no actual examples of such conduct occurring were provided).

In addition, the bill should be modified on p. 2, lines 6 and 7 to removing the brackets, and to inserting "OR THE" following "by a citizen", and adding "WHICHEVER COMES LATER" at the end of the sentence on line 8. This important clarification, also requested by the Montgomery County Executive last year, will ensure that the new bill does not unintentionally create a shorter deadline than currently exists in cases where a citizen makes a complaint after a police official becomes aware of potential misconduct.

The police chiefs are in charge of the internal investigative process, and would still have to adhere to the one-year deadline, subject to the exceptions required in the bill and suggested above. While the Fraternal Order of Police may be concerned about chiefs holding investigations as leverage over officers, they presumably cannot be concerned about ACCs doing the same thing, as doing so would offer no benefit due to their lack of supervisory authority over the officers (and, indeed, ACCs were established precisely to be a check on police chiefs' disciplinary powers).

This amendment would also still ensure that investigations are completed in a timely manner, and allow ACCs to always have the 30 days that the legislature thought necessary and sufficient to give meaningful consideration to any particular case under Pub. Safety § 3-113(b), regardless of how long the investigation takes.

Tolling the deadline for excessive force cases and those subject to civil lawsuits would help ensure the proper and full consideration of all potential misconduct.

In bringing back the statute of limitations previously imposed under the former LEOBR, SB 533 only suspends the tolling of this deadline for cases that are also the subject of potential criminal investigation. This is unlike the old LEOBR, which did not contain a deadline for completing investigations until it was amended in 1988, and then contained in former Pub. Safety § 3-106(b) a complete exception for any investigation involving any use of force. We think a similar exception for

excessive force cases should exist again under SB 533 because not all violations of a department's use of force policy will necessarily involve potentially criminal conduct (e.g. failure to intervene in another officer's improper use of force, displaying a firearm, etc.).

We also believe SB 533 should contain a similar exception for cases that are also the subject of civil lawsuits – such suits can often reveal significant misconduct through the discovery process, but virtually always takes more than the one year currently available to consider the uncovered misconduct in the parallel administrative action. To allow full consideration of the facts needed to adequately investigate police misconduct allegations, SB 533 must be amended to reflect the timeline and exceptions necessary for proper review.

To accomplish these goals, SB 533 should be amended on p. 2, following line 27, to insert “(F) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (C) AND (D) OF THIS SECTION, IF THE ALLEGED MISCONDUCT IS RELATED TO ACTIVITY THAT WAS OR IS THE SUBJECT OF A CIVIL SUIT, AN ADMINISTRATIVE CHARGING COMMITTEE OR LAW ENFORCEMENT AGENCY SHALL FILE ANY ADMINISTRATIVE CHARGES WITHIN 1 YEAR AND 1 DAY FROM THE DATE OF JUDGMENT IN THE CIVIL SUIT.” And the bill should be further amended to add a new subsection (G) that reads as follows “THE 1 YEAR AND 1 DAY LIMITATION IN SUBSECTIONS (C) AND (D) OF THIS SECTION DOES NOT APPLY TO CHARGES THAT RELATE TO THE USE OF FORCE.” This is the same language that existed in the prior LEOBR in Pub. Safety § 3-106(b).

For the foregoing reasons, the ACLU of Maryland urges a favorable report on SB 533, but only with the amendments discussed above, and most importantly the amendment excluding the ACC's consideration of a case within the one-year deadline.

SB0533-JPR_MACo_SWA.pdf

Uploaded by: Sarah Sample

Position: FWA



Senate Bill 533

Public Safety - Police Accountability - Time Limit for Filing Administrative Charges

MACo Position: **SUPPORT**

To: Judicial Proceedings Committee

WITH AMENDMENTS

Date: February 7, 2025

From: Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS SB 533 WITH AMENDMENTS**. This bill clarifies a number of procedural elements in the civilian oversight process for police accountability. After almost five years of implementation, it is clear these changes to the investigation and filing timelines are necessary to ensure the public has effective means for civilian oversight and remuneration on behalf of residents. Counties seek an amendment to clarify the investigation timeline.

An independent report from the Governor's Office of Crime Prevention and Policy recently confirmed that all statewide Police Accountability Boards, applicable law enforcement agencies, and Administrative Charging Committees have raised concerns with the timeline for investigating and filing charges through the civilian process. The primary concerns are around instances where criminal charges are pending and whether one year and one day is sufficient to ensure the process is fulfilled. The provisions outlined in SB 533 address these challenges, which currently exist statewide and undermine the civilian review process.

