

1 March 2021

The Honorable William C. Smith Jr.
Senate Judicial Proceedings Committee
Miller Senate Office Building
Annapolis, Maryland

**Re: Senate Bill 0752 – Promotions – Baltimore Police Department
Request for UNFAVORABLE Opinion**

Dear Chairman Smith and Members of the Judicial Proceedings Committee,

As a Baltimore City resident, a current sergeant within the Baltimore Police Department (BPD), and as Baltimore City FOP Lodge #3's State Trustee, I submit this testimony in opposition to **SB0752 - Baltimore City – Police Officers - Promotional Appointments**.

The proposed bill is meant to alter the civil service promotional process by allowing the Police Commissioner to select from any of the highest twenty (20) scorers on a promotional eligibility list, instead of the current five (5). This change would open what is currently an objective process to favoritism, politicization, and abuse.

The current promotional testing has two parts. The first part is a multiple-choice written examination. If an officer's score is high enough on that portion, they advance to the oral board portion. The oral board portion involves the officer answering various questions in front of officers from outside the BPD of similar rank to the promotion being sought. The scoring from the written examination and oral board examination are then weighted and combined. Candidates (police officers and sergeants) are then ranked on the eligibility list based on their combined score. Currently, when the Police Commissioner fills a vacancy, he/she must select from the top five (5) highest scorers on the list. When one is selected, the next highest scorer moves into the top five (5). This is what is commonly referred to as the "Rule of 5".

Expanding the Rule of 5 to the Rule of 20, as SB0752 suggests, implies that the 20th highest scorer is actually more qualified than the top 5 scorers. If at the end of a test the 20th highest scorer is actually better suited than the top 5 scorers then it's a bad test. The Baltimore Police Department has complete control over the written exam and Oral Boards. A third party may write the questions, but the BPD dictates the subject matter, approves the questions, and approves the scoring rubrics. As far as I am aware, the BPD has made no effort to improve the testing so that those who do score well are who the BPD deems to be most qualified.

Civil Service exams are meant to prevent any undue influence on the promotional process. The BPD will argue that the newly formed Promotion Committee insulates the selection process from the police commissioner's influence. However, the Promotion Committee is made up entirely of personnel selected by the police commissioner and who owe their continuing employment to him/her. In fact, the policy states that the police commissioner has "complete discretion over the composition of the Promotion Committee with the exception of the Equity Officer." The Equity Officer is the only non-voting member of the committee. Even if the committee did act as a buffer, the policy itself could be

rescinded or revised on the commissioner's order at any time. I am making no comment on Police Commissioner Harrison's intentions. He may be truly objective in his decision making. But there is no way of predicting the intentions of future police commissioners.

Civil Service hiring and promotional rules are born from the abuses of the past. Expanding the Rule of 5 to the Rule of 20 would render these protections meaningless. If the BPD truly feels they are not getting the objectively best candidates for promotion then they should improve the tests. Skipping the highest scorer for the 20th highest scorer would not only raise suspicions but contribute to an environment where officers already feel they are being treated unfairly.

I am more than happy to discuss further any of the points raised above. Thank you for the opportunity to present testimony on this bill.

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