

## **SB 441 - Clarification of Baltimore City Civilian**

Uploaded by: Alicia Pereschuk

Position: FAV

Dear Members of the Senate 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. We are also working in collaboration with the Campaign for Justice Safety and Jobs. **I am a resident of District 43. I am testifying in support of Senate Bill 441.**



Senate Bill 441 will authorize Baltimore City's existing Civilian Review Board to function as the local Police Accountability Board required by the Maryland Police Accountability Act of 2021.

For reference, the passage of the Maryland Police Accountability Act included mandates for establishing jurisdictional Police Accountability Boards (PABs) in each county and Baltimore City. Intended to provide a measure of community oversight, the tasks assigned to PABs include: (1) appointing civilian members for the administrative charging committee and internal police trial boards; (2) receiving police misconduct complaints from the public; (3) reviewing disciplinary outcomes from charging committees; (4) holding quarterly meetings with law enforcement agencies; and (5) reporting on disciplinary trends and recommendations to improve police accountability.

The intended functions of the PABs are largely duplicative of those of Baltimore City's existing Civilian Review Board (CRB), which was established by the General Assembly in 1999. Senate Bill 441 seeks to keep existing CRB functions intact, while expanding the board's jurisdiction to include all forms of misconduct (rather than a subset), providing additional opportunities for the CRB to influence internal disciplinary processes, specifically allowing it to function as the PAB for Baltimore City, and allocating increased funding to ensure that the CRB has the resources required to effectively take on misconduct cases and to secure independent legal counsel.

Empowering the City's Civilian Review Board to function as its Police Accountability Board is the key to achieving maximum police accountability for Baltimore City. It will allow us to consolidate community oversight, while at the same time building on the longstanding expertise and infrastructure of the CRB.

The need for an effective and adequately-resourced police oversight body is made abundantly clear by the episodes of excessive force and false arrest that continue despite public outcry and uprisings, by the senseless killings of Freddie Gray and Tyrone West, by the unchecked multiyear exploits of the Gun Trace Task Force, and by the harassment and indignities faced everyday by Baltimore residents in their interactions with law enforcement. According to an ACLU report released in 2021, the period of 2015 through 2019 saw over 13,000 police misconduct complaints filed against 1,800 officers in Baltimore City. For scale, in late 2017, the total number of patrol officers was just over 800. Unsurprisingly, police violence and misconduct disproportionately impact Black and Brown Baltimoreans and their families, and despite the sheer number of complaints against officers, only a fraction of these complaints are sustained. In addition to these human costs, continued police misconduct represents a direct and significant financial cost to the city; as the period from 2015 through 2020 saw Baltimore spend over \$18 million in settlements related to officer misconduct and harm.

These facts show the need for a robust Civilian Review Board, which has the resources and jurisdiction to effectively hold law enforcement accountable to the public. Failure to consolidate oversight power in the CRB would needlessly dilute independent oversight. It is for these reasons that I am encouraging you to **vote in support of Senate Bill 441**.

Thank you for your time, service, and consideration.

Sincerely,  
Alicia Pereschuk  
321 W 28<sup>th</sup> Street  
Baltimore MD 21211  
Showing Up for Racial Justice Baltimore

# **FAV 441 Baltimore Civilian Review Board Carol Ster**

Uploaded by: CAROL STERN

Position: FAV

February 15, 2022

Carol Stern

4550 North Park Avenue, Apt T106,

Chevy Chase, MD 20815

**TESTIMONY ON SB441 - POSITION: FAVORABLE**  
**Baltimore City - Civilian Review Board**

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

FROM: Carol Stern

My name is Carol Stern, and I am testifying in **favor of Civilian Review Board SB 441**, as a resident of Montgomery County's District 16 and a member of Adat Shalom Reconstructionist Congregation in Bethesda.

The Jewish text that shapes my religious and moral conviction that the legislature should implement true civilian oversight of local police departments is from Genesis Chapter 1, where we learn that **humans are created in God's image - B'tselem Elohim. We all contain the divine spark, and we all deserve to be treated with respect and dignity.** "We must respect the integrity of every human being be it that of a friend or stranger, child or adult." When we are working to reform our criminal justice system, we must demand that it operates in accordance with these deeply held Jewish beliefs.