The tolling provisions of SB 533 ensure that, when criminal charges are pending, a potentially responsible officer does not avoid consequences due to the system's susceptibility to procedural errors. To this end, the bill reduces the risk of a 5th or 14th amendment violation which could lead to a mistrial, and the lost opportunity for civilian reconciliation. Additionally, the extension to the timeline outlined in the bill, when criminal charges are pending, ensures that an officer will not be able to avoid being administratively charged just because the "clock stopped" on the opportunity. Recent studies have overestimated the simplicity of avoiding these situations, which further serve to undermine the civilian review process and compromise the work local officials are doing to implement police reform. Feedback from the agencies and boards doing this work every day in communities across Maryland confirms this to be the case.

The review timelines in this bill also help to clarify when an investigation must start. This is specifically the case in instances where nuances exist that are unable to be recognized by the existing window to investigate and file charges. After the last half decade, the current standard in statute has been widely regarded by experts to be insufficient on a number of grounds. The first being that while the civilian boards are doing the best they can, there is sometimes a lag in how quickly a law enforcement agency is notified of the complaint. Second, sometimes there is a deliberation after a complaint is filed regarding

whether the civilian would like to continue with the complaint. Third, the current timeline does nothing to address the serious needs of jurisdictions who unfortunately have a high volume of complaints. SB 533 has the potential to remedy these mounting inefficiencies.

Counties support the bill's adjustments to the timeline as a way of addressing the scope of circumstances presented to these entities, but think it is prudent to also make clear when an investigation should be completed in time for the Administrative Charging Committees to do their review and, in appropriate instances, request further documentation or investigation. A timeline of nine months has been suggested, but others have made clear twelve months could be more appropriate. However, the latter would necessitate adjusting the year-and-a-day provision more broadly and not just in the instance of criminal charges. Regardless, this is a necessary element to the conversation that will enable community members to do this work effectively.

The provisions of this bill are incredibly conscious of the realities being faced on the ground with police reform implementation. Counties believe an amendment is necessary to add a clear and reasonable deadline for investigations when officers do not have criminal charges pending. For these reasons, MACo urges a **FAVORABLE WITH AMENDMENTS** report on **SB 533**.

SB0533_ArielleJuberg_Unfav.pdf

Uploaded by: Arielle Juberg

Position: UNF

Dear **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 Campaign for Justice, Safety, & Jobs (CJSJ). I am a resident of District 8. **I am testifying in opposition to HB0238 / SB0533: Public Safety - Police Accountability - Time Limit for Filing Administrative Charges.**



Showing Up for Racial Justice

This bill stipulates that if an allegation of police misconduct “**is related to activity that reasonably appears** to be the subject of a criminal investigation,” the “year and a day” period in which the law enforcement and Administrative Charging Committee conduct their investigation of the misconduct does not begin until the “the final disposition of all criminal charges.” This would alter the deadline for the completion of the review process in such a way that it **delays that process to an unreasonable degree** – perhaps even indefinitely – as criminal charges can take months or years to play out. Further, the sole determiner of whether misconduct “reasonably appears” related to a criminal investigation is the law enforcement agency whose officers are under investigation.

Ensuring timely investigations of alleged officer misconduct is critical both to preserving officer morale as well as building community trust.¹ The vague language in HB0238 / SB0533 **allows for far too broad an application and the potential for abuse** if certain cases deemed “related” to complaints of alleged police misconduct are deliberately stalled or placed on the stet docket. This bill could also potentially hurt police officers if they are falsely accused of misconduct and the complaint is “related” to a criminal case – they would be stuck in limbo with no way to remove or resolve the complaint.

Despite the bill’s name, **HB0238 / SB0533 does not promote or protect public safety**. It would, in fact, delay police accountability and discourage public trust in law enforcement. It is for these reasons that I am encouraging you to **oppose HB0238 / SB0533: Public Safety - Police Accountability - Time Limit for Filing Administrative Charges**.

Thank you for your time, service, and consideration.

