



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

TO: The Honorable Luke Clippinger, Chair and  
Members of the House Judiciary 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 25, 2025

RE: **HB 836 – County Police Accountability Boards – Investigations of Police Misconduct**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE HB 836** – County Police Accountability Boards – Investigations of Police Misconduct.

HB 836 would authorize Police Accountability Boards (PABs) to conduct concurrent investigations into police misconduct and grant them investigatory and subpoena powers. Currently, law enforcement agencies are responsible for conducting these investigations, and when a complaint involves a member of the public, an Administrative Charging Committee (ACC) composed of five civilians reviews the agency's findings. The ACC already has the authority to request further information and identify supervisory failures. To date, there is no evidence that law enforcement agencies have failed to conduct thorough and complete investigations.

Allowing PABs to conduct parallel investigations poses significant risks to both administrative and criminal proceedings. Unlike trained internal affairs divisions, PABs may not fully understand the critical distinctions between administrative and criminal investigations. Compelled statements and evidence obtained in an administrative setting cannot be used in a criminal case and may inadvertently jeopardize prosecutions. Additionally, requiring witnesses to testify before multiple investigative bodies creates inefficiencies and contributes to witness fatigue, which could ultimately diminish cooperation and trust in the process.

HB 836 also raises several unanswered questions. What is the intended outcome of a PAB investigation? Will its findings influence disciplinary decisions? What confidentiality safeguards exist for officers, complainants, and witnesses? Additionally, will PAB investigations be subject to public disclosure under the Maryland Public Information Act? These are critical concerns that must be addressed before granting PABs such broad investigative authority.

It is particularly troubling that HB 836 would give PABs greater investigatory power than the very law enforcement agencies responsible for oversight. Under the Police Accountability Act, law enforcement agencies do not have subpoena power, which is only available at the trial board stage—after an

investigation is complete. In contrast, HB 836 would allow PABs to issue subpoenas before an investigation concludes, creating an imbalance that undermines due process and fair oversight. For these reasons, MCPA and MSA strongly urge an **UNFAVORABLE** report on HB 836.