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TESTIMONY IN SUPPORT WITH AMENDMENTS OF SB786/HB1027
Baltimore City – Control of the Police Department of Baltimore City

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Toby Ditz, on behalf of Jews United for Justice (JUFJ)

My name is Toby Ditz and I live in Baltimore City in District 40. This testimony is on behalf of Jews United for Justice in **support of SB786/HB1027, Baltimore City – Control of the Police Department of Baltimore City with amendments** to shorten the implementation timeline to 2023 and include community members in the Advisory Board. JUFJ organizes more than 5,500 Jewish Marylanders and allies in support of local campaigns for social, racial, and economic justice.

My Jewish tradition teaches me that “a person who says to themselves, ‘why should I trouble myself? Let my soul dwell in peace’ helps destroy the world.” (Midrash Tanhuma, Mishpatim 2). We have an ethical duty as Jews to act publicly in the face of racial injustice.

In partnership with others, the members of JUFJ have been calling for statewide police reform for years in accord with our belief that we have an ethical duty as Jews to act publicly in the face of racial injustice. And now that the nationwide protests after the killings of Breonna Taylor and George Floyd have generated renewed popular momentum for police reform here in Maryland, JUFJ has joined the Maryland Coalition for Justice and Police Accountability to call on the General Assembly to make real legislative change.

One of the main pillars of serious police reform is police accountability: all of the initiatives supported by the Coalition advance that goal. But one is vitally important to Baltimoreans: return of control of the Baltimore Police Department to the City of Baltimore. Other pending statewide reform bills, like the repeal of LEOBR and reform of the MPIO, clears away obstacles

to police accountability and sets minimum standards for local jurisdictions. But within the guardrails established by state law, it is local governments that do the positive work of setting up the mechanisms that ensure meaningful citizen participation in creating and overseeing police department policy. As the Community Oversight Task Force appointed by the parties to the Consent Decree states in its report, “the BPD will never be fully accountable to its residents until full control of the department is returned to the City.”¹

While we remain committed to advocating for local control, **JUFJ is only in favor of this bill with amendments.** The current proposed bill severely limits community involvement and ultimately denies Baltimore City its due justice. Without a guarantee of community members on the Advisory Board, the community will not have the access and involvement it should be granted by a return of control. Secondly, a ballot measure for local control unnecessarily delays justice. Justice delayed is justice denied. However, if a ballot measure is deemed truly necessary, it should be done for the 2022 election to shorten any delay.

For reasons originating in the race politics of the 1850s and the civil war, the Baltimore Police Department is still a state agency, not a local one. This means that although Baltimore City residents already fund their own police department, City Council cannot pass legislation to shape its policies. Yet well-tailored local ordinances would be especially useful now as we implement the new BPD policies mandated by the Consent Decree. One simple but important example is police department redistricting: this is a job for local, not state government to carry out in collaboration with local law enforcement. More generally, local control provides easier access by residents to relevant lawmakers. True police accountability requires that the citizens most affected keep a close eye on policy formulation and implementation. I have participated in neighborhood and advocacy group meetings that have commented on several new draft BPD policies, including juvenile interrogation, community policing, and police anti-bias training policies. We would have a much easier time making our voices consistently heard if our City Council played a more robust role in shaping and enforcing these policies. **In short, if we are serious about police accountability, Baltimoreans should have the same local control over their police as do the residents of every other jurisdiction in the state, and we should not have to go to Annapolis to have access to the officials who legislate our police on our behalf.**

¹ “The Community Oversight Task Force’s Recommendations.” *Community Oversight Task Force*, https://www.baltimorepolice.org/sites/default/files/General%20Website%20PDFs/0909_COTF_Final_Web.pdf.

In 2019, a bill to return control to the City passed overwhelmingly in the House, but failed in the Senate in part because some legislators feared that local control would increase the costs to the City associated with liability in police misconduct lawsuits. But these concerns were decisively laid to rest in testimony by then City Solicitor Andre Davis and the ACLU, among others, at the House Judiciary hearings in 2019. Davis, who favored the House bill, declared flatly, “The City General fund is the source of payments now for police misconduct claims And there will be no enlargement of the bases for liability claims as a result of return to local control.”² Surely, then, the citizens who are victims of misconduct and who already bear the costs of liability for misconduct should be able to legislate for their own department.

Meanwhile, the continued status of BPD as a state agency is undemocratic. The protests this summer revived the local control campaign: every city-based grassroots organization I have worked with supports local control, and it was a rallying cry last summer during the protests. The new mayor of Baltimore, Brandon Scott, also ran and won on a platform that featured the return of local control. At the ballot box, through their elected representatives in City Council, and through their community organizations, Baltimoreans have said that they want local control. Isn't it time, then, to end our special status? On democratic process grounds, is there any justification for this continued tutelage? I just don't see it, and, honestly, as a resident of Baltimore, I resent it. Members of key committees such as this one should consult directly the wishes of Baltimoreans and their local officials. This decision should not rest solely in the hands of our state legislators.

Now is the time to overcome institutional inertia and act boldly: return control of the Baltimore City Police Department to Baltimore City and its residents. **JUFJ respectfully urges a favorable report on SB786/HB1027, with the aforementioned amendments.**

² Both pointed out that federal law and state statute already hold Baltimore City responsible for violations of federal civil rights law and tort claims respectively and that city funds already pay the costs associated with these violations. Although the BPD would lose state sovereign immunity, the expert testimony emphasized that this has no significant practical consequence, as the Department, like other local agencies, would still possess “governmental immunity.” Andre M. Davis, Baltimore City Solicitor, Testimony for HB 278, March 14, 2019. Also see Cailyn Young, Testimony for HB278, March 14, 2019, American Civil Liberties Union-Maryland.