Sincerely,
Arielle Juberg
3411 Upton Road
Baltimore, MD 21234
Showing Up for Racial Justice Baltimore

¹ Second Comprehensive Reassessment, Baltimore Consent Decree Monitoring Team; December 22, 2022; Page 35; <https://htv-prod-media.s3.amazonaws.com/files/second-comprehensive-reassessment-1671746024.pdf>

HB0238_SB0533 - PAB Investigation Pause.docx.pdf

Uploaded by: Brytani Fraser

Position: UNF

Dear **Members of the Judicial Proceedings Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore. We are also working in collaboration with Campaign for Justice, Safety, & Jobs (CJSJ). I am a resident of District 45. **I am testifying in opposition to HB0238 / SB0533: Public Safety - Police Accountability - Time Limit for Filing Administrative Charges.**



Showing Up for Racial Justice

This bill would **delay the review of misconduct to an unreasonable degree** – perhaps even indefinitely – as criminal charges can take months or years to play out. Further, it places the determination to pursue criminal investigation with the law enforcement agency whose officers are under investigation, giving the agency the power to delay any civilian investigation of the alleged misconduct if it suits them.

Ensuring timely investigations of alleged officer misconduct is critical both to preserving officer morale as well as building community trust.¹ The vague language in HB0238 / SB0533 **allows for far too broad an application and the potential for abuse** if certain cases deemed “related” to complaints of alleged police misconduct are deliberately stalled or placed on the stet docket. This bill could also potentially hurt police officers if they are falsely accused of misconduct. If the complaint is “related” to a criminal case, they would be stuck in limbo with no way to remove or resolve the complaint.

Despite the bill’s name, **HB0238 / SB0533 does not promote or protect public safety**. It would, in fact, delay police accountability and discourage public trust in law enforcement. It is for these reasons that I am encouraging you to **oppose HB0238 / SB0533: Public Safety - Police Accountability - Time Limit for Filing Administrative Charges**.

Thank you for your time, service, and consideration.

Sincerely,
Brytani Fraser
Baltimore, MD 21214
Showing Up for Racial Justice Baltimore

¹ Second Comprehensive Reassessment, Baltimore Consent Decree Monitoring Team; December 22, 2022; Page 35;
<https://htv-prod-media.s3.amazonaws.com/files/second-comprehensive-reassessment-1671746024.pdf>

HB0238_SB0533 - PAB Investigation Pause CBell.docx

Uploaded by: Christina Nemphos

Position: UNF

Dear **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 Campaign for Justice, Safety, & Jobs (CJSJ). **I am a resident of Maryland District 40, and live in the Medfield neighborhood of Baltimore. I am testifying in opposition to HB0238 / SB0533: Public Safety - Police Accountability - Time Limit for Filing Administrative Charges.**



Showing Up for Racial Justice

This bill stipulates that if an allegation of police misconduct “**is related to activity that reasonably appears** to be the subject of a criminal investigation” the “year and a day” period in which the law enforcement and Administrative Charging Committee conduct their investigation of the misconduct does not begin until the “the final disposition of all criminal charges.” This would alter the deadline for the completion of BPD’s Public Integrity Bureau (PIB) review process in such a way that it **delays that process to an unreasonable degree** – perhaps even indefinitely – as criminal charges can take months or years to play out. Further, the sole determiner of whether misconduct “reasonably appears” related to a criminal investigation is the law enforcement agency whose officers are under investigation, giving the agency the power to delay any civilian investigation of the alleged misconduct if it suits them.

Ensuring timely investigations of alleged officer misconduct is critical both to preserving officer morale as well as building community trust.¹ The vague language in HB0238 / SB0533 **allows for far too broad an application and the potential for abuse** if certain cases deemed “related” to complaints of alleged police misconduct are deliberately stalled or placed on the stet docket (i.e., are postponed indefinitely but not dismissed). This bill could also potentially hurt police officers if they are falsely accused of misconduct and the complaint is “related” to a criminal case – they would be stuck in limbo with no way to remove or resolve the complaint.

Despite the bill’s name, **HB0238 / SB0533 does not promote or protect public safety.** It would, in fact, delay police accountability and discourage public trust in law enforcement. It is for these reasons that I am encouraging you to **oppose HB0238 / SB0533: Public Safety - Police Accountability - Time Limit for Filing Administrative Charges.**

Thank you for your time, service, and consideration.

