



Maryland Coalition for Justice & Police Accountability

Ensure Independent Investigatory Power for Police Accountability Boards

BILLS SB 621 / HB 533

Background

In 2021, the General Assembly passed the *Maryland Police Accountability Act*. Among other provisions, the bill mandated all of Maryland's 23 counties and Baltimore City to form new community police oversight bodies called Police Accountability Boards (PABs). The purpose of these boards is to provide external, community-controlled oversight of the internal police disciplinary process.

A large part of implementation was left up to local jurisdictions, allowing them to outline additional powers and procedures. Among these should be independent investigatory and subpoena powers, which are an essential part of how PAB's can fulfill their duties.

However, despite strong community support, and even though research and best practices show that independent investigatory powers

are critical to community oversight boards, no PABs in Maryland have this authority now.

Currently, Police Accountability Boards and Administrative Charging Committees (ACC) rely solely on internal police investigations when they conduct reviews and decide whether or not to charge an officer. The main problem is that the state law is unclear, so local jurisdictions have been hesitant to authorize these powers to their PABs. However, without independent investigatory and subpoena powers, PABs are severely limited in their ability to act as a true oversight board.

That is why in 2024 we will be supporting a bill to clarify the law and explicitly allow local jurisdictions to provide their PABs with independent investigatory and subpoena powers.



Photo Credit:
Mary Ella Jourdak

PABs Cannot Fulfill Their Mandate Without Independent Investigatory Powers

The call for community oversight of law enforcement stems from the civil rights and Black power movements of the 1960s. It is rooted in the understanding that the most effective way to deter the dehumanization of Black and Brown people is to empower the community with the ability to impose consequences on those who cause harm within it.¹

Over decades, communities throughout the State of Maryland have been advocating for community oversight of the police disciplinary process in response to persistent police violence and corruption in their community. This advocacy includes empowering community oversight boards with the authority to conduct independent investigations.

Distrust in police is fueled by prevailing public opinion that police departments do not sufficiently hold officers accountable for misconduct.² In 2021, the Prince George's County Police Department routinely failed to adequately respond to internal and external complaints of racial harassment, discrimination, and misuse of force.³

Additionally, a 2016 Department of Justice investigation⁴ into the Baltimore Police Department revealed that BPD not only discouraged internal and external complaints, even for serious misconduct

allegations, complaints were routinely deemed “not sustained” for no reason. Of the 1,382 allegations of excessive force that BPD tracked from 2010 through 2015, only 31 allegations, or 2.2 percent were sustained. According to the DOJ assessment, procedures to investigate these claims were both inconvenient to the public and wholly inadequate, falling below the department’s own policies and law enforcement standards. Adequate discipline was persistently rare.

That is why Police Accountability Boards must be explicitly allowed to conduct investigations of their own. This power would allow PABs to provide accurate assessments of complaints and their outcomes, and to accurately assess the quality of internal investigations.

More information
about MCJPA’s police
reform priorities for
Maryland, and the
100+ organizations
calling for them:
www.mcjpa.org

SOURCES:

¹ <https://www.marylandmatters.org/2022/03/29/dayvon-love-baltimore-city-democrats-resist-community-oversight-of-law-enforcement/>

² <https://www.cato.org/survey-reports/policing-america-understanding-public-attitudes-toward-police-results-national>

³ <https://www.washlaw.org/unredacted-expert-analysis-of-prince-georges-police-department-filed-showing-discrimination-and-retaliation-against-black-and-brown-officers/>

⁴ <https://www.justice.gov/crt/file/883296/download>