

Testimony for HOUSE BILL 836

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 836 – County Police Accountability Boards – Investigation of Complaints of Police Misconduct

Position: **Support with Amendments**

Date: February 25, 2025

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

I submit this testimony in support of House Bill 836 with amendments. HB836 simply grants local governments the ability to choose an oversight model that best serves their communities. It does so by allowing them the option to grant or not grant their Police Accountability Board (PAB) with the authority to issue subpoenas and investigate potential police misconduct that involve members of the public. HB836 is not about whether every PAB should investigate misconduct – it is about whether local governments and their residents should have the option to decide for themselves.

Why This Bill is Necessary

This bill is necessary because:

- Different jurisdictions have different oversight needs. Maryland's communities are diverse, with varying law enforcement structures and public expectations for accountability. Local jurisdictions should have the discretion to determine whether their PABs can investigate misconduct complaints involving members of the public.
- Local jurisdictions already control their law enforcement structures. Maryland law allows local governments to set police budgets, staffing, and operational policies. Just as jurisdictions decide how policing functions in their communities, they should also have limited flexibility to determine how police oversight is structured.
- It would restore the level of oversight previously available in Baltimore City. From 1999 to early 2025, the Civilian Review Board of Baltimore City (CRB) had the authority to issue subpoenas and independently investigate public complaints alleging misconduct. The transition to the new accountability structure under the Maryland Police Accountability Act of 2021 removed this ability, leaving a gap in civilian oversight.

Key Issues & Proposed Amendments

Local Governments Should Be Able to Grant Either Concurrent or Exclusive Jurisdiction to PABs

The bill currently allows PABs to investigate misconduct complaints concurrently with law enforcement agencies, but it does not give local governments the flexibility to designate PABs as the primary investigative body for complaints from the public.

Amendment: Remove the word "concurrent" or explicitly include the option for "exclusive" or "original" jurisdiction. This amendment would ensure that each local jurisdiction can decide whether PABs can choose to run separate investigations alongside law enforcement or take the lead.

The Case for Baltimore City

Baltimore faces some of the greatest challenges in police oversight, particularly around the Baltimore City Police Department's (BPD) internal investigations. Reports from the *U.S. Department of Justice* (August **2016**), the *Maryland Commission to Restore Trust in Policing* (December **2020**), a recent letter from the *Administrative Charging Committee* to city officials (December **2024**), along with allegations made in a *federal lawsuit filed by a Baltimore Police Department Officer against BPD* (January **2025**), highlight BPD's decades-long failure to complete investigations in a timely manner. This persistent problem has resulted in delays and a lack of accountability for at least a generation.

Restoring the authority of Baltimore City's civilian oversight apparatus to conduct investigations and issue subpoenas is essential. HB836 would allow the city and its residents to reassess whether granting PAB the same authority as CRB would improve accountability and public trust. It would also provide the city with an opportunity to determine for itself if having a bifurcated investigative system – one public and one internal – would make the most sense and reduce the overall costs associated with federal oversight.

Conclusion: Favorable Report with Amendments

For these reasons, I respectfully request a **Favorable Report with Amendments** to ensure that local jurisdictions have the option to grant PABs investigative authority, either concurrently or as the primary investigative body.

Thank you for your time and consideration.

Respectfully,

Jesmond O. Riggins, Esq.
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Member, Administrative Charging Committee of Baltimore City
Former Maryland Senate Chief of Staff (Policing & Police Accountability Legislation)
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