

MOPD Favorable HB 991.pdf

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POSITION ON PROPOSED LEGISLATION

BILL: House Bill 991 -- Baltimore City - Civilian Review Board

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 3/29/2022

The Maryland Office of the Public Defender requests that the Committee issue a favorable report House Bill 991.

House Bill 991 is a critical, yet simple, extension and natural outgrowth of the sweeping police reforms enacted last year.

As many of you heard from constituents last year, there is a common belief that police corruption is uniquely problematic in Baltimore. While that is not actually true, police corruption is particularly pervasive in Baltimore.

Last year this Committee was made aware of the GTTF convictions, and this year we have the benefit of the Steptoe Report, an independent study commissioned by Baltimore City and the Baltimore Police Department to examine the roots of corruption. The Study concludes that corruption runs deep in the Baltimore Police Department, has for decades, and the Department's Internal Affairs division is systemically incapable of adequately addressing the misconduct of its own officers.¹

The Civilian Review Board has existed in Baltimore for years and has given community members a way to express concerns and sound necessary alarms. This bill aims to combine the longstanding efforts of the CRB with the new powers of the police accountability board so there

¹ A brief powerpoint outlining information from the Steptoe report has been submitted with this written testimony.

is no redundancy, and the needs of the citizens of Baltimore will continue to be addressed by the CRB. Without this bill, the good will and the important history of the CRB will likely disappear. Specifically, this bill will broaden the categories of investigations the CRB can undertake, to parallel the Police Accountability Boards, and it will continue to confer subpoena power to the CRB, which already exists by statute. This combination is necessary to provide Baltimore with much needed independent oversight for intense and pervasive police corruption.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report, with an amendment on House Bill 991.

Submitted by: Government Relations Division of the Maryland Office of the Public Defender.

Subject Matter Expert: Deborah Katz Levi, Director of Special Litigation - Baltimore City Felony Trial Division, Director of Police Violence Misconduct Litigation Team - Statewide, 410.333.4900 ext. 258, deborah.levi@maryland.gov.

HB 991 Letter of Information

Uploaded by: Natasha Mehu

Position: INFO



BRANDON M. SCOTT
MAYOR

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

HB 991

March 29, 2022

TO: Members of the Senate Judicial Proceedings Committee
FROM: Natasha Mehu, Director, Office of Government Relations
RE: HB 991 - Baltimore City - Civilian Review Board and Police Accountability Board

POSITION: LETTER OF INFORMATION

Chair Smith, Vice Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) is submitting this **letter of information** on HB 991 in light of the Baltimore City Senate Delegation vote to table HB 991 and its crossfile SB 441 at the Friday, March 15, 2022 meeting of the Delegation. **The BCA supports the Delegation's vote to table the bills for this session to** ensure there is the opportunity to establish the boards mandated under last year's historic police reform and that there is careful consideration of the role of the historic Civilian Review Board (CRB) given the establishment of the new boards.

HB 991 was amended in the House to provide the Police Accountability Board (PAB) established under HB 670 (2021) with the CRB's concurrent investigatory powers and subpoena powers. Additionally, the bill mandated that Baltimore City allocate at least \$1.5M of its budget to the operation of PAB. Finally, the uncodified language provided a process for establishing an independent counsel for the boards under an MOU, transitioning responsibilities from the CRB to the PAB under an MOU, and dissolving the CRB once certain conditions were met.

The Administration was supportive of much of the uncodified language in HB 991 setting forth a process of transition between the CRB and new boards via MOU. However, we remained concerned about granting the CRB's concurrent investigatory and subpoena powers to the PAB. Rather the BCA was prepared to propose amendments to grant the concurrent investigatory and subpoena powers of the CRB to the Administrative Charging Committee (ACC). Our reasoning was that under HB 670 (2021) the PAB is an advisory board and the ACC is charged with being the workhorse to review and make determinations on disciplinary action. Both the PAB and ACC have civilian members as mandated by HB 670. It would be duplicative and complicated to have the PAB, ACC, and police investigators performing investigations. Arguably however it could strengthen the powers HB 670 granted the ACC to provide them the subpoena and concurrent investigatory powers that the CRB currently has as they review and make determinations on disciplinary actions.

We also opposed the mandate on the City's budget as it frustrated the City's ability to manage its own budget through the charter required public budget process in which the Mayor introduces a budget, there is a public process for residents to weigh in, and the City Council votes to approve.

The sponsors rejected those amendments and noted they would withdraw their bills should the Administration's amendments be adopted. Instead of adopting amendments and having the bills withdrawn, the Baltimore City Senate Delegation voted to lay the bills on the table in light of these concerns and the inability of the parties to come to a consensus on the appropriate path forward. The maker of the adopted motion noted that we all should "pause" on any changes to the existing CRB as well as to the Police Accountability Board and Administrative Charging Committees that the City is required to establish under HB 670 (2021). It was raised that the Administration should spend the interim implementing HB 670 (2021), continuing to have the CRB operate in its existing capacity, and come back next year once it has been determined what the best path forward for the CRB would be given the establishment of new boards.

This approach ensures there is the opportunity to establish the boards mandated under last year's historic police reform and that there is careful consideration of the role of the historic CRB given the establishment of the new boards. In short, it ensures we avoid any unintended consequences.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Natasha Mehu', with a long, sweeping flourish extending to the right.

Natasha Mehu

Director

Mayor's Office of Government Relations (MOGR)