

# **Legislative Testimony 786.pdf**

Uploaded by: Elliott, Richard DeShay

Position: FAV

Legislative Testimony:  
SB786

I strongly support Senator Cory McCray's SB786 to restore local control of the Baltimore City Police Department.

**RICHARD  
ELLIOTT**  
**FOR MARYLAND**

By Authority: Rich Elliott For Maryland Keanuu Smith-Brown, Campaign Chair Christian Hillian, Treasurer

# **SURJ Local control Baltimore police.pdf**

Uploaded by: Kleinman, Jan

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 43. As a Baltimore resident, I am

keenly aware of the testy relationship between Baltimore police and our community. It does not need to be this way, and there is legislation before you that will help Baltimore police and Baltimore residents. I am **testifying in support of Senate Bill 786 if it is amended.**



Senate Bill 786 would return control of the Baltimore City Police Department to Baltimore City, ensuring local elected officials can directly govern its operations.

The fact that Baltimore City, which is over 60% Black, does not have control of its own police department is a significant mechanism of racial oppression. At a time when we have seen tremendous growth in the movement of Black people who are seeking greater community control over policing, the residents of Baltimore do not have the power to enact the changes they want to see--even though taxpayers are paying hundreds of millions of dollars for it every year. They must travel to Annapolis to negotiate with legislators they didn't elect, a great proportion of whom are white.

Year after year, we have seen Baltimore residents take time off work, arrange transportation and childcare, and wait all day in the hallways in order to testify. This is an unreasonably high bar to make one's voice heard. All too often, Baltimore residents are not heard and their interests are lost in the hectic pace of the state legislative session. We need to be able to legislate at the local level where there is more direct representation and more time to properly examine the issues.

This bill should have two improvements. Because of the importance of this bill and what it would mean for local input into how policing works, it is critical that this bill be implemented as soon as possible. The 2025 start date can and should be moved forward to January 1, 2023. Additionally, the spirit of this bill is to give greater community input into policing, so the implementation of this bill should also be done in that spirit. Unfortunately, as written the Advisory Board does not explicitly include community members. Consequently, Senate Bill 786 must be amended to include community members on the Advisory Board.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 786 with amendments to the bill to ensure it is implemented by 2023 and includes several community members on the Advisory Board.**

Thank you for your time, service, and consideration.

Sincerely,

**Jan Kleinman**

**2700 Remington Avenue, Apt 504**

**Baltimore, MD 21211**

Showing Up for Racial Justice Baltimore

# **SB 786 - Local Control of Baltimore Police Departm**

Uploaded by: Pereschuk, Alicia

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 43. **I am testifying in support of Senate Bill 786 if it is amended.**



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Because of the importance of this bill and what it would mean for local input into how policing works, it is all the most important that this bill is implemented as soon as possible. Given 2022 is the earliest date a ballot initiative could happen, this means the 2025 date can and should be moved forward to January 1, 2023. Additionally, the spirit of this bill is to give greater community input into policing, so the implementation of this bill should also be done in that spirit. Unfortunately, as written the Advisory Board does not explicitly include community members. Consequently, Senate Bill 786 must be amended to include community members on the Advisory Board.

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Thank you for your time, service, and consideration.

Sincerely,  
Alicia Pereschuk  
404 W 29<sup>th</sup> St  
Baltimore MD 21211  
Showing Up for Racial Justice Baltimore

# **SB 786 - Local Control of Baltimore Police Departm**

Uploaded by: Powell, Holly

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 3. I am **testifying in support of Senate Bill 786 if it is amended.**



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The fact that Baltimore City, which is over 60% Black, does not have control of its own police department is a significant mechanism of racial oppression. At a time when we have seen tremendous growth in the movement of Black people who are seeking greater community control over policing, the residents of Baltimore do not have the power to enact the changes they want to see—even though taxpayers are paying hundreds of millions of dollars for it every year. They must travel to Annapolis to negotiate with legislators they didn't elect, a greater proportion of whom are white.

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It is for these reasons that I am encouraging you to vote **in support of Senate Bill 786 with amendments to the bill to ensure it is implemented by 2023 and includes several community members in the Advisory Board.**

Thank you for your time, service, and consideration.

Sincerely,

**Holly Powell**

**2308 Cambridge Street**

**Baltimore, Maryland 21224**

Showing Up for Racial Justice Baltimore



**SB786 testimony.pdf**

Uploaded by: Rock-Foster, Charlene

Position: FAV

I am testifying in favor of SB786 -Law Enforcement Reform FOR the purpose of providing that the Police Department of Baltimore City is an agency 4 and instrumentality of the City of Baltimore, instead of the State.

For over 150 years, Baltimore City did not have control of its own police department, except for having the power since the 1970s in hiring and firing commissioners. For years, the residents contended with a public safety system that was, and still is, ripe for unfettered violence, misconduct, and corruption, well documented in the media and in books. A few examples:

-Baltimore City Officer Sergeant James Lloyd, who was the lead investigator in the 2017 death of Detective Sean Suiter, was arrested July 9th, 2020 is held without bail for kidnapping and extortion. There are reports of three more officers involved in this extraordinary inappropriate attempt at resolving unsatisfactory contractual work.

-A video was recently released contradicting Baltimore City PD Sergeant Welton Simpson's account of being assaulted back on January 17, 2020. Zayne Abdullah, one of the defendants, is facing felony charges over this alleged assault that both the commissioner and the governor strongly denounced in January.

-Two published books- "I Got a Monster: The Rise and Fall of America's Most Corrupt Police Squad" Baynard Woods and Brandon Soderberg and "The Men of Mobtown Policing Baltimore in the Age of Slavery and Emancipation" By Adam Malka give an in-depth look at policing's unsavory history.

-The Uprising of 2015 and the DOJ report that followed exposing widespread violations and corruption, resulting in the implementation of the current consent.

Note that the residents in the city have been, and still are, paying the extraordinary costs of police misconduct which includes in 2019, judgements & lawsuits of \$654,236 and legal fees of \$1,192,719 combined for a total of \$1,846,955 thus far and in 2020, a reported 8 million dollars in settlement from the Gun Trace Task Force lawsuit.

A city-controlled police department allows for more transparency, localized resolution of lawsuits, and more community involvement of policing, simply put. Thank you in advance for making the BOLDEST MOVE to finally return local control of the police department back to the residents of Baltimore city.

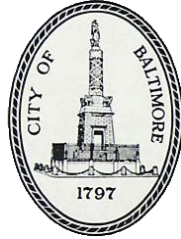
Sincerely,

Charlene Rock-Foster  
Baltimore City Resident

**SB0786-JPR-BCA-FAV.pdf**

Uploaded by: Scott, Brandon

Position: FAV



**BRANDON M. SCOTT**  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

**SB 786**

February 11, 2021

**TO:** Members of the Senate Judicial Proceedings Committee  
**FROM:** Brandon M. Scott, Mayor, City of Baltimore  
**RE:** SB 786 - Baltimore City - Control of Police Department of Baltimore City

**POSITION: SUPPORT**

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill SB 786.

Baltimore City is the only jurisdiction in Maryland that does not directly oversee its police department. For nearly a decade of my time serving in City government, I have advocated for transfer of its control to the City. I have also long championed a platform of transforming the City's approach to policing and public safety. This bill represents the culmination of those efforts and serves as a measured and comprehensive path forward for local control of the Baltimore Police Department (BPD).

SB 786 would establish the Baltimore Police Department (BPD) as an agency and instrumentality of the City of Baltimore. Currently the BPD is an agency and instrumentality of the State of Maryland. To guide and oversee this transition, the bill would establish an advisory council of key stakeholders. The advisory council is tasked with studying and reporting out on potential issues related to the transfer of local control and the recommendations for overcoming any potential issues.

To safeguard residents' interests, the transfer of control is contingent on the passage of an amendment to the Charter of Baltimore City and its ratification by the voters of Baltimore City at the 2024 general election. Furthermore, to ensure that there are clear demarcations in control between the State and the City for legal cases, the bill states that BPD will be considered an agency and instrumentality of the State for all actions, omissions, or events

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that occur prior to the date of transfer, and will be considered an agency and instrumentality of the City for those same considerations after the transfer.

Transferring control of the BPD to Baltimore City would enable City residents and local elected officials the ability to set policies and provide oversight without advocating for reform through state representatives. It would simply put the City in same posture as comparable jurisdictions in Maryland. The timeline and steps provided in the bill afford the State, BPD, the City government, City delegation members, and necessary stakeholders the time and process for guaranteeing the transfer occurs with forethought and precision. With increasing calls for police transparency and accountability, now more than ever, Baltimore City must regain the authority to oversee its police department.

For these reasons, the BCA respectfully requests a **favorable** report on SB 786.

**SB0786-JPR-LAW-FAV.pdf**

Uploaded by: Shea, James

Position: FAV

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CITY OF BALTIMORE

BRANDON M. SCOTT,  
Mayor



DEPARTMENT OF LAW  
JAMES L. SHEA, CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

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### SB 786

TO: The Honorable Chair and Members of the Judicial Proceedings Committee  
FROM: James L. Shea, Baltimore City Solicitor  
DATE: February 11, 2021  
RE: SB 786 - Baltimore City - Control of Police Department of Baltimore City  
POSITION: **SUPPORT**

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Chairman Smith, Vice-Chairman Waldstreicher, and members of the committee, please be advised that the Baltimore City Law Department **supports** SB 786 and believes that this bill would have minimal impact on overall civil liability exposure of the Baltimore Police Department (“BPD”).

This legislation, if fully implemented, would make BPD an agency of the Mayor and City Council of Baltimore (“City”), thereby ending BPD’s current status as an agency of the State of Maryland and bringing BPD fully within the City’s political control. Prior legislative attempts to make this change have failed in part due to concern that, by ceasing to be a state agency, BPD would lose sovereign immunity as a defense to civil lawsuits, thereby significantly increasing civil liability exposure to BPD and the City. This testimony addresses that concern.

After reviewing this question with the City lawyers most experienced in handling these matters, it is my view that, although the transition to City control would eliminate BPD’s sovereign immunity defense going forward, **this change will not have a significant effect on the amount of money actually paid out by the City in civil lawsuits.**

### INTRODUCTION

A full analysis of any change in the City’s civil liability exposure through BPD requires comparing both direct and indirect liability that BPD faces in lawsuits in both state and federal courts. In most instances, in both those courts, BPD is already *indirectly* liable to pay civil litigation damages awarded against BPD employees (which the City then pays). Thus, the loss of BPD’s sovereign immunity defense against *direct* liability (i.e. suits against BPD itself) for the same violations will cause little change in the total amount of liability since a plaintiff may only recover the full amount of damages once. In addition, although BPD would be losing the blanket sovereign immunity defense to state claims, several other immunities, defenses, or limits on liability will apply when BPD becomes a City agency. Moreover, BPD’s sovereign immunity defense has not been recognized in the federal courts, so it is unlikely that the loss of this defense will have any effect on federal claims at all. Each of these points is discussed in more detail below, as they relate to claims against BPD under both

state and federal law. This analysis leads the Baltimore City Law Department to conclude that the loss of BPD’s sovereign immunity defense is unlikely to increase materially the amount that the City pays in damages resulting from alleged police misconduct.

## **I. DAMAGES FROM STATE LAW CLAIMS ARE UNLIKELY TO INCREASE.**

### **A. Double Damages Are Not Permitted Under State Law.**

In the vast majority of lawsuits where BPD could face *direct* liability as a result of this change, BPD already faces the same liability *indirectly* through lawsuits against its employees. A plaintiff can only be paid damages once for a single injury. *See, e.g., Beall v. Holloway-Johnson*, 446 Md. 48, 70 (2016) (“[A] plaintiff is entitled to but one compensation for her loss and that satisfaction of her claim prevents further action against another for the same damages.”). Adding direct liability on top of indirect liability, therefore, does not increase the amount of damages that will be paid for a given alleged injury.

Under Maryland’s Local Government Tort Claims Act (“LGTCAs”), BPD is already defined as a local government, Md. Code, Cts. & Jud. Proc. § 5-301(d)(21), and is required to pay judgments against its officers resulting from torts committed within the scope of their employment, *id.* at § 5-303(b). The Maryland Court of Appeals recently interpreted this “scope of employment” broadly, holding that BPD potentially faces indirect LGTCA liability for even the grossly criminal acts of the Gun Trace Task Force officers. *See Baltimore City Police Dep’t v. Potts*, 468 Md. 265, 312 (2020) (rejecting a bright-line rule that seriously criminal willful conduct is necessarily outside of the scope of employment, and instead holding that the scope of employment question requires a multi-factor, “fact-intensive, case-by-case” resolution).

Thus, for example, although the loss of sovereign immunity may allow a plaintiff to sue BPD directly in the future for a policy or practice that resulted in the plaintiff’s allegedly wrongful arrest, the plaintiff can already sue the officer who made the allegedly wrongful arrest. If the plaintiff prevails, BPD will be liable to pay the same amount of money (the damages caused by the arrest) only once, either way.

