



**Testimony for the House Judiciary Committee
February 16, 2022**

SB 441- Baltimore City- Civilian Review Board

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Favorable

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The ACLU of Maryland supports SB 441, which would reconcile the Baltimore City Civilian Review Board and the functions of the Police Accountability Board—a body that each jurisdiction is required to create under the Maryland Police Accountability Act of 2021. SB 441 establishes that the Baltimore City Civilian Review Board may obtain independent legal counsel and be adequately funded to carry out its duties.

Twenty-three years ago, in 1999, against the backdrop of extreme frustration with Baltimore City police and decades of advocacy from grassroots and civil rights organizations, the General Assembly created the Baltimore Civilian Review Board. The Baltimore Civilian Review Board (CRB) is an independent agency that receives complaints that allege the use of excessive force, abusive language, harassment, false arrest, and false imprisonment. Most importantly, the CRB has the authority to investigate complaints and issue subpoenas. The Civilian Review Board also reviews police department procedures and makes recommendations to Baltimore’s Police Commissioner.¹

During the 2021 legislative session, the General Assembly passed the Maryland Police Accountability Act of 2021. The law requires each county and Baltimore City to establish a police accountability board that provides oversight over all police departments in that jurisdiction. The responsibilities and functions of the Baltimore City Civilian Review Board, as established in the 1999 statute, are largely duplicative of those required of a new police accountability board. SB 441 ensures that the CRB structure and authority remain intact while giving it the additional powers and scope of police accountability boards.

As the recent devastating and well-documented Gun Trace Task Force (GTTF) report highlights, the Baltimore City Police Department has been dealing with much more than just the GTTF when it comes to abuse of power and lack of accountability. Baltimore City residents have known as much, which is why they consistently pushed for a Civilian Review Board for decades, and in 1999 with the state legislature's support, their efforts were successful.

¹ Pub. Local Laws of Md., Art. 4, §16–42

Since then, the board has been able to conduct hundreds of investigations and has tried its best to highlight its findings where possible. However, since its inception, the CRB has been hampered by limiting factors, which SB 441 seeks to rectify.

Adequately fund the CRB and expand the category of complaints it can investigate

Currently, the CRB only has the authority to investigate five categories of misconduct, which do not include low-level offenses. The GTTF report was explicit, most officers involved in high-level offenses first started by normalizing and not getting disciplined for low-level, though significant offenses, such as misrepresenting facts in court². The Police Accountability Boards, while unable to conduct their own investigations, have access to *all* misconduct cases filed by a member of the public. SB 441 would allow the CRB to absorb this wider reach and the adequate funding necessary for the board to have the appropriate investigatory staffing and resources needed to carry out their duties.

Access to independent counsel

Since its inception, the CRB has had to obtain legal counsel support from the city solicitor's office, the same legal counsel used to defend BPD against allegations of misconduct. This has created a fundamental conflict of interest, making it extremely difficult for the CRB to ensure their investigations are adequate and their findings responsibly available to the public. The public witnessed this play out in the summer of 2018 when the city solicitor's office tried to force the CRB to sign a confidentiality agreement out of concern that their findings would be public and damaging to BPD³. The GTTF report and the DOJ consent decree make it clear that this type of inherently limited legal support has made it needlessly difficult for the CRB to hold police accountable, inform the public, and focus on their responsibilities.

SB 441 is essential to achieving maximum police accountability in Baltimore City and the most efficient way to reconcile the CRB and the role and responsibilities of the police accountability board. For the foregoing reasons, the ACLU of Maryland urges a favorable vote on SB 441.

² Steptoe. (2022, January). *Anatomy of the Gun Trace Task Force Scandal: Its Origins, Causes, and Consequences*. GTTF Report. Retrieved from <https://www.steptoe.com/images/content/2/1/v2/219380/GTTF-Report.pdf>

³ <https://www.baltimoresun.com/news/crime/bs-md-ci-civilian-review-board-conflict-20180719-story.html>



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