



Testimony for the County Council for Montgomery County, Maryland

Expedited Bill 49-21 “Police – Police Accountability Board
– Administrative Charging Committee – Established

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OPPOSE

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Dear President Albornoz and members of the Montgomery County Council,

The ACLU of Maryland opposes Expedited Bill 49-21, which seeks to establish a severely flawed Police Accountability Board and Administrative Charging Committee. As currently drafted, the bill fails to fulfill the spirit of the Maryland Police Accountability Act (MPAA) in several respects.

As you know, the General Assembly in 2021 repealed the Law Enforcement Officers Bill of Rights (LEOBR) and replaced it with a new disciplinary framework that creates new charging committees, police accountability boards and amends the makeup of trial boards. Passage of that legislation sends a clear message that state policymakers understand the need for more community involvement in the investigation of police misconduct. More importantly, the MPAA sought to establish trust between the communities and law enforcement so that our communities can be safer and our residents can be best served and protected without the threat of over-policing and discrimination.

To meet the goals of the MPAA, the ACLU of Maryland respectfully recommends the following:

- The legislative effort for police accountability is driven, almost exclusively, by the understanding that law enforcement is unwilling or unable to police themselves. Therefore, the Police Accountability Board should not be comprised of any current and previous law enforcement officers;

- While the bill currently requires the PAB to be diverse in race, gender, and culture, there are broader demographic groups that ought to be represented and offer a unique perspective on policing. We recommend amending this diversity provision to be inclusive of sexual orientation and gender identity, disability, and the needs of those with substance use disorder, for example;
- To ensure that the community is represented, we recommend that civic and community-based organizations in the community have an opportunity to nominate members to the board and that there be a public comment period before the Council confirms appointees;
- The bill currently allows for the removal of members for a “violation of the law.” As is well-documented, persons of color are disproportionately policed and therefore disproportionately criminalized. Allowing for the removal of someone for a violation of law is likely to impact members of color disproportionately. Consequently, we recommend striking this provision;

To be functional, any oversight body must be resourced, independent, and empowered. To this end, both the PAB and the ACC must be adequately funded, supported by independent staff and counsel, empowered to conduct independent investigations, and have access to the information the bodies need to truly hold law enforcement accountable. In addition to the above recommendations, the ACLU of Maryland strongly urges the Council to maintain an open line of communication with the community and advocates as this process unfolds. Police accountability begins with community, so we encourage the Council to prioritize community perspectives in its deliberations.