### **B. Other Protections Will Still Limit BPD Liability Exposure to State Claims.**

#### **i. The LGTCA Caps BPD Liability for State Law Claims.**

In addition to requiring BPD and the City to pay judgments against their employees, the LGTCA also caps damages awarded on state claims against local governments and their employees at \$400,000 per individual claim and \$800,000 per total claims that arise from the same occurrence. Md. Code, Cts. & Jud. Proc. § 5-303(a)(1). BPD’s loss of the sovereign immunity defense will not change this. These caps apply to both direct and indirect liability, even for state constitutional torts. *See, e.g., Espina v. Jackson*, 442 Md. 311, 324 (2015) (holding that “[t]he current language of the LGTCA plainly appears to encompass constitutional torts” and reducing a more than \$11 million verdict against a Prince George’s County officer to \$400,000, the LGTCA limit for total claims at that time); *see also id.* at 330 (“[C]larifying that the monetary limits on the liability of a local



government under the [LGTCAs] apply to claims against local governments when named as defendants.”). Thus, in the unlikely event that a plaintiff could successfully establish direct liability against BPD without also establishing indirect liability through a suit against a BPD officer, the amount of that additional liability would be capped by statute.

ii. Governmental Immunity Bars Common Law, But Not Constitutional, State Law Liability.

Even though blanket sovereign immunity may no longer apply, the more limited governmental immunity will still apply to the same extent it currently applies to the City and local governments in Maryland. “[U]nless its immunity is legislatively waived, [a local government] is immune from liability for tortious conduct committed while the entity is acting in a governmental capacity.” *DiPino v. Davis*, 354 Md. 18, 47 (1999). Because enforcing criminal law “is quintessentially governmental in nature[. . .] there is . . . no common law liability on the part of the City” for operating a police department. *Id.* (emphasis in original). The BPD will therefore still be immune from direct claims “for common law tort liability, including for the torts of negligent hiring, retention, or entrustment regarding” police misconduct. *Clark v. Prince George’s Cty.*, 211 Md. App. 548, 559 (2013). To be clear, this immunity does not protect against direct claims that a BPD policy or practice caused a violation of a plaintiff’s state constitutional rights, as “neither the local government official nor a local governmental entity has available any governmental immunity in an action based on rights protected by the State Constitution.” *DiPino*, 354 Md. at 51.

iii. Statutory Municipal Official Immunity Will Bar Simple Negligence State Law Claims.

The Maryland Code also provides a limited tort immunity for municipal officials that heretofore has been unavailable to BPD officers:

An official of a municipal corporation, while acting in a discretionary capacity, without malice, and within the scope of the official’s employment or authority shall be immune as an official or individual from any civil liability for the performance of the action.

Md. Code, Cts. and Jud. Proc. § 5-507(a)(1). In 2010, the Court of Appeals ruled that “municipal official immunity under [this provision] does not apply” to BPD officers because a BPD officer “is an employee of a state agency and not a municipal agency.” *Houghton v. Forrest*, 412 Md. 578, 588–89 (2010). Thus, making BPD a municipal agency instead of a state agency will make this statutory immunity available to BPD officers as a defense (and thereby shield BPD from indirect liability in some instances).

This statutory immunity would remain limited in several respects. The Court of Appeals has explained that this provision’s purpose “was to codify existing public official immunity, and not to extend the scope of qualified immunity beyond its Maryland common law boundaries.” *Lee v. Cline*, 384 Md. 245, 258 n.2 (2004). *See also Lovelace v. Anderson*, 366 Md. 690, 704 (2001); *Ashton v. Brown*, 339 Md. 70, 116 n. 23 (1995). “The Maryland public official immunity doctrine is quite limited and is generally applicable only in negligence actions or defamation actions based on allegedly negligent conduct.” *Lee*, 384 Md. at 258. Specifically, the immunity codified in this statute “has no application in tort actions based upon alleged violations of state constitutional rights or tort actions based upon most so-called ‘intentional torts.’” *Id.* Moreover, by the terms of the statute, this immunity does not apply when there is a showing of malice, which has been defined as “the

performance of an unlawful act, intentionally or wantonly, without legal justification or excuse but with an evil or rancorous motive influenced by hate; the purpose being to deliberately and willfully injure the plaintiff.” *Drug Fair of Md., Inc. v. Smith*, 263 Md. 341, 352 (1971).

While these limits to state law tort liability are not absolute, the City’s burden would remain equal to its present burden because of the “one recovery” principle described in Section I.A. above.

## **II. DAMAGES FOR FEDERAL LAW CLAIMS ARE UNLIKELY TO INCREASE.**

### **A. Federal Law Does Not Currently Recognize BPD’s Sovereign Immunity Defense.**

Although most lawsuits against BPD or its employees seek only state law claims, BPD faces its greatest per-claim liability exposure from federal law claims filed under 42 U.S.C. § 1983 alleging violations of federal constitutional rights, as no damages caps apply to such claims. Accordingly, damages awards for these lawsuits can run well into the millions of dollars. However, changing BPD to a City agency is unlikely to significantly alter BPD’s liability exposure under federal law because the local federal court has not recognized BPD’s claim to sovereign immunity under federal law anyway. Although BPD has argued repeatedly that it *should* qualify for such federal sovereign immunity, this argument has not yet succeeded and may never succeed, even if BPD remains a state agency. *See, e.g., Burley v. Balt. Police Dep’t*, 422 F.Supp.3d 986, 1023–26 (D. Md. 2019) (denying BPD sovereign immunity); *Munyiri v. Haduch*, 585 F.Supp.2d 670, 676 (D. Md. 2008) (same).<sup>1</sup>

Whereas sovereign immunity against state law claims is largely determined by Maryland statutory law – i.e., the General Assembly declared BPD a state agency, so it has sovereign immunity – the application of sovereign immunity against federal claims depends on a multi-factor analysis to determine whether federal courts consider the agency asserting immunity close enough to the sovereign to be an arm of the state. *See, e.g., S.C. Dep’t of Disabilities & Special Needs v. Hoover Universal, Inc.*, 535 F.3d 300, 303 (4th Cir. 2008) (setting out a “nonexclusive list of four factors to be considered,” including the effect of judgment on the state treasury, the agency’s degree of autonomy, whether the agency deals with state or local concerns, and how the agency is treated under state law). *See also Mancuso v. New York State Thruway Auth.*, 86 F.3d 289, 293 (2d Cir. 1996) (“The jurisprudence over how to apply the arm-of-the-state doctrine is, at best, confused.”). *See, generally*, Alex E. Rogers, *Clothing State Governmental Entities with Sovereign Immunity: Disarray in the Eleventh Amendment Arm-of-the-State Doctrine*, 92 Colum. L. Rev. 1243 (1992). BPD’s attempts to shield itself from direct liability under this test have been unsuccessful to date. *See, e.g., Burley*, 422 F.Supp.3d at 1023–26; *Munyiri*, 585 F.Supp.2d at 676.

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<sup>1</sup> In two unpublished decisions, a single judge on the federal district court did find that BPD had sovereign immunity. *See Whetstone v. Mayor & City Council of Baltimore*, ELH-18-738, 2019 WL 1200555, at \*12 (D. Md. Mar. 13, 2019); *McDougald v. Spinnato*, ELH-17-2898, 2019 WL 1226344, at \*11 (D. Md. Mar. 15, 2019). However, the same judge subsequently declared that these findings in her previous decisions were “not outcome determinative, [and therefore] dicta.” *Estate of Bryant v. Baltimore Police Dep’t*, ELH-19-384, 2020 WL 673571, at \*32 (D. Md. Feb. 10, 2020) (denying BPD sovereign immunity).

The question of BPD’s claim to sovereign immunity has not been decided by the Fourth Circuit, because the practical question of whether or not BPD is subject to direct *Monell*<sup>2</sup> liability has not arisen and is unlikely to arise due to two factors discussed in more detail below: the need for an individual violation as a predicate to *Monell* liability, and the BPD’s contractual obligation to pay for most individual violations. Generally, a plaintiff will either win (and get paid for her damages) or lose entirely during the individual violation portion of litigation (or settle at some point during this process). Accordingly, the ultimate question of *Monell* liability is rarely fully tested, much less appealed.

Thus, because BPD’s sovereign immunity defense has not been recognized (and may never be recognized) under federal law, the loss of this defense due to BPD becoming a City agency is unlikely to have a material practical effect on how much BPD pays in damages on federal claims.

### **B. Double Damages Are Not Permitted Under Federal Law Either.**

Even if BPD ultimately prevailed on its sovereign immunity arguments in federal court, thereby barring plaintiffs from suing BPD directly under *Monell*, plaintiffs would still be able to sue individual BPD officers in their individual capacities for alleged violations of federal constitutional rights done under color of law and within the scope of their employment with BPD. *See, e.g., Hafer v. Melo*, 502 U.S. 21, 31 (1991) (“We hold that state officials, sued in their individual capacities, are ‘persons’ within the meaning of § 1983. The Eleventh Amendment does not bar such suits, nor are state officers absolutely immune from personal liability under § 1983 solely by virtue of the ‘official’ nature of their acts.”).

Under Article 15 of the Memoranda of Understanding (“MOU”) between BPD, the City, and the Baltimore City Lodge #3 of the Fraternal Order of Police (“FOP”) – the bargaining agent for BPD officers – BPD is already contractually obligated to pay judgments against its officers (in both state and federal courts) “in litigation arising out of acts within the scope of his or her employment.” As this language parallels the LGTCA scope of employment language discussed above, the broad interpretation of scope of employment set forth in *Potts* likely applies. Although, in theory, this contract could be revised to eliminate or reduce BPD’s indemnification obligations, as a practical matter, it is unlikely that the FOP would agree to modify this MOU provision materially. Moreover, if the FOP were to agree to such a change, it would presumably require concessions of equal or greater monetary value for its membership in exchange, thereby leaving BPD in no better a fiscal position.

Establishing direct *Monell* liability against a municipal police department requires an underlying constitutional violation by an individual officer. *See, e.g., City of Los Angeles v. Heller*, 475 U.S. 796, 799 (1986) (noting that no case “authorizes the award of damages against a municipal corporation based on the actions of one of its officers when in fact the [fact finder] has concluded that the officer inflicted no constitutional harm”); *Grayson v. Peed*, 195 F.3d 692, 697 (4th Cir. 1999)

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<sup>2</sup> In *Monell v. New York City Dept. of Social Services*, 436 U.S. 658 (1978), the Supreme Court held that federal claims for constitutional violations under 42 U.S.C.A. § 1983 could be brought directly against municipalities when the local government’s practice, custom, usage, or “official policy, ‘causes’ an employee to violate another’s constitutional rights.” 436 U.S. at 692.

(recognizing that, if “there are no underlying constitutional violations by any individual, there can be no municipal liability”). So lawsuits that seek to establish direct *Monell* liability against BPD would need to first establish that an individual BPD officer violated the plaintiff’s constitutional rights. If a plaintiff can establish such a violation, a damages judgment can be obtained against the individual BPD officer, which BPD is contractually obligated to indemnify. The same principle against double recovery of damages that applies under Maryland law is also applicable to federal claims. *See, e.g.*, 1 Sheldon H. Nahmod, *Civil Rights and Civil Liberties Litigation: The Law of Section 1983* § 4:15 (4th ed. 2013) (“The general bar against double recovery for the same injury is also applicable to § 1983 cases.”). Thus, removing direct *Monell* liability from BPD would not significantly decrease the amount of damages that will be paid for a given alleged injury because indirect contractual liability will remain.<sup>3</sup>

### CONCLUSION

In summary, BPD is unlikely to face significantly increased civil liability exposure stemming from the loss of the sovereign immunity defense for three primary reasons:

1. In both state court and federal court, in almost all instances of alleged police misconduct, BPD already faces the same damages via indirect liability that it could face via direct liability after the change, so the bar on double damages will prevent an increase in liability.
2. Federal law does not currently recognize BPD’s sovereign immunity defense, so the loss of that defense will have little practical effect on liability from federal claims.
3. In the rare instance of a state claim where a plaintiff can establish direct liability against BPD that is neither barred by governmental immunity nor duplicative of the indirect liability established against a BPD officer, the newly available damages are capped by statute.

For all these reasons, legislation making BPD an agency of the City is unlikely to materially increase the amount of money that the City has to pay in damages or settlements in civil lawsuits against BPD and its employees. The City may see a modest increase in litigation expenses stemming from increased discovery (record productions, deposition transcripts, etc.) due to BPD’s remaining a defendant in state court actions, rather than being dismissed outright, but even this could be largely avoided if state court judges follow the lead of their federal counterparts and bifurcate such trials to allow the claims against individual officers to be litigated first. There also may be a temporary

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<sup>3</sup> In theory, BPD could face direct *Monell* liability where it did not already face indirect contractual liability if a departmental practice caused a constitutional violation and the officer involved had qualified immunity because the constitutional rule had not previously been established. *See Int’l Ground Transp. v. Mayor and City Council of Ocean City*, 475 F.3d 214, 219–20 (4th Cir. 2007) (noting that “a finding of no liability on the part of the individual municipal actors can co-exist with a finding of liability on the part of the municipality” in such a scenario). Such scenarios are very uncommon (involving changes to constitutional law), and the unconstitutionality of more common allegations of police misconduct (excessive force, wrongful arrest, withholding evidence, etc.) is well established.

increase in volume of cases following the change as a result of the *incorrect perception* that the change makes greater damage awards available, but this would likely subside as the bar gains greater familiarity with the factors discussed above. Thus, while there are other legal questions that may arise from this change in the law, concerns about increases in the City's civil liability are ultimately misplaced.