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

¹ Second Comprehensive Reassessment, Baltimore Consent Decree Monitoring Team; December 22, 2022; Page 35;
<https://htv-prod-media.s3.amazonaws.com/files/second-comprehensive-reassessment-1671746024.pdf>

HB0238_SB0533 - PAB Investigation Pause.pdf

Uploaded by: Christina Pham Linhoff

Position: UNF

Dear **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 Campaign for Justice, Safety, & Jobs (CJSJ). I am a resident of **District 46**. **I am testifying in opposition to HB0238 / SB0533: Public Safety - Police Accountability - Time Limit for Filing Administrative Charges.**



Showing Up for Racial Justice

This bill stipulates that if an allegation of police misconduct “**is related to activity that reasonably appears** to be the subject of a criminal investigation,” the “year and a day” period in which the law enforcement and Administrative Charging Committee conduct their investigation of the misconduct does not begin until the “the final disposition of all criminal charges.” This would alter the deadline for the completion of the PIB review process in such a way that it **delays that process to an unreasonable degree** – perhaps even indefinitely – as criminal charges can take months or years to play out. Further, the sole determiner of whether misconduct “reasonably appears” related to a criminal investigation is the law enforcement agency whose officers are under investigation, giving the agency the power to delay any civilian investigation of the alleged misconduct if it suits them.

Ensuring timely investigations of alleged officer misconduct is critical both to preserving officer morale as well as building community trust.¹ The vague language in HB0238 / SB0533 **allows for far too broad an application and the potential for abuse** if certain cases deemed “related” to complaints of alleged police misconduct are deliberately stalled or placed on the stet docket. This bill could also potentially hurt police officers if they are falsely accused of misconduct and the complaint is “related” to a criminal case – they would be stuck in limbo with no way to remove or resolve the complaint.

Despite the bill’s name, **HB0238 / SB0533 does not promote or protect public safety**. It would, in fact, delay police accountability and discourage public trust in law enforcement. It is for these reasons that I am encouraging you to **oppose HB0238 / SB0533: Public Safety - Police Accountability - Time Limit for Filing Administrative Charges**.

Thank you for your time, service, and consideration.

Sincerely,
Christina Pham Linhoff
710 William Street, Baltimore, MD, 21230
Showing Up for Racial Justice Baltimore

¹ Second Comprehensive Reassessment, Baltimore Consent Decree Monitoring Team; December 22, 2022; Page 35; <https://htv-prod-media.s3.amazonaws.com/files/second-comprehensive-reassessment-1671746024.pdf>

HB0238_SB0533 - PAB Investigation Pause.pdf

Uploaded by: Daryl Yoder

Position: UNF

Dear **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 Campaign for Justice, Safety, & Jobs (CJSJ). I am a resident of District 44A. **I am testifying in opposition to HB0238 / SB0533: Public Safety - Police Accountability - Time Limit for Filing Administrative Charges.**



Showing Up for Racial Justice

This bill stipulates that if an allegation of police misconduct “**is related to activity that reasonably appears** to be the subject of a criminal investigation,” the “year and a day” period in which the law enforcement and Administrative Charging Committee conduct their investigation of the misconduct does not begin until the “the final disposition of all criminal charges.” This would alter the deadline for the completion of the PIB review process in such a way that it **delays that process to an unreasonable degree** – perhaps even indefinitely – as criminal charges can take months or years to play out. Further, the sole determiner of whether misconduct “reasonably appears” related to a criminal investigation is the law enforcement agency whose officers are under investigation, giving the agency the power to delay any civilian investigation of the alleged misconduct if it suits them.

Ensuring timely investigations of alleged officer misconduct is critical both to preserving officer morale as well as building community trust.¹ The vague language in HB0238 / SB0533 **allows for far too broad an application and the potential for abuse** if certain cases deemed “related” to complaints of alleged police misconduct are deliberately stalled or placed on the stet docket. This bill could also potentially hurt police officers if they are falsely accused of misconduct and the complaint is “related” to a criminal case – they would be stuck in limbo with no way to remove or resolve the complaint.

Despite the bill’s name, **HB0238 / SB0533 does not promote or protect public safety**. It would, in fact, delay police accountability and discourage public trust in law enforcement. It is for these reasons that I am encouraging you to **oppose HB0238 / SB0533: Public Safety - Police Accountability - Time Limit for Filing Administrative Charges**.

Thank you for your time, service, and consideration.

