

Testimony for the House Judiciary Committee

Tuesday, February 21st, 2023

HB 430 - Police Immunity and Accountability Act

FAVORABLE

Dear Chair Clippinger, Vice Chair Moon, and members of the committee,

My name is Dr. Matthew Fogg and I retired after 30 years as a Chief Deputy United States Marshal. I have been involved in police task force operations handling warrants and investigations of people in most states across America to include the Great State of Maryland.

I'm a Maryland resident, a member of the Caucus of African American Leaders of Anne Arundel County (CAAL), the Heritage Chapter President for Blacks In Government (www.BIGNET.org) and a member of the National Association of Black Law Enforcement Officers (NABLEO). I am writing and testifying in support of HB 430.

The provisions outlined in HB 430 play an essential role in our pursuit of meaningful, police accountability measures on the State level. I am grateful for your leadership and the Committee's initial support of police accountability measures and the Maryland Police Accountability Act (MPAA) throughout the session. However, implementation of HB 670 throughout the past year has made it clear that specific legislation is needed to clarify the parameters for which Maryland law officers should and can operate under the U.S. Constitution and Maryland Constitution when interacting with the Public. To follow through on the fundamental goals of the MPAA, HB 430 specifically clarifies vague references to citizens' rights for Maryland Police Officers, henceforth "Officers" in pursuit of their duties involving interactions with people within the Constitutions of both the United States and the State of Maryland.

The main function of the Police Immunity and Accountability Act appears to put Officers on clear and present notice that their actions in the line of duty if declare arbitrary and capricious against any person on Maryland soil will be held against the Officer by law.

Today, Officers' training in Maryland incorporates Constitutional law and citizens' rights but this training has proven to not be enough especially when we add the most common denominator of race as a factor in the victims of police abuse, not just in Maryland but nationwide.

Because I have worked closely with State and municipal police departments across America, I can state firsthand that command and control environments of police operations are designed to coverup nefarious activity to protect the image of the police departments.

In law enforcement this coverup mechanism is known as the *blue wall of silence* that has created a culture of indifference effecting predominantly communities of color. I have testified in favor and supported legislation in this House and for other Federal, State and Municipalities and to include the need for Civilian Review Boards and specific legislation seeking meaningful law enforcement oversight outside of

the command and control in police departments nationwide. I have witnessed it firsthand; we cannot police ourselves. I make this statement for the following reason. I received my law enforcement training at the Federal Law Enforcement Training Academy in Glenco, Ga. also known as "FLETC". I had received some of the best and most comprehensive training that included U.S. Constitutional law and peoples/citizens' rights. For nearly three months the training covered all the proper ways to enforce Federal law that also involve extensive joint operations with State and local police across America. But, upon arriving at my duty station in Washington, DC., my (White) U.S. Marshal supervisor stated directly to me, "Fogg you learned all that fancy training at the academy but let most of that go because we do things differently here so, learn this is how we do it here". Basically, he was telling me which, I soon learned very well that in a predominantly Black community a culture of indifference that violates the rights of Black people by default is the order of the day and we the Officers make the rules up as we engage with the Black public.

Let me be clear, it has never been bad or a lack of training that causes Officers to violate people's Constitutional rights that technology (cameras) today is simply bringing to light, but it is lack of accountability and punishment that Officers know well is usually nonexistent.

HB 430 makes it abundantly clear that if an Officer gets caught up in the culture of violating citizen's Constitutional rights and it is exposed by technology or another Officer coming forward or by effective Citizen Review Boards, that Officer will be held accountable to the language of HB 430.

Most Officers understand the retribution they will face when reporting on rogue police procedures to include my personal experience and although we are part of the reference group and want to tell the truth about incidents that hold bad policing accountable – most officers will not come forward for fear of internal retribution.

Blacks In Government is currently supporting Federal legislation for Whistleblower protections for law Officers testifying against other law officers.

Therefore HB Bill 430 is unambiguous legislation moving in the right direction for equity and justice for law enforcement Officers in the Great State of Maryland to know that you can no longer hide behind the infamous Blue Wall of Silence even if you are a witness to nefarious acts of bad policing.

For these reasons, I urge a favorable report on House Bill 430.

Appreciatively,

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