



Brandon M. Scott
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SB 829

March 4, 2020

TO: The Honorable Members of the Senate Judicial Proceedings Committee

FROM: The Honorable Brandon M. Scott, President of the Baltimore City Council

RE: SENATE BILL 829 – Baltimore City – Civil Claim Against Private Police
– Prohibition Against Nondisclosure Provision in Settlement Agreement

POSITION: SUPPORT

I write to you in **support** of Senate Bill 829. This important bill will prohibit the use of nondisclosure agreements in misconduct settlements against a law enforcement officer of a private law enforcement agency in Baltimore City.

Since I was first elected to public office in 2011, I have been an outspoken and steadfast advocate for police transparency and accountability. My work has focused on improving transparency of the Baltimore Police Department and ensuring that residents have the tools they need to hold the department accountable. As Council President, last year, I co-sponsored and ensured the passage of Baltimore City law **19-0409 Transparency and Oversight in Claims and Litigation**. This law prohibits the use of nondisclosure agreements, also known as gag-orders, in settlement agreements relating to police misconduct in the Baltimore Police Department. In addition the U.S. Court of Appeals for the 4th Circuit found the use of nondisclosure agreements in Baltimore’s legal settlement agreements for police misconduct cases to be an unconstitutional violation of free speech. There is clear precedent in Baltimore City prohibiting nondisclosure provisions from legal settlement agreements. This bill would ensure that misconduct agreements with private law enforcement agencies would follow the same laws as Baltimore City and the BPD.

I sponsored and passed the “Transparency and Oversight in Claims Litigation” in Baltimore City to protect the free speech of our residents who find themselves in situations of police misconduct. No one who has experienced police brutality should be forced to stay silent. This why I advocated to prohibit nondisclosure agreements in Baltimore City legal agreements and this is why I support SB 829. This bill will ensure transparency and accountability of private law enforcement in Baltimore City. It is also necessary to allow residents to utilize their constitutional rights of free speech should they experience police brutality or misconduct.

As this bill will provide needed transparency for private law enforcement in Baltimore City, I urge you to move for a **favorable** report on Senate Bill 829.