Sincerely,
Daryl Yoder
309 Glenmore Ave.
Catonsville, MD 21228
Showing Up for Racial Justice Baltimore

¹ Second Comprehensive Reassessment, Baltimore Consent Decree Monitoring Team; December 22, 2022; Page 35; <https://htv-prod-media.s3.amazonaws.com/files/second-comprehensive-reassessment-1671746024.pdf>

SB0533 - PAB Investigation Pause.pdf

Uploaded by: Erica Palmisano

Position: UNF

Dear **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 Campaign for Justice, Safety, & Jobs (CJSJ). I am a resident of District 12. **I am testifying in opposition to SB0533: Public Safety — Police Accountability — Time Limit for Filing Administrative Charges.**



Showing Up for Racial Justice

This bill stipulates that if an allegation of police misconduct “**is related to activity that reasonably appears** to be the subject of a criminal investigation,” the “year and a day” period in which the law enforcement and Administrative Charging Committee conduct their investigation of the misconduct does not begin until the “the final disposition of all criminal charges.” This would alter the deadline for the completion of the PIB review process in such a way that it **delays that process to an unreasonable degree** – perhaps even indefinitely – as criminal charges can take months or years to play out. Further, the sole determiner of whether misconduct “reasonably appears” related to a criminal investigation is the law enforcement agency whose officers are under investigation, giving the agency the power to delay any civilian investigation of the alleged misconduct if it suits them.

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Despite the bill’s name, **SB0533 does not promote or protect public safety**. It would, in fact, delay police accountability and discourage public trust in law enforcement. It is for these reasons that I am encouraging you to **oppose SB0533: Public Safety — Police Accountability — Time Limit for Filing Administrative Charges**.

Thank you for your time, service, and consideration.

Sincerely,
Erica Palmisano
5580 Vantage Point Rd, Apt 5, Columbia, MD 21044
Showing Up for Racial Justice Baltimore

¹ Second Comprehensive Reassessment, Baltimore Consent Decree Monitoring Team; December 22, 2022; Page 35;
<https://htv-prod-media.s3.amazonaws.com/files/second-comprehensive-reassessment-1671746024.pdf>

HB0238_SB0533 - PAB Investigation Pause.pdf

Uploaded by: Holly Powell

Position: UNF

Dear **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 Campaign for Justice, Safety, & Jobs (CJSJ). I am a resident of **District 46**. **I am testifying in opposition to HB0238 / SB0533: Public Safety - Police Accountability - Time Limit for Filing Administrative Charges.**

This bill stipulates that if an allegation of police misconduct “**is related to activity that reasonably appears** to be the subject of a criminal investigation,” the “year and a day” period in which the law enforcement and Administrative Charging Committee conduct their investigation of the misconduct does not begin until the “the final disposition of all criminal charges.” This would alter the deadline for the completion of the PIB review process in such a way that it **delays that process to an unreasonable degree** – perhaps even indefinitely – as criminal charges can take months or years to play out. Further, the sole determiner of whether misconduct “reasonably appears” related to a criminal investigation is the law enforcement agency whose officers are under investigation, giving the agency the power to delay any civilian investigation of the alleged misconduct if it suits them.

Ensuring timely investigations of alleged officer misconduct is critical both to preserving officer morale as well as building community trust.¹ The vague language in HB0238 / SB0533 **allows for far too broad an application and the potential for abuse** if certain cases deemed “related” to complaints of alleged police misconduct are deliberately stalled or placed on the stet docket. This bill could also potentially hurt police officers if they are falsely accused of misconduct and the complaint is “related” to a criminal case – they would be stuck in limbo with no way to remove or resolve the complaint.

Despite the bill’s name, **HB0238 / SB0533 does not promote or protect public safety**. It would, in fact, delay police accountability and discourage public trust in law enforcement. It is for these reasons that I am encouraging you to **oppose HB0238 / SB0533: Public Safety - Police Accountability - Time Limit for Filing Administrative Charges**.

Thank you for your time, service, and consideration.