For these reasons, the Baltimore City Law Department urges a **favorable** report on SB 786.

# **Testimony-SB786-Baltimore City – Control of the Po**

Uploaded by: Stevenson, Christopher

Position: FAV



**Testimony on SB786**  
***Baltimore City – Control of the Police Department of Baltimore City***  
**Position: FAVORABLE**

Dear Mr. Chair and Members of the Judicial Proceedings Committee:

My name is Ricarra Jones, and I am the Political Director with 1199SEIU- the largest healthcare union in the nation, where we represent over 10,000 healthcare workers in Maryland. Given the need to allow the Baltimore City Department to better manage the community and its residents without third -party control, we support HB204- Health Care Facilities – Assisted Living Programs – Memory Care and Alzheimer’s Disease Unit Regulations.

Since the BPD is currently a state agency, the Baltimore’s City Council cannot implement policy changes that influence policing. This causes internal and external strife for the City due to the fact that immediate and long-standing policies and trends, aren’t able to be acted upon given the lack of authority of the BPD. In example, if a large-scale emergency were to break out such as past riots in Baltimore City, the BPD would have to wait for clearance and permission from the State to effectively due their jobs.

For 1199SEIU members, many of whom who work in Baltimore City, this legislation is of great importance. Not only do our members work in Baltimore City, but they are also residents. For this fact, our members like to know that they are being policed with standards and procedures that reflect the input and needs of the community they live in- not the needs of an outside entity. In practice, passing this legislation would ensure that residents are able to build a better rapport with the police department and thus, build more trust between residents and police officers.

For this reason, we believe that this Act will create the necessary structure in place to improve overall policing of Baltimore City residents, and improve the practices that police officers can take given their personal experiences and report with the community. For this reason, we are supportive of SB 786, which sets a path for giving Baltimore the same degree of control over its police as other Marylanders.

Respectfully,  
Ricarra Jones  
Maryland/DC Political Director  
1199SEIU United Healthcare Workers- East  
Cell: [443-844-6513](tel:443-844-6513)





**SB 786.pdf**

Uploaded by: Wirzberger, Michelle

Position: FAV



# BALTIMORE POLICE DEPARTMENT



**Brandon M. Scott**  
Mayor

**Michael S. Harrison**  
Police Commissioner

TO: The Honorable Members of the Senate Judicial Proceedings Committee

FROM: Michelle Wirzberger, Esq., Director of Government Affairs, Baltimore Police Dept.

RE: Senate Bill 786 Baltimore City – Control of the Police Department of Baltimore City

DATE: February 11, 2021

**POSITION: SUPPORT**

Chair Smith, Vice-Chair Waldstreicher, and members of the Judicial Proceedings Committee, please be advised that the Baltimore Police Department **supports** Senate Bill 786.

Senate Bill 786 has been requested by the administration of Baltimore Mayor Brandon Scott. The bill establishes a process through which the Baltimore Police Department will become an agency and instrumentality of the City of Baltimore, instead of the State. To that end, it establishes that January 1, 2025 shall be the date in which the transfer occurs and provides that the Department shall be considered an agency and instrumentality of the State for all actions arising out of acts, omissions or events that have occurred prior to the date of transfer and an agency and instrumentality of Baltimore City after that date.

It also establishes an advisory board that shall study and report out on a range of potential issues associated with the transfer of control including:

- ✓ Ongoing implementation of the Consent Decree;
- ✓ Management of the Police Department;
- ✓ Transfer of personnel;
- ✓ Various models of local control;
- ✓ Financial impacts, including liability issues; and
- ✓ Details of a potential charter amendment addressing the transfer.

We look forward to future conversations regarding this topic and to participating on the Advisory Board on the Transfer of Control of the Police Department of Baltimore City. Therefore, the Baltimore Police Department respectfully requests a **favorable** report on Senate Bill 786.

# **SB 786 - Local Control of Baltimore Police Departm**

Uploaded by: Beach, Jacqueline

Position: FWA

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 41. I am **testifying in support of Senate Bill 786 if it is amended.**



Senate Bill 786 would return control of the Baltimore City Police Department to Baltimore City, ensuring local elected officials can directly govern its operations.

The fact that Baltimore City, which is over 60% Black, does not have control of its own police department is a significant mechanism of racial oppression. At a time when we have seen tremendous growth in the movement of Black people who are seeking greater community control over policing, the residents of Baltimore do not have the power to enact the changes they want to see—even though taxpayers are paying hundreds of millions of dollars for it every year. They must travel to Annapolis to negotiate with legislators they didn't elect, a greater proportion of whom are white.

Year after year, we have seen Baltimore residents take off of work, arrange transportation and childcare, and wait all day in the hallways in order to testify. This is an unreasonably high bar to make one's voice heard. All too often, Baltimore residents are not heard and their interests are lost in the hectic pace of the state legislative session. We need to be able to legislate at the local level where there is more direct representation and more time to properly examine the issues.

Because of the importance of this bill and what it would mean for local input into how policing works, it is all the more important that this bill is implemented as soon as possible. Given 2022 is the earliest date a ballot initiative could happen, this means the 2025 date can and should be moved forward to January 1, 2023. Additionally, the spirit of this bill is to give greater community input into policing, so the implementation of this bill should also be done in that spirit. Unfortunately, as written the Advisory Board does not explicitly include community members. Consequently, Senate Bill 786 must be amended to include community members on the Advisory Board.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 786 with amendments to the bill to ensure it is implemented by 2023 and includes several community members in the Advisory Board.**

Thank you for your time, service, and consideration.

Sincerely,  
Jacqueline Beach  
2366 Sundew Terrace  
Baltimore, MD 21209  
Showing Up for Racial Justice Baltimore

# **SB0786 BCPD Local Control.pdf**

Uploaded by: Britt, Adiena

Position: FWA

SB0786 Public Safety - Law Enforcement Reform -Return the BCPD back to the City

Stance: Favorable with Amendments

Testimony: My name is Adiena C. Britt from the 45<sup>th</sup> Legislative District of Baltimore City. I am writing to offer my support but with amendments for SB0786 which will move the Baltimore City Police Department from a State Agency, back under City Leadership where it belongs. The Amendment I propose is that this happens NOW, not in 2025, but NOW. This needs to occur in 2021, as this agency has been mismanaged by the state since the 1860s! During the course of 2020, I was engaging with my State representatives, as well as two other City Senators who previously blocked this measure. I was told by one I wasn't his constituent, one never answered, and mine told me that his decision was due to "fiscal" and "TORT" reasoning.

These stances on control of the BCPD are unfounded, as MILLIONS of dollars are paid out of the City coffers in any given year for Police misconduct cases. I believe this is due to City Residents having Civil Cases as their only recourse. There is currently no accountability within the BCPD. I was also told that City leadership should "just change the charter", but the City Charter does not supersede any State Law. The City charter does not offer any type of control over the BCPD outside of hiring a commissioner and deciding the budget. That's all. Changing the City Charter would do NOTHING with their being under State Control at this time, yet are on the hook for millions in settlements. All of this with no say so in how the agency is operated or to enact any types of reforms.

The City Council meets year-round, while the MD General Assembly meets for 90 days per year. Less during the current COVID outbreak. This current set up requires that any reforms, changes, or mandates have to be quickly imagined, written, proposed, and voted on by an ENTIRE state's worth of Legislators for City matters. If the opportunity is missed, another year goes by without any reforms. City residents have no control over what Delegates and Senators from other jurisdictions decide, and when we're being told by city Leaders from other districts that we are Not their constituents, how can we expect folks from outside of the City to listen to us? It is incomprehensible that we only have a 90-day window per year to handle police matters for Baltimore City. No other jurisdiction has such restraints upon it.

Baltimore City Residents have the right to have a say so in our policing, and it should occur within the City Council and Mayor's Office, NOT the MD General Assembly. No other counties have the right to decide whether or not we receive justice, proper policing, nor changes in leadership and the day-to-day operations of our Police Department. As of now, Baltimore City Residents are failing to receive proper responses from their own members of the General Assembly, so why should we expect it from others? City Council and the Mayor have to sit through testimony and hearings on Police Misconduct. The City Solicitor has to decide if and how much civil cases should cost tax payers. Perhaps if the State was on the hook for these things, they would be more than willing to give Baltimore back control of our Police Department. We, as tax payers, shouldn't be on the hook for a State Agency. Again, I would like to reiterate that this needs to happen in 2021!! Please pass this through the committee to the full Senate and House with the amendment to enact NOW to be enacted into Law.

Thank you.

Adiena C. Britt

6014 Old Harford Rd. Baltimore, MD 21214



**SB 786 Local Control\_FAV w Am\_Cain.pdf**

Uploaded by: Cain, Darlene

Position: FWA



**Testimony for the Senate Judicial Proceedings Committee  
February 11, 2021**

**SB 786 –Baltimore City – Control of the Police Department of Baltimore City**

**FAVORABLE WITH AMENDMENTS**

To: Chairman Smith, Vice Chair Waldstreicher, and members of the Committee

My name is **Darlene Cain** and I live in **Baltimore, City, Maryland**. I am testifying **in support of SB 786, with amendments**, to make the Baltimore City Police Department (BPD) a City agency. This bill is about racial justice and police accountability and would lead to Baltimore's local elected officials governing the BPD.

This means so much to me because I lost my son, Dale Graham on October 28, 2008 to a Baltimore City Police Officer. I never received information on the officer's background or had my day in court. I do not want anyone to suffer as I have for the past 12 years. We cannot sit back and allow an officer to be the judge, jury, and executioner while mothers and families are left voiceless. Even with camera footage there is little liability for the actions of misconduct by the police or for taking someone's life. Instead of attending hearings for police accountability in a court room for wrongful actions, we are planning funerals and burials. If the roles were reversed, families of police officers would want justice for their loved one's life that was taken unjustly. Dale's dreams, like so many others, were stolen. Mothers, fathers, and families are left traumatized; visiting gravesites on birthdays and holidays while violent officers can continue their job and see their families. Dale has two daughters that are now fatherless. Baltimore families live in fear of the police and with no trust, due to the militarization of officers coming into our community. We want to make Baltimore a better place for a better Baltimore. Sadly, our new normal is to mourn with unanswered questions. We demand accountability, starting now.

Since the BPD is currently a state agency, Baltimore's City Council cannot implement policy changes that influence policing; these must instead go through the General Assembly - a body that only meets for 90 days annually and is 30 miles away from Baltimore. SB 786 sets a path for giving Baltimore the same degree of control over its police as other Marylanders.

That said, 2025 is far too long to wait. SB 786 should be amended so that local control would be on the 2022 ballot with an implementation date of January 1, 2023. Further, the make-up of the Advisory Board does not explicitly include community members. SB 786 should be amended to include community members.

SB 786 would positively contribute to the reform of policing in Baltimore by working toward restoring local control of the Baltimore City Police Department. **I urge the committee to issue a favorable report on SB 786 with amendments to the bill to shorten the implementation timeline to 2023 and include community members in the Advisory Board.**

Sincerely,

Darlene Cain

# **SB 786 - Local Control of Baltimore Police Departm**

Uploaded by: Chan, Sam

Position: FWA

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 45. I am **testifying in support of Senate Bill 786 if it is amended.**



Senate Bill 786 would return control of the Baltimore City Police Department to Baltimore City, ensuring local elected officials can directly govern its operations.

The fact that Baltimore City, which is over 60% Black, does not have control of its own police department is a significant mechanism of racial oppression. At a time when we have seen tremendous growth in the movement of Black people who are seeking greater community control over policing, the residents of Baltimore do not have the power to enact the changes they want to see--even though taxpayers are paying hundreds of millions of dollars for it every year. They must travel to Annapolis to negotiate with legislators they didn't elect, a greater proportion of whom are white.

Year after year, we have seen Baltimore residents take off of work, arrange transportation and childcare, and wait all day in the hallways in order to testify. This is an unreasonably high bar to make one's voice heard. All too often, Baltimore residents are not heard and their interests are lost in the hectic pace of the state legislative session. We need to be able to legislate at the local level where there is more direct representation and more time to properly examine the issues.

Because of the importance of this bill and what it would mean for local input into how policing works, it is all the most important that this bill is implemented as soon as possible. Given 2022 is the earliest date a ballot initiative could happen, this means the 2025 date can and should be moved forward to January 1, 2023. Additionally, the spirit of this bill is to give greater community input into policing, so the implementation of this bill should also be done in that spirit. Unfortunately, as written the Advisory Board does not explicitly include community members. Consequently, Senate Bill 786 must be amended to include community members on the Advisory Board.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 786 with amendments to the bill to ensure it is implemented by 2023 and includes several community members in the Advisory Board.**

Thank you for your time, service, and consideration.

