

Testimony for HOUSE BILL 238

To: House Judiciary Committee

From: Jesmond O. Riggins, Esq., Member, Police Accountability Board of Baltimore City; Member, Administrative Charging Committee of Baltimore City

Re: House Bill 238 – Public Safety – Police Accountability – Time Limit for Filing Administrative Charges

Position: **Oppose Unless Amended**

Date: February 25, 2025

Chair Clippinger, Vice Chair Moon, and Members of the Committee,

I submit this testimony in opposition to House Bill 238 unless amended. HB238 alters the deadline for initiating investigations into police misconduct, shifting the timeline from being triggered by the **filing of a complaint by a citizen** to the **date that an appropriate official employed by the law enforcement agency became aware of the incident**. While this change is well-intentioned, it introduces significant challenges in accountability and investigatory clarity.

Why This Bill Needs an Amendment

Ambiguous Standard for Initiating Investigations

Under current law, agencies must decide whether to administratively charge an officer within one year and one day after a **citizen files a complaint**. HB238 changes this standard to when an **appropriate official becomes aware of the incident**, a vague and complex metric that increases the risk of inconsistency and procedural delays. Identifying the "appropriate official" and the "date of awareness" adds unnecessary complexity, making it harder to enforce accountability in a timely manner.

Increased Risk of Delayed Investigations

If agencies have broad discretion in determining when they "became aware" of an incident, the likelihood of delayed investigations increases. The **Baltimore City Administrative Charging Committee (ACC)** has consistently encountered instances where **delays in misconduct investigations resulted in the expiration of crucial evidence**, such as body-worn camera and CCTV

footage. Allowing agencies to determine the start date creates an opportunity for avoidable delays and undermines the investigatory process.

Alternative Language to Ensure Timely Investigations

A better approach would be to allow either the filing of a complaint by a citizen or the agency's awareness of the incident—whichever occurs first—to serve as the official start date for the investigation. This hybrid approach ensures that agencies can still act on misconduct they independently discover while preventing them from manipulating start dates to delay accountability.

Counterargument & Rebuttal

Proponents of the change might argue that using the agency's date of awareness allows for quicker responses to misconduct. However, this argument assumes that agencies will act in good faith without delay. In practice, without clear parameters, agencies may cite "delayed awareness" to push back investigation deadlines, allowing potential misconduct cases to linger unresolved. Ensuring that either a **citizen complaint** or **agency awareness** starts the clock on investigations **closes this loophole** while preserving agencies' ability to act on internally discovered misconduct.

Conclusion: Unfavorable Report Unless Amended

HB238 attempts, among other things, to address procedural timelines for misconduct investigations, but in its current form, it creates ambiguity that could ultimately weaken police accountability. Without this amendment, I respectfully request an **Unfavorable Report**, ensuring that the **earliest** of the two triggering events—the **filing of a complaint** or the **agency's awareness**—initiates the investigation period.

Thank you for your time and consideration.

Respectfully,

Jesmond O. Riggins, Esq.

Member, Police Accountability Board of Baltimore City

Chair, Policy and Advice Committee, Police Accountability Board of Baltimore City

Member, Administrative Charging Committee of Baltimore City

Former Maryland Senate Chief of Staff (Policing & Police Accountability Legislation)

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