Sincerely,

Holly Powell

2308 Cambridge Street

Baltimore, Maryland 21224

Showing Up for Racial Justice Baltimore

¹ Second Comprehensive Reassessment, Baltimore Consent Decree Monitoring Team; December 22, 2022; Page 35; <https://htv-prod-media.s3.amazonaws.com/files/second-comprehensive-reassessment-1671746024.pdf>

Testimony in Support of HB0238 SB0533_Blaha_SURJ.p

Uploaded by: Katherine Blaha

Position: UNF

Wednesday, February 5, 2025



Showing Up for Racial Justice

Dear Members of the Judicial Proceedings Committee,

I am submitting this testimony as a member of Showing Up for Racial Justice Baltimore, a group of individuals working to mobilize white people in a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Campaign for Justice, Safety, & Jobs (CJSJ). I am a resident of Baltimore City. I am testifying in **opposition** to **HB0238 / SB0533: Public Safety - Police Accountability - Time Limit for Filing Administrative Charges**.

This bill stipulates that if an allegation of police misconduct “is related to activity that reasonably appears to be the subject of a criminal investigation,” the “year and a day” period in which the law enforcement and Administrative Charging Committee conduct their investigation of the misconduct does not begin until the “the final disposition of all criminal charges.” This would alter the deadline for the completion of the PIB review process by delaying that process to an unreasonable degree – perhaps even indefinitely – as criminal charges can take months or years to play out.

Further, the sole determiner of whether misconduct “reasonably appears” related to a criminal investigation is the law enforcement agency whose officers are under investigation, giving the agency the power to delay any civilian investigation of the alleged misconduct if it suits them.

Ensuring timely investigations of alleged officer misconduct is critical both to preserving officer morale as well as building and maintaining community trust and accountability. The vague language in HB0238 / SB0533 is far too broad and creates the potential for abuse if certain cases deemed “related” to complaints of alleged police misconduct are deliberately stalled or placed on the stet docket.

This bill could also potentially hurt police officers if they are falsely accused of misconduct and the complaint is “related” to a criminal case, as they would be stuck in limbo with no way to remove or resolve the complaint.

Despite the bill’s name, HB0238 / SB0533 does not promote or protect public safety. It would, in fact, delay police accountability and discourage public trust in law enforcement. It is for these reasons that I am encouraging you to **oppose HB0238 / SB0533: Public Safety - Police Accountability - Time Limit for Filing Administrative Charges.**

Thank you for your time, service, and consideration.

Sincerely,
Dr. Katherine Blaha
5706 Cross Country Blvd
Baltimore, MD 21209
Showing Up for Racial Justice (SURJ) Baltimore

HB0238_SB0533 - PAB Investigation Pause.docx.pdf

Uploaded by: Katherine Wilkins

Position: UNF

Dear **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 Campaign for Justice, Safety, & Jobs (CJSJ). I am a resident of **12A**. **I am testifying in opposition to HB0238 / SB0533: Public Safety - Police Accountability - Time Limit for Filing Administrative Charges.**



Showing Up for Racial Justice

This bill stipulates that if an allegation of police misconduct “**is related to activity that reasonably appears** to be the subject of a criminal investigation,” the “year and a day” period in which the law enforcement and Administrative Charging Committee conduct their investigation of the misconduct does not begin until the “the final disposition of all criminal charges.” This would alter the deadline for the completion of the PIB review process in such a way that it **delays that process to an unreasonable degree** – perhaps even indefinitely – as criminal charges can take months or years to play out. Further, the sole determiner of whether misconduct “reasonably appears” related to a criminal investigation is the law enforcement agency whose officers are under investigation, giving the agency the power to delay any civilian investigation of the alleged misconduct if it suits them.

Ensuring timely investigations of alleged officer misconduct is critical both to preserving officer morale as well as building community trust.¹ The vague language in HB0238 / SB0533 **allows for far too broad an application and the potential for abuse** if certain cases deemed “related” to complaints of alleged police misconduct are deliberately stalled or placed on the stet docket. This bill could also potentially hurt police officers if they are falsely accused of misconduct and the complaint is “related” to a criminal case – they would be stuck in limbo with no way to remove or resolve the complaint.

Despite the bill’s name, **HB0238 / SB0533 does not promote or protect public safety**. It would, in fact, delay police accountability and discourage public trust in law enforcement. It is for these reasons that I am encouraging you to **oppose HB0238 / SB0533: Public Safety - Police Accountability - Time Limit for Filing Administrative Charges**.

Thank you for your time, service, and consideration.