Sincerely,  
Sam Chan  
207 E. Preston St. Apt 3A  
Baltimore MD 21202  
Showing Up for Racial Justice Baltimore

**testimony.SB786.pdf**

Uploaded by: Chaudry, Zainab

Position: FWA



February 11, 2021

Honorable Senator William C. Smith, Jr.  
Chair, Senate Judicial Proceedings Committee  
Miller Senate Office Building, 2 East  
Annapolis, MD 21401

**Re: Testimony in SUPPORT of SB786 – Baltimore City – Control of the Police  
Department of Baltimore City**

Dear Chair William C. Smith, Jr. and Senate Judicial Proceedings Committee Members:

On behalf of the Council on American-Islamic Relations, I thank you for this opportunity to testify in support of Senate Bill **SB 786** with amendments, sponsored by Senator Cory McCray, to make the Baltimore City Police Department (BPD) a City agency. CAIR is America's largest Muslim civil rights and advocacy organization.

This bill is critical because after 160 years, it would finally restore control of the police department to the City of Baltimore and foster public accountability and trust between city residents and the BPD.

I was born and raised in Baltimore, Maryland. I attended Steuart Hill and Franklin Square Elementary Schools, West Baltimore Middle School and Western High School. Growing up, I personally witnessed and experienced the harmful impact of mistrust in law enforcement officers in my neighborhood prompted by the lack of transparency, accountability and reliability. It hindered community safety and effective policing methods.

For over a century and a half, BPD has been the only local police department in Maryland designated as a state agency - thus, prohibiting Baltimore's Mayor and City Council from implementing meaningful policy changes that influence policing. Such measures must instead go through the General Assembly - a body that only meets for 90 days annually and is far removed from Baltimore. SB786 sets a path for restoring to Baltimore the same degree of control over its police as other jurisdictions.

CAIR is part of the Maryland Coalition for Justice and Police Accountability. The coalition's position is that SB 786 should be amended so that the issue of local control can be included on the 2022 ballot with an implementation date of January 1, 2023. We are also concerned that the advisory board does not explicitly include community members. This bill should be amended to remedy that.

SB 786 would positively contribute to effective policing in Baltimore and enable local lawmakers to take steps to enact meaningful reforms. I respectfully urge the committee to issue a favorable report on this legislation with amendments to shorten the implementation timeline to 2023 and include community members in the Advisory Board.

Sincerely,

Zainab Chaudry, Pharm.D.  
Director, CAIR Office in Maryland  
Council on American-Islamic Relations  
Email: [zchaudry@cair.com](mailto:zchaudry@cair.com)

# **SB0786 Favorable w Amendments Testimony Local Cont**

Uploaded by: Cocke, Abigail

Position: FWA



*Many struggles, one mission.*

## Testimony FAVORABLE WITH AMENDMENTS for SB0786

February 9, 2021

Dear members of the Judicial Proceedings Committee,

My name is Abby Cocke, and I am a resident of Baltimore City in District 43. On behalf of Baltimore for Border Justice, a local advocacy and aid organization, I am submitting this testimony in support with amendments for SB0786, *Baltimore City – Control of the Police Department of Baltimore City*.

“The BPD will never be fully accountable to its residents until full control of the Department is returned to the city” – these are the words of the 2018 Community Oversight Task Force (COTF) report, which was mandated by the Department of Justice’s Consent Decree. That Consent Decree, of course, was put in place because of the unconstitutional brutality and racism of the Baltimore Police Department under state rule, thrown into stark relief when the people of the city rose up, unwilling to take it any longer. While local control in itself will not cure our policing ills, it IS a necessary step, and one that can’t come soon enough.

No other jurisdiction in the state, and almost no other city in the country, lacks sovereignty over its own police force the way the residents of Baltimore City currently do. This antiquated and oppressive system frustrates attempts at change and accountability. When we see something wrong that needs fixing, our local elected leaders can shrug their shoulders and pass the buck to a body that only meets 90 days of the year, 30 miles away from Baltimore. Lawmakers from all across the state should not be making decisions that only affect the people of Baltimore – it is an affront to the very idea of self-government. It is for these reasons that we strongly support the part of SB0786 that restores local control of the Baltimore Police Department to the City of Baltimore.

However, we are appalled by the overly drawn-out timeline written into this bill. Four years is far, far too long to wait when urgent changes are needed now. If local control were something brand new and innovative, perhaps we would need that time, but instead it’s something that has been considered for many years already, and we have an abundance of models for what’s working and not working for cities that control their own police forces. **SB0786 should be amended so that local control would be on the 2022 ballot with an implementation date of January 1, 2023.** That would still give the Advisory Board plenty of time to create its report – if the COTF can complete its work on many different aspects of policing in a single year, why do we need a year and a half to study this single, straightforward issue? We can and must continue to study and implement reforms after control of BPD is transferred to the city, and there is no compelling reason to wait four whole years to begin that process.

As for the Advisory Board itself, it is startling to see that its makeup includes so many officials, but does not mandate the inclusion of any community members, such as those who authored the COTF report. The people who are most affected by the issue must have their voices included in the process if we hope to achieve an equitable outcome. **SB0786 should be amended so that community representatives are explicitly included as part of the Advisory Board.**

Thank you for your attention and for doing the right thing.

Sincerely,

Abby Cocke  
Co-founder, Baltimore for Border Justice  
[Bmore4borderjustice@gmail.com](mailto:Bmore4borderjustice@gmail.com)  
443-631-0432



**SB 786 Local Control\_FAV w Am\_Richardson.pdf**

Uploaded by: Cruice, Amy

Position: FWA

**Testimony for the Senate Judicial Proceedings Committee  
February 11, 2021**

**SB 786 –Baltimore City – Control of the Police Department of Baltimore City**

**FAVORABLE WITH AMENDMENTS**

To: Chairman Smith, Vice Chair Waldstreicher, and members of the Committee

My name is **Brandon Richardson** and I live in **Baltimore, Maryland**. I am testifying **in support of SB 786, with amendments**, to make the Baltimore City Police Department (BPD) a City agency. This bill is about racial justice and police accountability and would lead to Baltimore’s local elected officials governing the BPD.

In 2018, I was stopped and frisked by the Baltimore Police, which turned into questioning, an intrusive search and an unlawful arrest. They also towed my car, caused me to miss days of work, and causing harm to me and my family.

Since the BPD is currently a state agency, Baltimore’s City Council cannot implement policy changes that influence policing; these must instead go through the General Assembly - a body that only meets for 90 days annually and is 30 miles away from Baltimore. SB 786 sets a path for giving Baltimore the same degree of control over its police as other Marylanders.

That said, 2025 is far too long to wait. SB 786 should be amended so that local control would be on the 2022 ballot with an implementation date of January 1, 2023. Further, the make-up of the Advisory Board does not explicitly include community members. SB 786 should be amended to include community members.

SB 786 would positively contribute to the reform of policing in Baltimore by working toward restoring local control of the Baltimore City Police Department. **I urge the committee to issue a favorable report on SB 786 with amendments to the bill to shorten the implementation timeline to 2023 and include community members in the Advisory Board.**

Respectfully,  
Brandon Richardson

**SB786\_FAVWA\_FChavez.pdf**

Uploaded by: Diaz, Lorena

Position: FWA

**Testimony for the Senate Judicial Proceedings Committee  
February 11, 2021**

**SB 786 –Baltimore City – Control of the Police Department of Baltimore City**

**FAVORABLE WITH AMENDMENTS**

To: Chairman Smith, Vice Chair Waldstreicher, and members of the Committee

My name is **Fernando Chavez** and I live in **Baltimore City**, Maryland. I am testifying **in support of SB 786, with amendments**, to make the Baltimore City Police Department (BPD) a City agency. This bill is about racial justice and police accountability and would lead to Baltimore’s local elected officials governing the BPD.

As an immigrant, a DACA recipient, and a brown man living in Baltimore City, it is very important to me that Baltimore City has the power to govern the BPD. It is the **ONLY** way that we as a city and community can hold police officers accountable. It is up to you to make sure this bill passes with amendments. The community is pushing for this, we need this, and we are asking that you pass with amendments.

Since the BPD is currently a state agency, Baltimore’s City Council cannot implement policy changes that influence policing; these must instead go through the General Assembly - a body that only meets for 90 days annually and is 30 miles away from Baltimore. SB 786 sets a path for giving Baltimore the same degree of control over its police as other Marylanders.

That said, 2025 is far too long to wait. SB 786 should be amended so that local control would be on the 2022 ballot with an implementation date of January 1, 2023. Further, the make up of the Advisory Board does not explicitly include community members. SB 786 should be amended to include community members.

SB 786 would positively contribute to the reform of policing in Baltimore by working toward restoring local control of the Baltimore City Police Department. **I urge the committee to issue a favorable report on SB 786 with amendments to the bill to shorten the implementation timeline to 2023 and include community members in the Advisory Board.**

Respectfully,  
Fernando Chavez

**SB786\_FAVwA\_JPerez .pdf**

Uploaded by: Diaz, Lorena

Position: FWA

**Testimony for the Senate Judicial Proceedings Committee  
February 11, 2021**

**SB 786 –Baltimore City – Control of the Police Department of Baltimore City**

**FAVORABLE WITH AMENDMENTS**

To: Chairman Smith, Vice Chair Waldstreicher, and members of the Committee

My name is **Jesus Eusebio Perez** and I live in **Baltimore City**, Maryland. I am testifying **in support of SB 786, with amendments**, to make the Baltimore City Police Department (BPD) a City agency. This bill is about racial justice and police accountability and would lead to Baltimore's local elected officials governing the BPD.

As an immigrant, a DACA recipient, and brown man in Baltimore City it is crucial that we have local control in Baltimore City. For many years I have been very involved in community work through CASA and other local organizations in the area that work directly with Black and Brown communities. Through this work and my own personal experience, I can honestly say that we need to have local control in order to have police transparency and accountability in Baltimore City. I am asking that you pass this bill with amendments.

Since the BPD is currently a state agency, Baltimore's City Council cannot implement policy changes that influence policing; these must instead go through the General Assembly - a body that only meets for 90 days annually and is 30 miles away from Baltimore. SB 786 sets a path for giving Baltimore the same degree of control over its police as other Marylanders.

That said, 2025 is far too long to wait. SB 786 should be amended so that local control would be on the 2022 ballot with an implementation date of January 1, 2023. Further, the make-up of the Advisory Board does not explicitly include community members. SB 786 should be amended to include community members.

SB 786 would positively contribute to the reform of policing in Baltimore by working toward restoring local control of the Baltimore City Police Department. **I urge the committee to issue a favorable report on SB 786 with amendments to the bill to shorten the implementation timeline to 2023 and include community members in the Advisory Board.**

Respectfully,  
Jesus Perez

**SB786\_FAVwA\_MCP.pdf**

Uploaded by: Diaz, Lorena

Position: FWA

**Testimony for the Senate Judicial Proceedings Committee  
February 11, 2021**

**SB 786 –Baltimore City – Control of the Police Department of Baltimore City**

**FAVORABLE WITH AMENDMENTS**

To: Chairman Smith, Vice Chair Waldstreicher, and members of the Committee

My name is **Monica Camacho Perez** and I live in **Baltimore City**, Maryland. I am testifying **in support of SB 786, with amendments**, to make the Baltimore City Police Department (BPD) a City agency. This bill is about racial justice and police accountability and would lead to Baltimore's local elected officials governing the BPD.

I migrated to Baltimore City from Mexico at a very young age and have been very involved in community work. While I worked at CASA de Maryland, I got more involved in the policing work and understand the importance of Baltimore City governing the BPD. We, as a city and community, are not able to hold police officers accountable if we do not have the power to govern the BPD. The moment is now for you and everyone in the House to pass this bill with amendments, to make sure there is police accountability and transparency within the BPD.

Since the BPD is currently a state agency, Baltimore's City Council cannot implement policy changes that influence policing; these must instead go through the General Assembly - a body that only meets for 90 days annually and is 30 miles away from Baltimore. SB 786 sets a path for giving Baltimore the same degree of control over its police as other Marylanders.

That said, 2025 is far too long to wait. SB 786 should be amended so that local control would be on the 2022 ballot with an implementation date of January 1, 2023. Further, the make up of the Advisory Board does not explicitly include community members. SB 786 should be amended to include community members.

SB 786 would positively contribute to the reform of policing in Baltimore by working toward restoring local control of the Baltimore City Police Department. **I urge the committee to issue a favorable report on SB 786 with amendments to the bill to shorten the implementation timeline to 2023 and include community members in the Advisory Board.**

Respectfully,

Monica Camacho Perez



# **SB 786 - Local Control of Baltimore Police Departm**

Uploaded by: Dwyer, Maura

Position: FWA

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 40. I am **testifying in support of Senate Bill 786 if it is amended.**



Senate Bill 786 would return control of the Baltimore City Police Department to Baltimore City, ensuring local elected officials can directly govern its operations.

