



Police Accountability Board in Prince George's County Needs Full Independent Investigatory & Subpoena Powers

The ACLU of Maryland, Prince George's Coalition for Police Accountability, and other community partners are working to pass **CB-81-2023**. This bill would explicitly award the Prince George's County's Police Accountability Board (PAB) with concurrent investigatory and subpoena powers. Allowing the PAB to investigate claims as they come in will enable the board to effectively review complaints of police misconduct and preserve the integrity of witness testimonies, documents, and footage. Furthermore, it will help enhance the public's trust in the outcome of investigations. **The Prince George's County Council must pass CB-81-2023 to empower the local Police Accountability Board to have full independent investigatory and subpoena powers.**

BACKGROUND

In 1990, the Blue-Ribbon Commission on Public Safety was established in Prince George's County, charged with examining complaints of racism and brutality in the police force after the death of Gregory Habib during a routine traffic stop by four white officers in the county. **The Commission concluded that "a significant obstacle to improved police-community relations in Prince George's County is the PGCPD's complaint investigation process."** The Commission recommended creating the Civilian Oversight Panel to provide

objective citizen participation in the complaint process and strengthen existing procedures for handling complaints made by citizens against members of the County Police Department.

In 2000, County Executive Wayne Curry formed the Community Task Force on Police Killings after police shot 12 people, killing 5 in the span of 15 months. At the same time, the U.S. Department of Justice launched its investigation into the county's K-9 unit and expanded its investigation to include the pattern or practice of alleged police misconduct by the County Police Department.

Both of their recommendations included independent investigations into community complaints of police misconduct.

As a result, Prince George’s County Legislation CB-59-2001 went to effect on January 10, 2002, and significantly expanded the Citizen Compliant Oversight Panel’s (CCOP) powers by giving the panel the authority to conduct investigations and issue subpoenas through the County Council. **But the panel was ineffective in holding police accountable because it was never given the necessary resources and funding to carry out its duties.**

In 2021, the General Assembly passed the Maryland Police Accountability Act. The law charged each county and Baltimore City with the task of establishing police accountability boards. In Prince George’s County, this new system replaced the existing Citizen Complaint Oversight Panel. Despite widespread community support for transferring the CCOP’s independent investigatory and subpoena powers to the new Police Accountability Board, the County Council decided to not to empower the new PAB with “concurrent” independent powers that would allow it to investigate at the same time as internal police investigations and share its findings with the Administrative Charging Committee. Instead, the County Council gave the PAB the power to review evidence, issue subpoenas, interview witnesses, and employ other investigative powers *only after* the law enforcement agency’s investigation and the ACC’s review of the case is complete.

THE PROBLEM

Prince George’s County now has a weaker system of police accountability than it did before the repeal of the state’s extreme Law Enforcement Bill of Rights. Police Accountability Boards were created to be responsive, active oversight bodies within their communities. A civilian oversight board is only as strong as its authority to conduct prompt independent investigations. But under the current system, Police Accountability Boards and the public are forced to accept internal

police investigation outcomes at face value or wait months until the PABs are finally permitted to conduct their own independent investigations.

A big problem with this is that police investigations and subsequent discipline are routinely inadequate. According to the 2021 Graham Report, the Prince George’s County Police Department (PGPD) routinely failed to adequately respond to internal and external complaints of racial harassment, discrimination, and misuse of force. Many use-of-force cases were reviewed by officers who themselves had expressed racism. The report states, “My review has also identified that a significant number of the uses of force were reviewed by officers who have expressed racial animus or otherwise been involved in discriminatory conduct. These uses of force, which overwhelmingly concerned use of force against minority civilians, uniformly concluded that use of force was justified.”

Use of force was almost always ruled “justified” and the overwhelming majority of complaints were brought Black and Latinx/e people. The Graham Report also noted PGPD repeated failed to investigate claims of racial profiling and abuse, with matters being ruled as “unfounded” with no investigation or follow up. Some of these complaints had even come from County Councilmember offices.

What do we need to fix? The current system limits the PAB’s ability to serve as an effective oversight body. It creates significant delays in the PAB’s assessment of internal investigation quality and threatens to diminish the quality of witness testimonies and other investigative techniques for the PAB. Such red tape delays only encourage the PAB to forego independent investigation and accept historically dubious internal police findings.

THE SOLUTION

The Prince George’s County Council must empower the Police Accountability Board to conduct independent investigations promptly and fulfill their mandate as a responsive oversight body that is accountable to the community. **Pass CB-81-2023.**