During the 2021 legislative session, the General Assembly passed historic police reforms, including mandating a Police Accountability Board (PAB) in each local jurisdiction. These PABs intend to provide some community oversight over local police departments. Baltimore City already has a Civilian Review Board (CRB), established in 1999 by the state, to provide greater accountability and oversight of policing. The CRB should serve as the PAB and no change is needed.

**I respectfully urge a favorable report on SB441.**

# **SB0441\_Chris\_Apple\_FAV.pdf**

Uploaded by: Christopher Apple

Position: FAV

TESTIMONY IN SUPPORT OF BILL SB0441 - FAVORABLE  
Baltimore City - Civilian Review Board

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

FROM: Chris Apple  
7001 Cradlerock Farm Court  
Columbia, MD 21045  
District 13

Feb 16, 2022

In 2021, this committee took the historic step of repealing the Law Enforcement Officers' Bill of Rights. This laid the groundwork for increasing civilian oversight and accountability for officers who choose to break the law.

Baltimore must now create a Police Accountability Board to be in compliance with the language of the repeal. While it would be possible to create a new entity to fulfill this role, I believe it is much more efficient to task the city's existing Civilian Review Board with these duties. Baltimore's CRB has been reviewing cases of misconduct by the BPD for over 20 years. They have extensive experience and many existing relationships with communities. With so much established presence in that space, they make the perfect choice to serve as the Accountability Board.

The Civilian Review Board is required by law to exist, as is the Police Accountability Board. They largely have the same responsibilities and function. If these were separate bodies, they would be largely duplicative and an inefficient use of government funds. Allowing one body to serve both functions would save money and effort. This seems like a great win-win scenario for Marylanders.

I respectfully urge the committee to issue a favorable report for SB0441. Thank you.

# **SB0441Testimony.pdf**

Uploaded by: David Norken

Position: FAV

**DAVID NORKEN, ESQ.**

2552 Cheval Drive  
Davidsonville, Maryland 21035  
(443) 292-8095

Re: SB-0441 **FAVORABLE**

Dear Judicial Proceedings Committee Members:

I am writing in support of SB 0441 which makes the Baltimore Civilian Review Board the Baltimore Police Accountability Board. This is a much-needed step to provide adequate funding and accountability. The funding is 2% of the Police Department budget. Thus, the Police Accountability Board will have adequate funding and subpoena power to do the necessary work of investigating, holding hearings and making recommendations on complaints of police misconduct. Most importantly, the complaints will be a matter of public record as will the recommendations of the Board. This is very important to maintain a continuing record to help identify and weed out officers guilty of a pattern of police misconduct. Overall, the bill is a major step forward in police accountability. It is true that the Board only makes recommendations. However, those recommendations must be considered and the public will be involved to ensure the Board is not ignored. I strongly support passage of this bill.

Very truly yours,

A handwritten signature in cursive script that reads "David Norken". The signature is fluid and elegant, with a long, sweeping underline that extends to the right.

David Norken  
Attorney at Law



## **SB441 Steptoe Quotes.pdf**

Uploaded by: Deborah Levi

Position: FAV



Anatomy of the  
Gun Trace Task Force Scandal:  
*Its Origins, Causes, and Consequences*

Executive Summary

January 2022

*Step toe*



GTTF Investigation Report, pp. iii-iv:

“If officers engaged in a foot pursuit, **suspects would frequently be beaten** once they were caught, and in some cases **deliberately sent to the hospital.** ...

BPD members **conducted stops and made arrests without a sufficient factual or legal basis.** ...

Facts acquired through lawful investigations would often be supplemented by **evidence acquired illegally** through other means. ...

Officers were taught that their courtroom testimony should not vary from the incident reports or charging documents they had submitted, even if those documents were wrong. ...

**These practices have long been embedded in BPD’s culture and help to explain why it provided a nourishing environment for corruption and misconduct.”**

GTTF Investigation Report, pp. vii-viii:

**“A common form of corruption, which was not universally perceived by officers as inherently wrong, was making misrepresentations of fact to support law enforcement actions such as stops, arrests, and searches. ...**

**This category of misconduct took various forms. The BPD officer would falsely represent that an observation or set of observations had been made by the officer himself rather than by the supervisor or informant. Or the officer would fabricate the observation entirely. The falsehood would then be perpetuated through false testimony, if necessary, that would be consistent with the inaccurate written accounts of what had happened.**

**Our investigation demonstrated that this type of corruption was casual, routine, and pervasive—and carried with it no consequences. BPD members focused on the outcome—the arrest of someone they believed to be guilty—rather than the dubious means they used to achieve it. “**

“Responses to a 2000 survey revealed “that nearly one out of every four BPD members believed that as many as 25% of BPD members were engaged in stealing money or drugs from drug dealers –a stunning result.”