The fact that Baltimore City, which is over 60% Black, does not have control of its own police department is a significant mechanism of racial oppression. At a time when we have seen tremendous growth in the movement of Black people who are seeking greater community control over policing, the residents of Baltimore do not have the power to enact the changes they want to see—even though taxpayers are paying hundreds of millions of dollars for it every year. They must travel to Annapolis to negotiate with legislators they didn't elect, a greater proportion of whom are white.

Year after year, we have seen Baltimore residents take off of work, arrange transportation and childcare, and wait all day in the hallways in order to testify. This is an unreasonably high bar to make one's voice heard. All too often, Baltimore residents are not heard and their interests are lost in the hectic pace of the state legislative session. We need to be able to legislate at the local level where there is more direct representation and more time to properly examine the issues.

Because of the importance of this bill and what it would mean for local input into how policing works, it is all the most important that this bill is implemented as soon as possible. Given 2022 is the earliest date a ballot initiative could happen, this means the 2025 date can and should be moved forward to January 1, 2023. Additionally, the spirit of this bill is to give greater community input into policing, so the implementation of this bill should also be done in that spirit. Unfortunately, as written the Advisory Board does not explicitly include community members. Consequently, Senate Bill 786 must be amended to include community members on the Advisory Board.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 786 with amendments to the bill to ensure it is implemented by 2023 and includes several community members in the Advisory Board.**

Thank you for your time, service, and consideration.

Sincerely,  
Maura Dwyer  
**3908 Falls Rd**  
**Baltimore MD 21211**  
Showing Up for Racial Justice Baltimore

# **SB 786 - Local Control of Baltimore Police Departm**

Uploaded by: Esposito, Lindsay

Position: FWA

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 45. I'm proud to have been a resident of Baltimore City since 2008 and a homeowner and voter in the Greenmount West neighborhood for the last 8 years. I am **testifying in support of Senate Bill 786 if it is amended.**



Senate Bill 786 would return control of the Baltimore City Police Department to Baltimore City, ensuring local elected officials can directly govern its operations.

The fact that Baltimore City, which is over 60% Black, does not have control of its own police department is a significant mechanism of racial oppression. At a time when we have seen tremendous growth in the movement of Black people who are seeking greater community control over policing, the residents of Baltimore do not have the power to enact the changes they want to see—even though taxpayers are paying hundreds of millions of dollars for it every year. They must travel to Annapolis to negotiate with legislators they didn't elect, a greater proportion of whom are white.

Year after year, we have seen Baltimore residents take off of work, arrange transportation and childcare, and wait all day in the hallways in order to testify. This is an unreasonably high bar to make one's voice heard. All too often, Baltimore residents are not heard and their interests are lost in the hectic pace of the state legislative session. We need to be able to legislate at the local level where there is more direct representation and more time to properly examine the issues.

Because of the importance of this bill and what it would mean for local input into how policing works, it is all the most important that this bill is implemented as soon as possible. Given 2022 is the earliest date a ballot initiative could happen, this means the 2025 date can and should be moved forward to January 1, 2023. Additionally, the spirit of this bill is to give greater community input into policing, so the implementation of this bill should also be done in that spirit. Unfortunately, as written the Advisory Board does not explicitly include community members. Consequently, Senate Bill 786 must be amended to include community members on the Advisory Board.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 786 with amendments to the bill to ensure it is implemented by 2023 and includes several community members in the Advisory Board.**

Thank you for your time, service, and consideration.

Sincerely,  
Lindsay Esposito  
434 E Oliver  
Baltimore, MD 21202  
Showing Up for Racial Justice Baltimore

# **SB 786 - Local Control of Baltimore Police Departm**

Uploaded by: Fertig, Benjamin

Position: FWA

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District **11**. I am **testifying in support of Senate Bill 786 if it is amended.**



Senate Bill 786 would return control of the Baltimore City Police Department to Baltimore City, ensuring local elected officials can directly govern its operations.

The fact that Baltimore City, which is over 60% Black, does not have control of its own police department is a significant mechanism of racial oppression. At a time when we have seen tremendous growth in the movement of Black people who are seeking greater community control over policing, the residents of Baltimore do not have the power to enact the changes they want to see--even though taxpayers are paying hundreds of millions of dollars for it every year. They must travel to Annapolis to negotiate with legislators they didn't elect, a greater proportion of whom are white.

Year after year, we have seen Baltimore residents take off of work, arrange transportation and childcare, and wait all day in the hallways in order to testify. This is an unreasonably high bar to make one's voice heard. All too often, Baltimore residents are not heard and their interests are lost in the hectic pace of the state legislative session. We need to be able to legislate at the local level where there is more direct representation and more time to properly examine the issues.

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It is for these reasons that I am encouraging you to vote **in support of Senate Bill 786 with amendments to the bill to ensure it is implemented by 2023 and includes several community members in the Advisory Board.**

Thank you for your time, service, and consideration.

Sincerely,

**Benjamin Fertig**

**2722 Quarry Heights Way, Baltimore, MD 21209**

Showing Up for Racial Justice Baltimore

**BaltTestimony\_2021\_SB786\_HB1027.pdf**

Uploaded by: Freeman, Iman

Position: FWA

**TESTIMONY in Support with Amendments for Senate Bill 786  
Baltimore City – Control of the Police Department of Baltimore City**

**TO:** Chair Smith, Vice Chair Walstreicher, and members of the Judicial Proceedings Committee  
**FROM:** Iman Freeman on behalf of Baltimore Action Legal Team

My name is Iman Freeman and I am the Executive Director of Baltimore Action Legal Team (BALT). I submit this testimony in favor of SB 786 with amendments.

In 1860, Baltimore City lost control of its police department as a direct result of racist campaigning and violence on the streets of Baltimore. Prior to that, in the 1850's, Baltimore was unfortunately in the grips of anti-immigration, pro-hate political party that allowed members to freely restrict fellow citizen's access to voting and liberty. At that time, the Baltimore Police Department was a function of the Know Nothing party and allowed violence against political enemies to go unchecked. Unsurprisingly, the Governor eventually stepped in, but in the ugly tradition of Maryland's Governor being unwilling to work with Baltimore's Mayor, the outcome was a bill in the legislature that removed control of the police department from Baltimore's government. With no plan to return control to the democratically elected government of the City, the City has had limited authority within its own community for over 160 years. The control that the state has exerted over Baltimore through the different styles of intervention in the Baltimore Police Department has changed over the years. In 1914-1915, Mayor Preston and Governor Goldsborough had a rather public argument about how effective the state run police were at dealing with issues of vice within the city. Not until 1976 would Baltimore's mayor be able to hire their own police commissioner.

In the past several years there has been increasing awareness and support from City residents to fully return all aspects of the Baltimore Police Department to the City of Baltimore. The motivation for many residents is that, once again, we are dealing with issues of racism in our police force. The systemic racism that exists in every aspect of the justice system - from laws that police enforce to the ways that the police operate in our communities to the cases that State's Attorney's choose to prosecute to the sentences imposed by judges - all harm Baltimore and the people who live in this powerful and resilient city. Baltimore lost power over its police department over issues of racism, and now the residents ask for the return to full control over the department because of racism.

BALT stands with other members of the Coalition for Justice, Safety, and Jobs (CJSJ) in supporting Mayor Scott's bill, with the inclusion of several amendments. We would like to see a shorter implementation of the proposed advisory board to 2023, as well as ensuring that the advisory board includes a dedicated team of civilians. Without these amendments, without specifically ensuring the inclusion of community members who have been demanding return of local control for the past five and ten years, this bill has little merit.

I urge a favorable report, with amendments, on SB 786 from this committee.



**SB 786 PJC favorable with amendments testimony.pdf**

Uploaded by: Gardner, Debra

Position: FWA



Debra Gardner, Legal Director  
Public Justice Center  
201 North Charles Street, Suite 1200  
Baltimore, Maryland 21201  
410-625-9409, ext 228  
gardnerd@publicjustice.org

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## SB 786

### Baltimore City – Control of the Police Department of Baltimore City Hearing before the Senate Judicial Proceedings Committee, February 11, 2021 Position: SUPPORT WITH AMENDMENTS

The Public Justice Center (PJC) supports local control of police in Baltimore City as a critical component of police accountability, transparency, and reform that is long overdue.

True police reform in the City, the need for which can no longer be denied, cannot be accomplished without local control. The state's control came into existence as a reaction to a corrupt white take-over of city government in the mid-19th century. Now that perhaps laudable effort leaves City residents, the majority of whom are Black, with little say in their own public safety, diluted by the control of the General Assembly, which neither represents nor reflects the people of Baltimore. There is no reason for City residents, alone in the state, to suffer this loss of self-determination and control over their own community.

The lack of local control has concrete consequences. The City government was prevented from enacting its own body camera accountability measure and has been blocked in its efforts to advance the City's compliance with the US DOJ's consent decree on police reform.

The Maryland Coalition for Justice and Police Accountability seeks local control of City police at a critical time for transparency and accountability in policing. During recent years of state control, we have continued to see the over-policing and criminal targeting of Black and brown communities and the inability to rein in violent crime by the scandal-ridden BPD. All while the unjustified police killings of countless individuals in Baltimore, Maryland, and across the nation have been exposed by heinous example after horrid tragedy. Without a return to local control, there will be no improvement and there can be no rebuilding of trust and cooperation between City residents and those sworn to protect and serve. Every other jurisdiction in Maryland controls its own police. Baltimore must also.

**SB 786 should be amended to provide for the earliest possible move to local control in 2023. And it should be amended to require the inclusion of community members on the Advisory Board.**

The PJC is a non-profit legal advocacy organization dedicated to racial equity and ending poverty. Its Prisoners Rights Project seeks basic justice through reform in our criminal justice system and an end to all unnecessary detention and incarceration. Real police reform is critical to achieving those goals.

The PJC urges a FAVORABLE REPORT on SB 786. If you have any questions, please feel free to contact Debra Gardner, Legal Director, at [gardnerd@publicjustice.org](mailto:gardnerd@publicjustice.org) or 410 625 9409 ext 228.

*The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.*

**SB 786 - Local Control BPD LG.docx.pdf**

Uploaded by: Girdner, Linnie

Position: FWA

Dear Members of the Judicial Proceedings Committee,

I am a resident of MD District 21 and have lived in Maryland most of my 70 years. I am a member of Showing Up for Racial Justice Annapolis and Anne Arundel County. I am **testifying in support of Senate Bill 786 if it is amended.**

Senate Bill 786 would return control of the Baltimore City Police Department to Baltimore City, ensuring local elected officials can directly govern its operations.

The fact that Baltimore City, which is over 60% Black, does not have control of its own police department is a significant mechanism of racial oppression. At a time when we have seen tremendous growth in the movement of Black people who are seeking greater community control over policing, the residents of Baltimore do not have the power to enact the changes they want to see--even though taxpayers are paying hundreds of millions of dollars for it every year. They must travel to Annapolis to negotiate with legislators they didn't elect, a greater proportion of whom are white.

Year after year, we have seen Baltimore residents take off of work, arrange transportation and childcare, and wait all day in the hallways in order to testify. This is an unreasonably high bar to make one's voice heard. All too often, Baltimore residents are not heard and their interests are lost in the hectic pace of the state legislative session. We need to be able to legislate at the local level where there is more direct representation and more time to properly examine the issues.

Because of the importance of this bill and what it would mean for local input into how policing works, it is all the more important that this bill is implemented as soon as possible. Given 2022 is the earliest date a ballot initiative could happen, this means the 2025 date can and should be moved forward to January 1, 2023. Additionally, the spirit of this bill is to give greater community input into policing, so the implementation of this bill should also be done in that spirit. Unfortunately, as written the Advisory Board does not explicitly include community members. Consequently, Senate Bill 786 must be amended to include community members on the Advisory Board.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 786 with amendments to the bill to ensure it is implemented by 2023 and includes several community members in the Advisory Board.**

Thank you for your time, service, and consideration.

Sincerely,  
Linda K. Girdner, Ph.D.  
941 Fall Ridge Way  
Gambrills, MD 21054

# **SB 786 - Local Control of Baltimore Police Departm**

Uploaded by: Hauck, Barbara

Position: FWA

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 43. I am also a longtime member of Baltimore's vibrant theatre community, and the Artistic Director at the Fells Point Corner Theatre. I am **testifying in support of Senate Bill 786 if it is amended.**



Senate Bill 786 would return control of the Baltimore City Police Department to Baltimore City, ensuring local elected officials can directly govern its operations.

The fact that Baltimore City, which is over 60% Black, does not have control of its own police department is a significant mechanism of racial oppression. At a time when we have seen tremendous growth in the movement of Black people who are seeking greater community control over policing, the residents of Baltimore do not have the power to enact the changes they want to see--even though taxpayers are paying hundreds of millions of dollars for it every year. They must travel to Annapolis to negotiate with legislators they didn't elect, a greater proportion of whom are white.