Sincerely,
Katherine Wilkins
5605 Foxcroft Way
Columbia MD 21045
Showing Up for Racial Justice Baltimore

¹ Second Comprehensive Reassessment, Baltimore Consent Decree Monitoring Team; December 22, 2022; Page 35;
<https://htv-prod-media.s3.amazonaws.com/files/second-comprehensive-reassessment-1671746024.pdf>

HB0238_SB0533 - PAB Investigation Pause.docx (1).p

Uploaded by: Lindsay Keipper

Position: UNF

Dear **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 Campaign for Justice, Safety, & Jobs (CJSJ). I am a resident of **District 46. I am testifying in opposition to SB0533: Public Safety - Police Accountability - Time Limit for Filing Administrative Charges.**



Showing Up for Racial Justice

This bill stipulates that if an allegation of police misconduct “is related to activity that reasonably appears to be the subject of a criminal investigation,” the “year and a day” period in which the law enforcement and Administrative Charging Committee conduct their investigation of the misconduct does not begin until the “the final disposition of all criminal charges.” This would alter the deadline for the completion of the PIB review process in such a way that it delays that process to an unreasonable degree – perhaps even indefinitely – as criminal charges can take months or years to play out. Further, the sole determiner of whether misconduct “reasonably appears” related to a criminal investigation is the law enforcement agency whose officers are under investigation, giving the agency the power to delay any civilian investigation of the alleged misconduct if it suits them. One of the major purposes of police accountability reform was to make it more difficult for law enforcement agencies to bury misconduct allegations, a tendency which this bill would encourage and enable.

Ensuring timely investigations of alleged officer misconduct is critical both to preserving officer morale as well as building community trust.¹ The vague language in SB0533 **allows for far too broad an application and the potential for abuse** if certain cases deemed “related” to complaints of alleged police misconduct are deliberately stalled or placed on the stet docket. This bill could also potentially hurt police officers if they are falsely accused of misconduct and the complaint is “related” to a criminal case – they would be stuck in limbo with no way to remove or resolve the complaint.

SB0533 does not promote or protect public safety. It would, in fact, delay police accountability and discourage public trust in law enforcement. It is for these reasons that I am encouraging you to **oppose SB0533: Public Safety - Police Accountability - Time Limit for Filing Administrative Charges.**

Thank you for your time, service, and consideration.

Sincerely,
Lindsay Keipper
2425 Fleet St., Baltimore
Showing Up for Racial Justice Baltimore

¹ Second Comprehensive Reassessment, Baltimore Consent Decree Monitoring Team; December 22, 2022; Page 35;
<https://htv-prod-media.s3.amazonaws.com/files/second-comprehensive-reassessment-1671746024.pdf>

HB0238_SB0533 - PAB Investigation Pause.pdf

Uploaded by: Rebecca Shillenn

Position: UNF

Dear **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 Campaign for Justice, Safety, & Jobs (CJSJ). I am a resident of **District 45. I am testifying in opposition to HB0238 / SB0533: Public Safety - Police Accountability - Time Limit for Filing Administrative Charges.**



Showing Up for Racial Justice

This bill stipulates that if an allegation of police misconduct “**is related to activity that reasonably appears** to be the subject of a criminal investigation,” the “year and a day” period in which the law enforcement and Administrative Charging Committee conduct their investigation of the misconduct does not begin until the “the final disposition of all criminal charges.” This would alter the deadline for the completion of the PIB review process in such a way that it **delays that process to an unreasonable degree** – perhaps even indefinitely – as criminal charges can take months or years to play out. Further, the sole determiner of whether misconduct “reasonably appears” related to a criminal investigation is the law enforcement agency whose officers are under investigation, giving the agency the power to delay any civilian investigation of the alleged misconduct if it suits them.

Ensuring timely investigations of alleged officer misconduct is critical both to preserving officer morale as well as building community trust.¹ The vague language in HB0238 / SB0533 **allows for far too broad an application and the potential for abuse** if certain cases deemed “related” to complaints of alleged police misconduct are deliberately stalled or placed on the stet docket. This bill could also potentially hurt police officers if they are falsely accused of misconduct and the complaint is “related” to a criminal case – they would be stuck in limbo with no way to remove or resolve the complaint.

Despite the bill’s name, **HB0238 / SB0533 does not promote or protect public safety.** It would, in fact, delay police accountability and discourage public trust in law enforcement. It is for these reasons that I am encouraging you to **oppose HB0238 / SB0533: Public Safety - Police Accountability - Time Limit for Filing Administrative Charges.**

Thank you for your time, service, and consideration.