“Presumably, if the definition of corruption had been expanded to include misrepresentations and lies in official police documents, which was common at the time, the number would have been even higher.”

The background of the slide is a collage of various images related to law enforcement. It includes several police uniforms, some with visible badges, and several mugshots of individuals. The images are layered and slightly faded, creating a textured, collage-like effect.

**GTTF Investigation Report, page viii:**

**“IA was reviled and distrusted by the BPD rank-and-file, and as a result, it had great difficulty recruiting and retaining capable investigators. IA investigators received no formal training of any kind, which further degraded its reputation and discredited its work.**

**...**

**Many BPD members believed the outcome of trial boards depended more on whom you knew than on what you did.**

**Simply put, the system that existed to deter, detect, and punish misconduct lacked credibility and both internal and external legitimacy.”**



**GTTF Investigation Report, page xxviii:**

**Historically, BPD did not provide new officers with an adequate understanding of the challenges to their honesty and integrity they would face every day, including from their colleagues. Instead, new officers felt the pressures to make cases and generate numbers, and to be accepted by their colleagues. They frequently felt the pressure to tell lies and make misrepresentations. For many, that was where the corruption started. Indeed, that form of corruption was so deeply embedded in BPD's culture as a necessary part of the business of policing that many BPD members did not view it as corruption at all.**

# **PJC testimony SB 441 favorable.pdf**

Uploaded by: Debra Gardner

Position: FAV





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 441 Baltimore City - Civilian Review Board**  
**Hearing before the Senate Judicial Proceedings Committee, February 16, 2022**  
**Position: Favorable**

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization that seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. A core aspect of its mission includes government transparency and accountability, which are critical to confidence of the governed in the government. As has been seen in recent years locally and around the country, this principle must apply to the police and their relationship with the public and communities.

SB 441 will strengthen the Baltimore City Civilian Review Board (CRB) by adding to its powers those of a Police Accountability Board (PAB) as adopted by the General Assembly in 2021. A PAB is now required in every county in Maryland, including Baltimore City.

Baltimore's CRB and local advocates have been pushing for these additional powers (now granted to PABs statewide) for a number of years. For efficiency, continuity, and accountability, these new powers belong with Baltimore's CRB, combining the authority and expertise of Baltimore's historic CRB with the additional scope and powers now recognized as critical in a PAB.

Baltimore's Civilian Review Board is its Police Accountability Board. It should have all of a PAB's authority and resources.

For the foregoing reasons, the PJC supports SB 441. Should you have any questions, please contact Debra Gardner, Legal Director, at 410-625-9409, ext. 228 or [gardnerd@publicjustice.org](mailto:gardnerd@publicjustice.org).

# **Testimony\_JPC\_SB0441\_LR1401\_2022.02.16 - Google Do**

Uploaded by: Elizabeth Vigna

Position: FAV



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter  
In Favor of SB441 - Baltimore City - Civilian Review Board -  
Before the Senate Judicial Proceedings Committee  
On February 16, 2022.**

**Chairman Smith, Vice Chair Waldstreicher, and Members of the Committee:**

**Senate Bill 441 alters the powers and duties of the Baltimore City Civilian Review Board, allowing the Board to function as a police accountability board as envisioned in House Bill 670 of 2021 (the Maryland Police Accountability Act of 2021 - Police Discipline and Law Enforcement Programs and Procedures). Currently, the Board's powers and resources are limited in a way that prevents meaningful community oversight. Senate Bill 441 seeks to remedy this problem.**

**For decades, police misconduct has plagued communities throughout Baltimore City. Only after the death of Freddie Gray at the hands of the Baltimore Police Department, and subsequent community unrest, were problems within the force investigated. These investigations revealed a pattern of constitutional violations, including excessive force and racially biased arrests. The investigation into Baltimore's Gun Task Force in 2017 revealed even more misconduct in the form of racketeering, robbery, extortion, and fraud.**