Year after year, we have seen Baltimore residents take off of work, arrange transportation and childcare, and wait all day in the hallways in order to testify. This is an unreasonably high bar to make one's voice heard. All too often, Baltimore residents are not heard and their interests are lost in the hectic pace of the state legislative session. We need to be able to legislate at the local level where there is more direct representation and more time to properly examine the issues.

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It is for these reasons that I am encouraging you to vote **in support of Senate Bill 786 with amendments to the bill to ensure it is implemented by 2023 and includes several community members in the Advisory Board.**

Thank you for your time, service, and consideration.

Sincerely,  
Barbara Hauck (she/her)  
3420 Harford Road  
Baltimore, MD 21218  
Showing Up for Racial Justice Baltimore

# **SB 786 - Local Control of Baltimore Police Departm**

Uploaded by: Keipper, Lindsay

Position: FWA

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by residents of District 46 who are also community leaders in Showing Up for Racial Justice Baltimore. SURJ is a group of community members supporting local groups working for greater racial justice in Baltimore and the State of Maryland. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. We are **testifying in support of Senate Bill 786 if it is amended.**



Senate Bill 786 would return control of the Baltimore City Police Department to Baltimore City, ensuring local elected officials can directly govern its operations. The Department has been a state agency since 1860, when the State of Maryland took control because the city government, then under the control of the nativist Know-Nothing Party, was not controlling rampant, election-related violence instigated by Know-Nothing partisans. The ability to appoint the head of the force was only returned to the Mayor of Baltimore in 1976, and other than some changes to the Mayor's authority to fire the Commissioner, there has been no further movement to permit Baltimore City control over its own police force.

In the present state of affairs, the only way the city can influence or exert control over BCPD is by setting its budget or by firing a Police Commissioner and hiring a new one. These are very blunt instruments that give the Mayor and City Council little practical ability to govern how policing is handled in Baltimore. The citizens of Baltimore fund a police department that they have no ability to exert influence over. To fight for local change, they must travel to Annapolis to negotiate with legislators from other districts, most of whom have no experience or personal investment in the challenges Baltimore citizens face.

The fact that Baltimore City, which is over 60% Black, does not have control of its own police department is a significant mechanism of racial oppression. At a time when we have seen tremendous growth in the movement of Black people who are seeking greater community control over policing, the residents of Baltimore do not have the power to enact the changes they want to see. Year after year, we have seen Baltimore residents take off of work, arrange transportation and childcare, and wait all day in the hallways in order to testify. This is an unreasonably high bar to make one's voice heard. All too often, Baltimore residents are not heard and their interests are lost in the hectic pace of the state legislative session. We need to be able to legislate at the local level where there is more direct representation and more time to properly examine the issues.

Because of the importance of this bill and what it would mean for local input into how policing works, it is all the most important that this bill is implemented as soon as possible. Given 2022 is the earliest date a ballot initiative could happen, this means the 2025 date can and should be moved forward to January 1, 2023. Additionally, the spirit of this bill is to give greater community input into policing, so the implementation of this bill should also be done in that spirit. Unfortunately, as written the Advisory Board does not explicitly include community members. Consequently, Senate Bill 786 must be amended to include community members on the Advisory Board.

It is for these reasons that we are encouraging you to vote **in support of Senate Bill 786 with amendments to the bill to ensure it is implemented by 2023 and includes several community members in the Advisory Board.**



Thank you for your time, service, and consideration.

Sincerely,

SURJ District 46 Community Leaders

*Sarah Goldman*

*Christina Pham Linhoff*

*Ben Goldberg*

*Liz Simon-Higgs*

*Brian Seel*

*Lilly Chappa*

*Natalia Skolnik*

*Lindsay Keipper*

**MCJPA - FAV w Amendments - SB786.pdf**

Uploaded by: Lloyd, Rianna

Position: FWA



MARYLAND COALITION FOR JUSTICE & POLICE ACCOUNTABILITY

**Testimony for the Senate Judicial Proceedings Committee  
February 11, 2021**

**SB 786 –Baltimore City – Control of the Police Department of Baltimore City**

**POSITION: FAVORABLE WITH AMENDMENTS**

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

The Maryland Coalition for Justice & Police Accountability (MCJPA) is a large, diverse, statewide coalition of 90+ organizations united to demand [5 police reform demands](#), including returning local control of the Baltimore City Police Department to Baltimore. **MCJPA therefore supports SB 786, with amendments, to make the Baltimore City Police Department (BPD) a City agency.** This bill is about racial justice, police accountability, and representative democracy and would lead to Baltimore’s local elected officials governing the BPD. Police abuse and brutality is rampant in Baltimore. As part of the Consent Decree to address unconstitutional policing in Baltimore, the Community Oversight Task Force (COTF) recommendations pointed out that “Every other police force in Maryland is governed and regulated by their local charters. The same should be true for Baltimore City.”<sup>1</sup>

Since the BPD is currently a state agency, Baltimore’s City Council cannot implement policy changes that influence policing; these must instead go through the General Assembly. City officials and City residents must travel to Annapolis and petition the State for changes to something as fundamental as the number and boundaries of our local police districts. The City and its taxpayers are entirely responsible for funding the BPD’s budget, yet our local government isn’t able to govern the department. “Local governments were established in America to bring government closer to the people it serves...having government operate at the local level, [residents] have more opportunities to engage in the political process and influence public policies that will affect their lives...”<sup>2</sup> The same idea applies to policing. SB 786 sets a path for finally providing Baltimoreans with the same level of police oversight enjoyed by all other Marylanders.

That said, the path SB 786 lays out is far too long. In August of 2018, the COTF said, “control of the BPD [should] be completely returned to the city...with all deliberate speed.” SB 786 asks the people of Baltimore, who have already waited two and a half years, to wait another four years for the potential of establishing local control of the police department in 2025. This is simply unacceptable. **The bill should**

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1

[https://www.baltimorepolice.org/sites/default/files/General%20Website%20PDFs/0909\\_COTF\\_Final\\_Web.pdf](https://www.baltimorepolice.org/sites/default/files/General%20Website%20PDFs/0909_COTF_Final_Web.pdf)

2

[https://www.baltimorepolice.org/sites/default/files/General%20Website%20PDFs/0909\\_COTF\\_Final\\_Web.pdf](https://www.baltimorepolice.org/sites/default/files/General%20Website%20PDFs/0909_COTF_Final_Web.pdf)

**be amended so that local control would be on the 2022 ballot with an implementation date of January 1, 2023.**

Further, the make up of the Advisory Board does not explicitly include community members. **SB 786 should be amended to include community members, especially members of the Community Oversight Task Force (COTF).**

SB 786 proposes a long overdue change which will positively contribute to the reform of policing in Baltimore - local control of the Baltimore City Police Department. **We urge the committee to issue a favorable report on SB 786 with amendments to the bill to shorten the implementation timeline to 2023 and include community members in the Advisory Board.**

Respectfully,

Maryland Coalition for Justice & Police Accountability (members listed below)

Advocates for Children and Youth  
ACLU of Maryland  
ACLU of Maryland, Montgomery County Chapter  
Amnesty International  
Arts Education in Maryland Schools (AEMS) Alliance  
Baltimore Action Legal Team  
Baltimore Bern Unit  
Baltimore City Civilian Review Board  
Baltimore for Border Justice  
Be More Unified  
Council on American-Islamic Relations (CAIR) - Maryland  
CASA  
Caucus of African-Americans Leaders  
Citizens Policing Project  
Coalition for Justice for Anton Black  
Coalition of Concerned Mothers  
Coalition of People Opposed Violence and Extremism  
Common Cause Maryland  
Community Actively Seeking Transparency (C.A.S.T.)  
Community Justice  
Democratic Socialists of America – Baltimore City  
Democratic Socialists of America – Greater Baltimore  
Democratic Socialists of America – Prince George’s County  
Disability Rights Maryland  
Do the Most Good  
Drug Policy Alliance  
Equality Matters  
For Kathy’s Sake

FreeState Justice  
Greenbelt People Power  
Hispanic National Law Enforcement Association  
Homeless Persons Representation Project  
Innocence Project  
InterFaith Action for Human Rights  
Jews United For Justice  
Job Opportunities Task Force  
Justice Policy Institute  
The JustUs Initiative  
Kevin L. Cooper Foundation  
Law Enforcement Action Partnership  
Leaders of a Beautiful Struggle  
League of Women Voters Maryland  
LGBTQ Dignity Project  
Life After Release  
Making Changes LLC  
Mama Sisterhood of Prince George's County  
March for Our Lives Maryland  
Maryland Alliance for Justice Reform  
Maryland Center on Economic Policy  
Maryland Consumer Rights Coalition  
Maryland Defenders Union  
Maryland Justice Project  
Maryland Poor People's Campaign  
Maryland Prisoners' Rights Coalition  
Maryland Restorative Justice Initiative  
Montgomery County Civil Rights Coalition  
Montgomery County Democratic Socialists of America  
Mothers on the Move  
NARAL Pro-Choice Maryland  
NAACP Legal Defense and Educational Fund  
National Coalition for Drug Legalization  
Nigerian American Lawyers Association - Washington DC Chapter  
Office of the Public Defender  
Organizing Black  
Our Maryland  
Our Prince George's  
Our Revolution Maryland  
Out For Justice  
Planned Parenthood of Maryland  
Power Inside

Prevent Gun Violence Ministry, River  
Road Unitarian Universalist Congregation  
Prince George's People's Coalition  
Prisons to Professionals  
Progressive Maryland  
Public Justice Center  
Racial Justice NOW!  
Rebuild, Overcome, and Rise (ROAR) Center at University of Maryland-Baltimore  
Reproductive Justice Inside  
Sanctuary DMV  
SEIU 1199  
Showing up for Racial Justice, Annapolis and Anne Arundel County  
Showing Up for Racial Justice, Baltimore  
Showing Up for Racial Justice, Montgomery County  
Sierra Club Maryland Chapter  
Silver Spring Justice Coalition  
Takoma Park Mobilization  
West Wednesdays  
Wicomico County NAACP Branch 7028  
Women's Law Center  
Young People for Progress

**SB786 - FAV- Toby Ditz, JUFJ.pdf**

Uploaded by: Lloyd, Rianna

Position: FWA

February 11, 2021

Toby Ditz  
Baltimore MD 21217



**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 MPIA, 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.”<sup>1</sup>

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.**

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<sup>1</sup> “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](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.”<sup>2</sup> 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.**

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<sup>2</sup> 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.

# **SB786- FAV - Sam Blau.pdf**

Uploaded by: Lloyd, Rianna

Position: FWA

February 11, 2021

Samantha Blau  
Baltimore, MD 21224

**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:** Samantha Blau

My name is Samantha Blau and I am a resident of Baltimore City in the 46th district. I write to you to ask for your **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.

Since moving to Baltimore in 2011, since starting work in Baltimore in 2009, local control of the Baltimore City Police department has been an issue that those around me, neighbors and co-workers have discussed as a priority. I would imagine that since 1860 residents of the city have been looking forward to a return of their police department to their own local government. In 1915 Mayor Preston expressed a desire to wrest control of his City's police department from state control. In my volunteer work I know that I have met with representatives from the Baltimore City delegation on this issue more than once, not to mention discussing it with my own representatives. This is an issue whose time came long ago and is disturbingly only recently being taken seriously.

In the vein of the mismanagement of this issue, I am disappointed that the bill presented this session lacks some fundamental components. I hope that this bill can be given amendments in order to bolster its ability to be of use to the community. **I support the addition of community members to the proposed advisory board.** If the power of this bill is to hinge on the execution of a ballot initiative I would like to see that guaranteed and not merely suggested. I believe that **the ballot initiative should take place as soon as possible (the 2022 election) and not delay this act of justice to 2024.**

**I respectfully urge this committee to give a favorable report, with amendments, on SB786/HB1027.**

# **SB 786 - Local Control of Baltimore Police Departm**

Uploaded by: Murray, Kerriann

Position: FWA

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 10. I am **testifying in support of Senate Bill 786 if it is amended.**



Senate Bill 786 would return control of the Baltimore City Police Department to Baltimore City, ensuring local elected officials can directly govern its operations.

The fact that Baltimore City, which is over 60% Black, does not have control of its own police department is a significant mechanism of racial oppression. At a time when we have seen tremendous growth in the movement of Black people who are seeking greater community control over policing, the residents of Baltimore do not have the power to enact the changes they want to see--even though taxpayers are paying hundreds of millions of dollars for it every year. They must travel to Annapolis to negotiate with legislators they didn't elect, a greater proportion of whom are white.

Year after year, we have seen Baltimore residents take off of work, arrange transportation and childcare, and wait all day in the hallways in order to testify. This is an unreasonably high bar to make one's voice heard. All too often, Baltimore residents are not heard and their interests are lost in the hectic pace of the state legislative session. We need to be able to legislate at the local level where there is more direct representation and more time to properly examine the issues.

