

BALTIMORE CITY COUNCIL



PUBLIC SAFETY COMMITTEE

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Police Accountability

Public Testimony

Testimony

To: **Public Safety Committee, Baltimore City Council**

From: **Jesmond O. Riggins, Esq.**, Member, Baltimore City Police Accountability Board & Baltimore City Administrative Charging Committee

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Chair Conway, Vice Chair Blanchard, and Members of the Committee,

The purpose of my testimony is to focus attention on an important part of Baltimore's police-oversight system that is often overlooked, invisible to the public eye, and, too often, an institutional barrier to strong, independent oversight: the Baltimore City Law Department (law department).

I want to raise awareness about the law department's role in this system and how, not long ago, it used every tool at its disposal to undermine civilian oversight.

My goal is to help this Committee and the public see the entire landscape so that discussions around strengthening oversight and possible reforms are holistic and impactful.

I speak from direct experience. From July 2016 through January 2019, I served in the Office of Equity and Civil Rights (OECR or office) as the Civilian Review Board (CRB or board) Supervisor. I witnessed—and resisted—a full-fledged campaign by the law department targeting the board and the staff that supported it.

What follows is a short summary of what I saw.

2016–2017: Rebuilding the Board and the Opening Moves

In July 2016, Director Kisha A. Brown hired me to revive the office's CRB division after more than a decade of neglect. I was tasked with rebuilding operations, overseeing investigations, supervising staff, and advising Board members.

In August 2016, the U.S. Department of Justice released a report finding that BPD engaged in unconstitutional policing, that its accountability system was broken, and that CRB lacked the authority and resources to provide adequate oversight.

In December 2016, Catherine Pugh was sworn in as mayor and appointed civil rights champion Jill P. Carter in January 2017 to lead the office. The consent decree was approved in April 2017, which called for the creation of a taskforce to propose reforms that would strengthen civilian oversight. The following month, in May 2017, Mayor Pugh announced that former federal judge Andre M. Davis would serve as City Solicitor, effective September 1, to help lead the city through the consent decree process.

Given this sequence of events, it appeared the city was readying to pivot away from its historic neglect of civilian oversight and empower it. Unfortunately, that did not happen.

What began as a promising start to ensuring the community had an actual say in its policing, turned into a strategic campaign to silence the board's voice, limit its access to information, and control the staff who supported it.

Silencing and Starving the Board

The first move was to shrink the board's independent voice in the consent-decree process. Solicitor Davis invoked a "one-voice" policy, directing the board (and staff) to route all consent-decree communications through the law department—effectively making it the sole speaker to DOJ and the Monitoring Team and sidelining the board's own voice.

The next move was to silence the board from communicating with the public. First, the solicitor accused the board (and staff) of releasing confidential information about a case—pointing to a board letter in the Keith Davis Jr. shooting that named the involved officers—even though those names were already public through the police department's own disclosures.

Based on this accusation, he then demanded that the board sign sweeping confidentiality agreements that would have barred them from publicly discussing misconduct cases. He also demanded that the board have its decision letters approved by the law department before sending them to complainants. When the board refused, the solicitor advised the police department to stop sending its investigative files to the board, which it did.

In response, the board appealed to the mayor and attempted to negotiate with the solicitor, unsuccessfully. It then voted to exercise its legal authority to issue subpoenas for the investigative files. When the solicitor declined to enforce those subpoenas in court, the board retained independent counsel and filed suit itself. Only then did the solicitor relent and advise the police department to resume forwarding its files. The solicitor responded by filing an ethics complaint against the board's lawyer asserting that only the law department can represent the board in court; the ethics complaint went nowhere.

Targeting and Reorganizing the Staff

This push against the board also came with an effort to control the staff that kept it running. The solicitor assigned a BPD attorney unfamiliar with oversight to advise the board. Later, there was a move to change office leadership; first by maneuvering out Deputy Director Charles G. Byrd, Jr. then Director Carter. The solicitor then hastily installed a handpicked director to run the office who had zero civil rights or managerial experience, or any knowledge about police oversight, the Gun Trace Taskforce or the consent decree. Working hand-in-hand, the solicitor and the new director worked diligently to reorganize the office—promoting staff viewed as compliant and sidelining those viewed as problematic, particularly me.

Taking the Office Itself

The most consequential step the solicitor took to undermine civilian oversight was structural. He moved the office—along with the board—under the law department, placing himself at the top of our organizational structure. He quickly made a show of force. For example, after an all-hands office meeting led by the solicitor, which included at least three separate divisions, he kept me and my staff behind for separate instruction. Days later, he summoned us to the law department without explanation, left us waiting in the lobby for over an hour, then called us back to his office to warn us against speaking to the press, among other things. Before I resigned from the office, my final performance review carried his name.

Keep in mind, throughout this whole process, the solicitor vehemently maintained that there was no conflict in the Law Department representing both the police department, the board and the office that supported it.

Aftermath

After Mayor Pugh's resignation in May 2019, Mayor Jack Young immediately restored the office's independence by moving it back outside of the law department. In doing so, he cited the apparent conflict in having the city's litigators control the office that supports the board overseeing the police department.

Why This Matters Now

I offer this summary not to relitigate old fights but to encourage this Committee and the public to carefully watch for signs of the law department undermining civilian oversight and its effectiveness. The tactics I witnessed—restricting speech, withholding records, installing conflicted counsel, tampering with staff, ignoring the law—can be redeployed at any time against the Police Accountability Board and Administrative Charging Committee.

If we ignore this history, we invite its repetition. Baltimore will never have credible police oversight if the law department can, in one way or another, obstruct an oversight board's access to information, counsel, or staffing; or if it can nullify subpoenas through inaction or a misreading of the law.

My ask of this Committee is simple: In the context of police accountability and oversight, I encourage you to watch what the law department does, not necessarily listen to what it says. When it makes an argument for or against something or comes to a decision, ask who benefits: Is it the police department or civilian oversight? The answer to that question will indicate whether it is for or against effective police oversight and what actions it may be willing to take in response.

Thank you for your time and consideration.

Respectfully,

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