

Toby Ditz
1416 Bolton St, Baltimore, MD 21217
toby.ditz@jhu.edu / 410-669-0085

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TESTIMONY IN SUPPORT OF SB829

TO: Chair, William C. Smith, Vice Chair, Jeff Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Toby Ditz

I wrote the following testimony before I saw the fiscal note. Now that I have, I still strongly support SB 829. But let me first respond to the note. Supporters of police reform in Baltimore want people in our city to be able to speak about what happened when we settle civil suits concerning police misconduct cases. This is as true of the Johns Hopkins University Police Department as of the Baltimore PD or any other police entity operating in Baltimore. Whatever you call it technically, the JHU Police Department, and others like it, is a law enforcement agency authorized by state legislation that has powers of arrest and to use lethal force. The legislature should work out the legally appropriate language to encompass such entities.

I have been following police reform in Baltimore City and monitoring closely the creation of the Johns Hopkins University Police Department.

In all honesty, I opposed the enabling legislation that created the JHU police department, and one major reason I and others did is especially relevant to today's hearing. Accountability, and its twin, transparency, are cornerstones of police reform. Yet, the existence of several police departments within the City of Baltimore does make it harder to implement needed reforms uniformly; overlapping jurisdictions and competing lines of authority also make it harder for Baltimoreans to exert effective oversight over the police in their city.

A significant case in point—and the reason we are here today—concerns the recent Baltimore City Council legislation that prohibits the use of nondisclosure agreements (NDAs) in the settlement of police misconduct cases. Advocates of community driven policing in Baltimore supported this legislation as essential to police accountability and to rebuilding trust between Baltimoreans and the police.

As I understand it, however—and I hasten to add I am *not* a lawyer—this City Council ordinance does not cover all police departments that have jurisdiction in Baltimore City. It certainly does not cover a private University Department, like JHU's—and it may not extend to any of the departments associated with schools of higher education in the City. It covers only "city officials," "city employees," Baltimore City police officers, and city "agencies," including a few specifically enumerated entities. ([Council Bill 19-0409](#)).

So where does that leave us? This major reform covers only some law enforcement agencies in Baltimore City, and it protects city residents only some of the time—depending on which police officers they encounter!

Absent action by the state legislature, we would have to rely on the Police Commissioner and, in the case of Johns Hopkins, for example, on University officials to incorporate into their Memorandum of Understanding a policy that mimics the City Council legislation. But, of course, we have no certainty—and some reason to doubt—that they will do so. People who work and study on campus or live within JHU's patrol boundaries will, then,

not necessarily have the same freedom to talk about their settlements as Baltimoreans located across town.

We need this legislation to help ensure that all Baltimoreans have similar rights and powers vis-à-vis the police in their City.

I urge you to report favorably on SB829.