Because of the importance of this bill and what it would mean for local input into how policing works, it is all the most important that this bill is implemented as soon as possible. Given 2022 is the earliest date a ballot initiative could happen, this means the 2025 date can and should be moved forward to January 1, 2023. Additionally, the spirit of this bill is to give greater community input into policing, so the implementation of this bill should also be done in that spirit. Unfortunately, as written the Advisory Board does not explicitly include community members. Consequently, Senate Bill 786 must be amended to include community members on the Advisory Board.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 786 with amendments to the bill to ensure it is implemented by 2023 and includes several community members in the Advisory Board.**

Thank you for your time, service, and consideration.

Sincerely,  
Tamara Todd  
221 Northway Rd, Reisterstown, MD 21136  
Showing Up for Racial Justice Baltimore

# **SB 786 - Local Control of Baltimore Police Departm**

Uploaded by: Rehr, Nathan

Position: FWA

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District **45**. I am an active member of my community association and a health professional who is interested in eliminating the health disparities that occur with racial discrimination in our society. I am **testifying in support of Senate Bill 786 if it is amended**.



Senate Bill 786 would return control of the Baltimore City Police Department to Baltimore City, ensuring local elected officials can directly govern its operations.

The fact that Baltimore City, which is over 60% Black, does not have control of its own police department is a significant mechanism of racial oppression. At a time when we have seen tremendous growth in the movement of Black people who are seeking greater community control over policing, the residents of Baltimore do not have the power to enact the changes they want to see--even though taxpayers are paying hundreds of millions of dollars for it every year. They must travel to Annapolis to negotiate with legislators they didn't elect, a greater proportion of whom are white.

Year after year, we have seen Baltimore residents take off of work, arrange transportation and childcare, and wait all day in the hallways in order to testify. This is an unreasonably high bar to make one's voice heard. All too often, Baltimore residents are not heard and their interests are lost in the hectic pace of the state legislative session. We need to be able to legislate at the local level where there is more direct representation and more time to properly examine the issues.

Because of the importance of this bill and what it would mean for local input into how policing works, it is all the most important that this bill is implemented as soon as possible. Given 2022 is the earliest date a ballot initiative could happen, this means the 2025 date can and should be moved forward to January 1, 2023. Additionally, the spirit of this bill is to give greater community input into policing, so the implementation of this bill should also be done in that spirit. Unfortunately, as written the Advisory Board does not explicitly include community members. Consequently, Senate Bill 786 must be amended to include community members on the Advisory Board.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 786 with amendments to the bill to ensure it is implemented by 2023 and includes several community members in the Advisory Board**.

Thank you for your time, service, and consideration.

Sincerely,

**Nathan Rehr**

**450 E. Federal Street Baltimore, MD 21202**

Showing Up for Racial Justice Baltimore



# **SB 786 - Local Control of Baltimore Police Departm**

Uploaded by: Rosenthal, Anne

Position: FWA

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 40. I am **testifying in support of Senate Bill 786 if it is amended.**



Senate Bill 786 would return control of the Baltimore City Police Department to Baltimore City, ensuring local elected officials can directly govern its operations.

The fact that Baltimore City, which is over 60% Black, does not have control of its own police department is a significant mechanism of racial oppression. At a time when we have seen tremendous growth in the movement of Black people who are seeking greater community control over policing, the residents of Baltimore do not have the power to enact the changes they want to see—even though taxpayers are paying hundreds of millions of dollars for it every year. They must travel to Annapolis to negotiate with legislators they didn't elect, a greater proportion of whom are white.

Year after year, we have seen Baltimore residents take off of work, arrange transportation and childcare, and wait all day in the hallways in order to testify. This is an unreasonably high bar to make one's voice heard. All too often, Baltimore residents are not heard and their interests are lost in the hectic pace of the state legislative session. We need to be able to legislate at the local level where there is more direct representation and more time to properly examine the issues.

Because of the importance of this bill and what it would mean for local input into how policing works, it is all the most important that this bill is implemented as soon as possible. Given 2022 is the earliest date a ballot initiative could happen, this means the 2025 date can and should be moved forward to January 1, 2023. Additionally, the spirit of this bill is to give greater community input into policing, so the implementation of this bill should also be done in that spirit. Unfortunately, as written the Advisory Board does not explicitly include community members. Consequently, Senate Bill 786 must be amended to include community members on the Advisory Board.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 786 with amendments to the bill to ensure it is implemented by 2023 and includes several community members in the Advisory Board.**

Thank you for your time, service, and consideration.

Sincerely,

**Anne Rosenthal**

**810 Cathedral St, Baltimore, MD 21201**

Showing Up for Racial Justice Baltimore

# **SB 786 - Local Control of Baltimore Police Departm**

Uploaded by: Schmitz, Martha

Position: FWA

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 42B. I am **testifying in support of Senate Bill 786, if it is amended.**



Senate Bill 786 would return control of the Baltimore City Police Department to Baltimore City, ensuring local elected officials can directly govern its operations.

The fact that Baltimore City, which is over 60% Black, does not have control of its own police department is a significant mechanism of racial oppression. At a time when we have seen tremendous growth in the movement of Black people who are seeking greater community control over policing, the residents of Baltimore do not have the power to enact the changes they want to see—even though taxpayers are paying hundreds of millions of dollars for the BPD’s operation every year (including payouts for settlements brought against the BPD for improper conduct committed against Baltimore residents). Baltimore residents must travel to Annapolis to negotiate with legislators they didn’t elect, a greater proportion of whom are white.

Year after year, we have seen Baltimore residents take off of work, arrange transportation and childcare, and wait all day in the hallways in order to testify. This is an unreasonably high bar to make one’s voice heard. All too often, Baltimore residents are not heard, and their interests are lost in the hectic pace of the state legislative session, which only runs for a portion of the year. We need to be able to legislate at the local level where there is more direct representation and more time to properly examine the issues.

Because of the importance of this bill and what it would mean for local input into how policing works, it is all the most important that this bill is implemented as soon as possible. Given 2022 is the earliest date a ballot initiative could happen, this means the 2025 date can and should be moved forward to January 1, 2023. Additionally, the spirit of this bill is to give greater community input into policing, so the implementation of this bill should also be done in that spirit. Unfortunately, in its current writing, the Advisory Board does not explicitly include community members. Consequently, Senate Bill 786 must be amended to include community members on the Advisory Board.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 786 with amendments to the bill to ensure it is implemented by 2023 and includes several community members in the Advisory Board.**

Thank you for your time, service, and consideration.

Sincerely,  
Martha Schmitz  
14 Greentree Drive, Phoenix, MD 21131  
Showing Up for Racial Justice Baltimore

# **SB 786 - Local Control of Baltimore Police Departm**

Uploaded by: Shock, Jack

Position: FWA

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 41. I am **testifying in support of Senate Bill 786 if it is amended.**



Senate Bill 786 would return control of the Baltimore City Police Department to Baltimore City, ensuring local elected officials can directly govern its operations.

The fact that Baltimore City, which is over 60% Black, does not have control of its own police department is a significant mechanism of racial oppression. At a time when we have seen tremendous growth in the movement of Black people who are seeking greater community control over policing, the residents of Baltimore do not have the power to enact the changes they want to see—even though taxpayers are paying hundreds of millions of dollars for it every year. They must travel to Annapolis to negotiate with legislators they didn't elect, a greater proportion of whom are white.

Year after year, we have seen Baltimore residents take off of work, arrange transportation and childcare, and wait all day in the hallways in order to testify. This is an unreasonably high bar to make one's voice heard. All too often, Baltimore residents are not heard and their interests are lost in the hectic pace of the state legislative session. We need to be able to legislate at the local level where there is more direct representation and more time to properly examine the issues.

Because of the importance of this bill and what it would mean for local input into how policing works, it is all the most important that this bill is implemented as soon as possible. Given 2022 is the earliest date a ballot initiative could happen, this means the 2025 date can and should be moved forward to January 1, 2023. Additionally, the spirit of this bill is to give greater community input into policing, so the implementation of this bill should also be done in that spirit. Unfortunately, as written the Advisory Board does not explicitly include community members. Consequently, Senate Bill 786 must be amended to include community members on the Advisory Board.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 786 with amendments to the bill to ensure it is implemented by 2023 and includes several community members in the Advisory Board.**

Thank you for your time, service, and consideration.

Sincerely,  
Jack Shock  
4444 La Plata Ave.  
Baltimore, MD 21211  
Showing Up for Racial Justice Baltimore

# **SB 786 - Local Control of Baltimore Police Departm**

Uploaded by: Simmons, Christina

Position: FWA

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 42A. I am **testifying in support of Senate Bill 786 if it is amended.**



Senate Bill 786 would return control of the Baltimore City Police Department to Baltimore City, ensuring local elected officials can directly govern its operations.

The fact that Baltimore City, which is over 60% Black, does not have control of its own police department is a significant mechanism of racial oppression. At a time when we have seen tremendous growth in the movement of Black people who are seeking greater community control over policing, the residents of Baltimore do not have the power to enact the changes they want to see—even though taxpayers are paying hundreds of millions of dollars for it every year. They must travel to Annapolis to negotiate with legislators they didn't elect, a greater proportion of whom are white.

Year after year, we have seen Baltimore residents take off of work, arrange transportation and childcare, and wait all day in the hallways in order to testify. This is an unreasonably high bar to make one's voice heard. All too often, Baltimore residents are not heard and their interests are lost in the hectic pace of the state legislative session. We need to be able to legislate at the local level where there is more direct representation and more time to properly examine the issues.

Because of the importance of this bill and what it would mean for local input into how policing works, it is all the most important that this bill is implemented as soon as possible. Given 2022 is the earliest date a ballot initiative could happen, this means the 2025 date can and should be moved forward to January 1, 2023. Additionally, the spirit of this bill is to give greater community input into policing, so the implementation of this bill should also be done in that spirit. Unfortunately, as written the Advisory Board does not explicitly include community members. Consequently, Senate Bill 786 must be amended to include community members on the Advisory Board.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 786 with amendments to the bill to ensure it is implemented by 2023 and includes several community members in the Advisory Board.**

Thank you for your time, service, and consideration.

Sincerely,  
Christina Simmons  
304 Stevenson Lane, APT B8  
Towson, MD 21204  
Showing Up for Racial Justice Baltimore



# **SB 786 - Local Control of Baltimore Police Departm**

Uploaded by: Smeton, Jonathan

Position: FWA

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 43. I am **testifying in support of Senate Bill 786 if it is amended.**



Senate Bill 786 would return control of the Baltimore City Police Department to Baltimore City, ensuring local elected officials can directly govern its operations.

The fact that Baltimore City, which is over 60% Black, does not have control of its own police department is a significant mechanism of racial oppression. At a time when we have seen tremendous growth in the movement of Black people who are seeking greater community control over policing, the residents of Baltimore do not have the power to enact the changes they want to see—even though taxpayers are paying hundreds of millions of dollars for it every year. They must travel to Annapolis to negotiate with legislators they didn't elect, a greater proportion of whom are white.

Year after year, we have seen Baltimore residents take off of work, arrange transportation and childcare, and wait all day in the hallways in order to testify. This is an unreasonably high bar to make one's voice heard. All too often, Baltimore residents are not heard and their interests are lost in the hectic pace of the state legislative session. We need to be able to legislate at the local level where there is more direct representation and more time to properly examine the issues.

Because of the importance of this bill and what it would mean for local input into how policing works, it is all the most important that this bill is implemented as soon as possible. Given 2022 is the earliest date a ballot initiative could happen, this means the 2025 date can and should be moved forward to January 1, 2023. Additionally, the spirit of this bill is to give greater community input into policing, so the implementation of this bill should also be done in that spirit. Unfortunately, as written the Advisory Board does not explicitly include community members. Consequently, Senate Bill 786 must be amended to include community members on the Advisory Board.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 786 with amendments to the bill to ensure it is implemented by 2023 and includes several community members in the Advisory Board.**

Thank you for your time, service, and consideration.

Sincerely,  
Jonathan Smeton  
3140 Ellerslie Avenue, Baltimore, MD 21218  
Showing Up for Racial Justice Baltimore

# **SB 786 - Local Control of Baltimore Police Departm**

Uploaded by: Wilkins, Katherine

Position: FWA

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District **12**. I am **testifying in support of Senate Bill 786 if it is amended.**



Senate Bill 786 would return control of the Baltimore City Police Department to Baltimore City, ensuring local elected officials can directly govern its operations.

The fact that Baltimore City, which is over 60% Black, does not have control of its own police department is a significant mechanism of racial oppression. At a time when we have seen tremendous growth in the movement of Black people who are seeking greater community control over policing, the residents of Baltimore do not have the power to enact the changes they want to see—even though taxpayers are paying hundreds of millions of dollars for it every year. They must travel to Annapolis to negotiate with legislators they didn't elect, a greater proportion of whom are white.

Year after year, we have seen Baltimore residents take off of work, arrange transportation and childcare, and wait all day in the hallways in order to testify. This is an unreasonably high bar to make one's voice heard. All too often, Baltimore residents are not heard and their interests are lost in the hectic pace of the state legislative session. We need to be able to legislate at the local level where there is more direct representation and more time to properly examine the issues.