Sincerely,
Rebecca Shillenn
5401 Elsrode Avenue, Baltimore
Showing Up for Racial Justice Baltimore

¹ Second Comprehensive Reassessment, Baltimore Consent Decree Monitoring Team; December 22, 2022; Page 35; <https://htv-prod-media.s3.amazonaws.com/files/second-comprehensive-reassessment-1671746024.pdf>

Testimony opposing SB0533 - Public Safety - Police

Uploaded by: Richard KAP Kaplowitz

Position: UNF

SB0533_RichardKaplowitz_UNF

02/07/2025

Richard Keith Kaplowitz
Frederick, MD 21703-7134

TESTIMONY ON SB#0533 - POSITION: UNFAVORABLE
Public Safety - Police Accountability - Time Limit for Filing Administrative Charges

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, Frederick County. I am submitting this testimony opposing SB#/0533, Public Safety - Police Accountability - Time Limit for Filing Administrative Charges

This bill appears to limit the time necessary for completion of the process of review of alleged police misconduct when that review is unable to be completed within a certain time frame. There may be many unanticipated reasons that such a review cannot be completed under the time limits this bill would impose. There may be inadequate staff or unavailable witnesses that must be acquired to do a full investigation. A higher priority case may occur that pushes the matter under review into a suspended state while that higher priority matter is being resolved. A complex case might have adjacent matters requiring a resolution as part of the overall investigation.

An investigation will continue until the authorities have gathered enough evidence to proceed forward with the case or decide that there isn't enough evidence on which to proceed. This might involve waiting for the turnaround of forensic evidence or locating and interviewing witnesses, victims, or additional suspects. Investigation length may also depend on the caseload of the agency that's conducting interviews and gathering evidence.

The length of time for a police investigation will also depend on the kind of crime that is being investigated and what sort of statute of limitations governs it. The statute of limitations around [federal cases](#), for instance, is five years, so those kinds of investigations can go on for a very long time. ¹

This bill appears to ignore some of these factors and create a rush to judgement by requiring a law enforcement agency to file any administrative charges arising out of an investigation of alleged police officer misconduct that is not required to be reviewed by an administrative charging committee within a certain period to one year and a day. That proposed time frame may not work in every case and, to ensure justice in cases affected by the factors I have noted, could be insufficient to complete all the work required to adjudicate the matter.

I respectfully urge this committee to return an unfavorable report on SB0533.

¹ <https://www.bangerterlaw.com/blog/how-long-does-a-police-investigation-take/#:~:text=An%20investigation%20will%20continue%20until,%2C%20victims%2C%20or%20additional%20suspects.>

HB0238_SB0533 - PAB Investigation Pause.pdf

Uploaded by: Theresa M. Hoffman

Position: UNF

Dear 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 Campaign for Justice, Safety, & Jobs (CJSJ). I am a resident of District 43b. **I am testifying in opposition to HB0238 / SB0533: Public Safety - Police Accountability - Time Limit for Filing Administrative Charges.**



Showing Up for Racial Justice

This bill stipulates that if an allegation of police misconduct “**is related to activity that reasonably appears** to be the subject of a criminal investigation,” the “year and a day” period in which the law enforcement and Administrative Charging Committee conduct their investigation of the misconduct does not begin until the “the final disposition of all criminal charges.” This would alter the deadline for the completion of the PIB review process in such a way that it **delays that process to an unreasonable degree** – perhaps even indefinitely – as criminal charges can take months or years to play out. Further, the sole determiner of whether misconduct “reasonably appears” related to a criminal investigation is the law enforcement agency whose officers are under investigation, giving the agency the power to delay any civilian investigation of the alleged misconduct if it suits them.

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Despite the bill’s name, **HB0238 / SB0533 does not promote or protect public safety**. It would, in fact, delay police accountability and discourage public trust in law enforcement. It is for these reasons that I am encouraging you to **oppose HB0238 / SB0533: Public Safety - Police Accountability - Time Limit for Filing Administrative Charges**.

Thank you for your time, service, and consideration.

Sincerely,
Theresa M. Hoffman
803 Seaward Rd., Towson, MD 21286
Showing Up for Racial Justice Baltimore

¹ Second Comprehensive Reassessment, Baltimore Consent Decree Monitoring Team; December 22, 2022; Page 35; <https://htv-prod-media.s3.amazonaws.com/files/second-comprehensive-reassessment-1671746024.pdf>