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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Hayes in Support of Senate Bill 752: Baltimore City - Police Officers
- Promotional Appointments**

March 3, 2021

Dear Chairperson Smith and Members of the Judicial Committee,

The Baltimore City Police Department is the 8th largest municipal police force in the United States, staffed by nearly 3,100 civilian and sworn personnel. The department's jurisdiction covers Maryland's largest city, with a population of 614,000. Such a large police force requires accountability and transparency within their department.

After the death of Freddie Gray, the Department of Justice found that “serious deficiencies in BPD’s supervision of its enforcement activities...contribute to the Department’s failure to identify and correct unconstitutional policing.” To rectify these issues, the Consent Decree mandated a number of systemic changes in how the Department supervises its members to provide close and effective supervision. This January, an ACLU report showed that from 2015 until 2019, there were over 13,000 misconduct complaints filed against around just 1,800 BPD officers.

As a part of this Consent Decree, the Baltimore Police Department created a new policy to guide the promotional process for those seeking positions within the department. The policy received input from Baltimore City residents as well as members of the Department.

Senate Bill 752 will alter the procedures used by the Police Commissioner of Baltimore City to award promotional appointments. This will authorize the Commissioner to remove certain applicants from the list of eligible appointees if the Civilian Review Board has sustained a certain complaint against the applicant during a certain time period. The Civilian Review Board takes complaints that allege the use of excessive force, abusive language, harassment, false arrest and false imprisonment. Moreover, it requires a holistic review of each candidate’s

qualifications, including prior performance as observed by their commanders, recognitions, awards, and commendations, the nature of any complaints and/or sustained disciplinary infractions.

The current law requires that although a Commissioner may set certain qualifications, they are only permitted to consider the candidate's score on the promotional exam when making appointments. The Department must make appointments from those applicants who place within the top five positions on the active promotional list. This requirement is referred to as the "Rule of 5" and does not take into account the possibility that those top 5 candidates may not be suitable for a position.

This bill is a crucial step towards police reform for the citizens of Baltimore. Increased accountability within the BPD will ensure a fairer justice system for all.

There are attached amendments approved by the Baltimore City Senate Delegation.

Thus, I urge a favorable report with amendments on SB 752.

Respectfully,



Senator Antonio L. Hayes
40th Legislative District - MD