Because of the importance of this bill and what it would mean for local input into how policing works, it is all the most important that this bill is implemented as soon as possible. Given 2022 is the earliest date a ballot initiative could happen, this means the 2025 date can and should be moved forward to January 1, 2023. Additionally, the spirit of this bill is to give greater community input into policing, so the implementation of this bill should also be done in that spirit. Unfortunately, as written the Advisory Board does not explicitly include community members. Consequently, Senate Bill 786 must be amended to include community members on the Advisory Board.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 786 with amendments to the bill to ensure it is implemented by 2023 and includes several community members in the Advisory Board.**

Thank you for your time, service, and consideration.

Sincerely,

**Katherine Wilkins**

**10651 Gramercy Pl, Unit 257, Columbia, MD 21044**

Showing Up for Racial Justice Baltimore

# **SB 786 - Local Control of Baltimore Police Departm**

Uploaded by: Yoder, Daryl

Position: FWA

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 12. I am **testifying in support of Senate Bill 786 if it is amended.**



Senate Bill 786 would return control of the Baltimore City Police Department to Baltimore City, ensuring local elected officials can directly govern its operations.

The fact that Baltimore City, which is over 60% Black and does not have control of its own police department is a significant mechanism of racial oppression. At a time when we have seen tremendous growth in the movement of Black people who are seeking greater community control over policing, the residents of Baltimore do not have the power to enact the changes they want to see--even though taxpayers are paying hundreds of millions of dollars for it every year. They must travel to Annapolis to negotiate with legislators they didn't elect, a greater proportion of whom are white.

Year after year, we have seen Baltimore residents take off of work, arrange transportation and childcare, and wait all day in the hallways in order to testify. This is an unreasonably high bar to make one's voice heard. All too often, Baltimore residents are not heard and their interests are lost in the hectic pace of the state legislative session. We need to be able to legislate at the local level where there is more direct representation and more time to properly examine the issues.

Because of the importance of this bill and what it would mean for local input into how policing works, it is all the more important that this bill is implemented as soon as possible. Given 2022 is the earliest date a ballot initiative could happen, this means the 2025 date can and should be moved forward to January 1, 2023. Additionally, the spirit of this bill is to give greater community input into policing, so the implementation of this bill should also be done in that spirit. Unfortunately, as written the Advisory Board does not explicitly include community members. Consequently, Senate Bill 786 must be amended to include community members on the Advisory Board.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 786 with amendments to the bill to ensure it is implemented by 2023 and includes several community members in the Advisory Board.**

Thank you for your time, service, and consideration.

Sincerely,  
Daryl Yoder

309 Glenmore Ave.

Catonsville, MD 21228

Showing Up for Racial Justice Baltimore

**SB786\_FWA\_ACLUMD\_Young.pdf**

Uploaded by: Young, Caylin

Position: FWA



**Testimony for the Senate Judicial Proceedings Committee  
February 11, 2021**

**SB 786 – Baltimore City - Control of Police Department of Baltimore City**

**FAVORABLE WITH AMENDMENTS**

The ACLU of Maryland supports SB 786, which gives the residents of Baltimore City the same control over their police force that every other local jurisdiction in the state of Maryland enjoys, by repealing its nominal status as a state agency which prevents the Baltimore City Council (and thus the residents of Baltimore) from exercising any control over the Department. Further, the bill creates an advisory board to study the issues related to the transfer of power.

For law enforcement agencies across our state to be effective, they must enjoy the confidence and support of those they serve. Policing as a two-way street is embodied in the principle of community policing, which is a goal of the consent decree, a priority of the new Police Commissioner, and a philosophy many progressive departments have adopted. Regrettably, in Baltimore City, police-community relations are damaged and have been fractured for far too long. This loss of confidence is validated by charges of police misconduct and outright corruption.<sup>1</sup>

This body is well aware of the challenges Baltimore City, and the country, face with discriminatory policing, structural and systemic inequity, and the tensions between law enforcement and communities of color. Decades of racially biased policing, deaths in custody, and over-criminalization of communities of color have left us with schisms between the public and the police.

One issue contributing to this schism is that the Baltimore City government does not have the authority to make and implement policy changes pertaining to BPD. As a result, the citizens of Baltimore do not have a mechanism to provide meaningful oversight for the department. This lack of oversight has contributed, in significant part, to the current distrust and ineffectiveness of the BPD. This distrust hurts public safety because residents are less likely to report a crime to law enforcement and unwilling to help in the investigation of crimes.

This bill allows for critical oversight of the BPD at a time of radical change within the department. One of the goals of the consent decree is to provide for increased civilian oversight.<sup>2</sup> This change makes the department accountable directly to the residents of

<sup>1</sup> Prudente, Tim. "A look at recent Baltimore Police scandals" The Baltimore Sun, Oct. 11, 2018 <https://www.baltimoresun.com/news/maryland/crime/bs-md-ci-police-scandal-timeline-20180516-story.html> (Last accessed February 9, 2021)(Providing an overview of 16 high profile media stories about the BPD over the 3 years from Freddie Gray to the time of the publication.)

<sup>2</sup> City of Baltimore Consent Decree Summary <http://consentdecree.baltimorecity.gov/sites/default/files/City%20of%20Baltimore%20Consent%20Decree%20Summary%20%284.19.2017%29.pdf> (Last accessed February 9, 2021)

CAYLIN YOUNG  
PUBLIC POLICY DIRECTOR

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

MAIN OFFICE  
& MAILING ADDRESS  
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COLEMAN BAZELON  
PRESIDENT

DANA VICKERS SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL



Baltimore. Further, it allows the residents to demand greater accountability in oversight through the City Council.

Baltimore City is the only locality in Maryland without authority to govern its police department. Every other jurisdiction in the state enjoys the powers requested under this bill. As such, Baltimore residents have to travel to Annapolis annually to advocate for change within their local department. This is an ineffective and inequitable legislative process.

The Maryland General Assembly is not the appropriate body to provide the oversight necessary for the proper execution of the consent decree. As a practical matter, the 90-day legislative session is an ineffective apparatus to legislate policy over the BPD. Legislators simply do not have the bandwidth to focus on the complex issues of the BPD during the legislative session while faced with a broad universe of statewide concerns. The Baltimore City Council has the time, resources, and focus to give the BPD the attentiveness it requires. And despite its status as a nominal state agency, it is the City that is entirely responsible for the BPD's budget, and for paying judgments against its officers.

AMERICAN CIVIL  
LIBERTIES UNION OF  
MARYLAND

In previous years, concerns have been raised about the effect of transferring control on the City's potential legal liability for BPD officer misconduct. Before addressing why this concern has no basis in law, it is important to point out that even if were true that the City's liability exposure would change, that would not be a legitimate reason to deny the residents of Baltimore local control over their police department. In making this argument (which again, is incorrect), proponents are asserting that it is more important that the City pay less money to people who are victims of police misconduct *by a court of law* than they are judicially determined to be entitled to (because that is by definition what we're talking about since the BPD's status as a City or State agency has no bearing on the question of whether or not an officer committed misconduct, but only on the potential limits to the City's liability for the officer's wrongful actions).

On the merits of whether the City's liability will change, despite the Public Local Law declaring the BPD to be an agency of the state, the legislature has also specifically declared the BPD to be a *LOCAL* governmental entity for tort claims (i.e. civil legal claims) made against it and its officers (this happened in 1997). Md. Code, Cts. & Jud. Proc. § 5-301(d)(21) (declaring the BPD to be a local government entity for purposes of the Local Government Tort Claims Act ["LGTC"]). So, victims of police misconduct who sue the BPD under state law are already subject to the \$400,000 cap in the LGTCA, Md. Code, Cts. & Jud. Proc. § 5-303(a)(1).

Concerning federal constitutional claims, it is already crystal clear that BPD is treated as a municipal agency, and not a state agency, and so changing the status under state law does not change anything with respect to those federal claims. *E.g. Chin v. City of Baltimore*, 241 F. Supp. 2d 546, 547-48 (2003) (collecting cases).

Also, it has been suggested that if the BPD's status as a nominal state agency changes, the BPD will lose the sovereign immunity from damages claims based on state law. While this is true in a technical sense, it is also totally meaningless, because the effect

of the sovereign immunity is not to shield the City from liability, but simply to change whom the plaintiff sues for damages. This is because the BPD is still legally obligated to pay tort damages judgments against its employees acting within the scope of their employment when they act without malice, Md. Code, Cts. & Jud. Proc. §§ 5-303(b)(1), 5-302(b), and, like every other police department in Maryland, is contractually obligated to indemnify employees found to have acted with malice within the scope of their employment (because otherwise, no one would take a job as a police officer with the risk of personal liability). In short, the BPD's liability for damages will not change with this bill.

This bill is one of the core recommendations of the Civilian Oversight Task Force created under the BPD Consent Decree.<sup>3</sup>

### **Baltimore City Police Force History<sup>4</sup>**

The BPD's status as a state agency dates to 1860 when it was moved to state control due to the department's corrupt efforts on behalf of the No-Nothing Party that then controlled the Baltimore City government.<sup>5</sup> It was taken over by the federal government in 1861 following its unwillingness to intervene in a riot attacking Union troops. The federal government returned the police department to state control in 1862, where it has remained since. From 1900 to 1920, the Board of Police Commissioners was appointed by the Governor. After 1920, a single Police Commissioner of Baltimore City was chosen and also served on the Governor's Advisory Council. The Baltimore City Police Department remained under solely State governance until 1978 when the Mayor began to appoint the Police Commissioner, subject to confirmation by the City Council (Chapter 920, Acts of 1976).

### **Amendments**

The ACLU recommends the following amendments to the legislation:

1. Amend to add a member of the general public who is directly impacted by, and/or who are relatives of, those impacted by police misconduct, appointed by the Mayor.
2. Amend to add community members, appointed by the Mayor.
3. Amend to require submission of the advisory board's final report to the Governor on May 1, 2022.
4. Amend to allow ratification of a charter amendment transferring control of the BPD by the voters of Baltimore City at the 2022 or 2024 general election.
5. Amend to allow for the date of transfer of control of BPD to be set by the aforementioned charter amendment.

The ACLU of Maryland urges a favorable report on SB 786.

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<sup>3</sup> The Community Oversight Task Force's Recommendations For Strengthening Police Accountability and Police-Community Relations in Baltimore City, 12, 48-49, June 30, 2018, <https://consentdecree.baltimorecity.gov/sites/default/files/117%20COTF%20Report.pdf>.

<sup>4</sup> History of Maryland Law Enforcement <https://mdsp.maryland.gov/pages/historyofmarylandlawenforcement.aspx> (Last accessed February 9, 2021)

<sup>5</sup> Lewis, H. Walker, The Baltimore Police Case of 1860, 26 Md. Law Rev. 215 (1966).

# **SB0486 Harris Teeter Letter of Opposition.pdf**

Uploaded by: Koris, Crystal

Position: UNF

Dear Elected Leaders:

Harris Teeter is strongly opposed to SB0486 and urges Maryland's elected leaders to undertake a complete economic impact assessment to fully understand consequences of any proposed mandatory essential worker wage-increase bill before moving forward.

Our guiding principles throughout this pandemic have been safety, transparency and investment in our associates and stores.

Harris Teeter is committed to paying competitive wages and benefits to our nearly 35,000 valued associates – 2,700 in Maryland. Since the start of the COVID-19 pandemic, Harris Teeter has invested significantly in infrastructure and enhanced safety protocols – including, but not limited to providing PPE, protective shields at checkout, health screenings and temperature checks, enhanced sanitation measures – to protect our frontline essential workers and shoppers, as well as to provide thank you pay, bonuses, and additional health and emergency leave benefits. We often operate above and beyond requirements of local and state ordinances to ensure we were protecting our greatest asset – our people.

In addition to these physical and financial investments, Harris Teeter has provided education and additional resources to our valued associates specifically related to their mental well-being. Our leaders have also been provided education and resources for how to support associates' physical and mental well-being amid this time of great uncertainty.

The proposed SB0486 ignores these commitments and ongoing efforts and would have significant, negative impacts at the worst possible time.

The proposed increases in pay would substantially increase the cost of food and groceries for Maryland's residents and families. Higher grocery costs would hurt Maryland families at a time they are already struggling to put food on the table – and would be especially harmful to low-income and disadvantaged communities.

Grocery workers across our country became essential personnel overnight – touted as Heroes – and we have answered the call to support our communities by providing open, clean and stocked stores. Hazard pay mandates could harm the Heroes they are intended to help. Higher costs could force organizations to reduce the number of workers, available hours and even locations.

In addition, hazard pay mandates could make it more difficult for many grocers, specifically, to stay afloat, especially independent grocers, small markets, ethnic grocers and grocery stores in disadvantage communities already struggling to keep their doors open. Harris Teeter – like most grocers operates with thin margins, even during the pandemic.

This bill is rushed and not adequately researched. We urge our elected leaders to pause the vote on any extra pay initiative until you complete a full analysis of the costs, impacts on local families and our community, and input from businesses.

Sincerely,  
Valued Harris Teeter Associate