**Following these revelations, reforms including a federal consent decree were implemented in Baltimore City. In 2021, the General Assembly took further steps to increase police accountability throughout the state. However, reform efforts still have not vested the Board, and thus the community, with the power it desperately needs to be effective.**

**The allocations within Senate Bill 441 build on House Bill 670, passed in the 2021 session, to enable full functionality of the Civilian Review Board, giving Baltimore's communities needed and deserved oversight. The Board would have the investigatory and disciplinary power to respond to every community allegation of police misconduct. The bill will not, to be clear, grant full disciplinary power to the Board, nor will it remove investigatory or disciplinary powers from the Baltimore Police Department.**

**This idea is neither exotic nor unprecedented. All across the country, states and jurisdictions have been empowering their law enforcement oversight boards to bring more accountability to how communities are policed. For example, the City of Chicago, with its long history of police abuse and corruption, recently revamped its decrepit and ineffectual civilian oversight entity and provided it with the resources and the power it needed to better hold officers accountable. And right now, Minnesota, still dealing with the fallout from the death of George Floyd, is currently considering legislation that will authorize local jurisdictions to establish civilian police oversight councils with new and expanded powers to make findings of fact and impose discipline on officers.**

**We can no longer allow unruly officers and dysfunctional departments to perpetuate systemic abuses of vulnerable community members. Allocation of resources and powers to a community controlled Civilian Review Board adds a critical layer of protection for community members. The changes created through this bill allow Baltimore's honorable law enforcement officers to reclaim their reputation as community protectors. Community oversight through the Civilian Review Board and the provisions of this bill are a significant step in repairing the damaged relationship between the public and law enforcement entities.**

**For this reason, I urge a favorable report on Senate Bill 441.**

**Respectfully,**

*Jill P. Carter*

**Jill P. Carter**

## **Favorable SB441 .pdf**

Uploaded by: Erica Hamlett

Position: FAV

Erica Hamlett  
Legislative District 43  
Baltimore City Council District 14

As you know, the General Assembly passed the Maryland Police Accountability Act of 2021 last session. The purpose of the new law was to increase police accountability, community oversight, and participation in the police disciplinary process. This is similar to the purpose of the Civilian Review Board that is already in place in Baltimore City however, the CRB has been in need of some of the access and authority that the PABs are given by state law. However, replacing the CRB with a PAB would be a move in the wrong direction because the CRB has been an established investigative board for many years. Their investigations have made a huge difference in the lives of those of us who unfortunately had to file a complaint with them.

In November 2017, my son was approached by a stranger near our home (in Howard county). It was around 3:45 in the afternoon. The man was wearing a black hoodie and blue jeans. My son's van pick up to his activity was late, so he and a friend stopped to wait. The stranger asked my son and his friend, "What they were doing in the area because they didn't look like they lived around there" they responded that they were just about to finish walking home from school and had stopped to wait to be picked up. The person kept asking them to justify their presence in their own neighborhood. Finally, my son asked to be left alone after the stranger said someone was going to call the police on them, my son's response was, "Go ahead and call the police because he was harassing them." Other people were outside getting their children off school buses coming in and out of their homes no one thought the teens, wearing bookbags, only a few blocks from school looked out of place. After a few more questions, the unidentified man pulled a gun on him! Turns out he was an off-duty Baltimore City Police officer who lived across the street and assumed the kids didn't live in the area.

Before and during our internal affairs interview, I asked, and they did not share if the officer had been suspended or where he was working. This officer admittedly pulled his service weapon on a 16-year-old child. He had an open peace order against him for doing so, made false statements to Howard county police and in court, but was still permitted to continue to work and carry his service weapon. It was through a Baltimore Sun article we learned the same officer broke a suspect's jaw and that there were broader litigations against him for fraud and theft.

Once the Internal Affairs' investigation was completed, I received a call stating the officer would be charged departmentally, and a letter would be sent via certified mail. After I gave the sergeant my correct address, a letter was forwarded from an old address and read, "That there was enough evidence to sustain the allegations," thanking me for my time and voicing my concerns. But the letter had no indication of what, if any, punishment or disciplinary action would be taken then or in the future. From this point, I filed a complaint with the CRB and they helped me understand my rights, the process of filing police misconduct complaints, how to fill out the necessary paperwork, and the deadlines to hearings. Additionally, the CRB recommended organizations like the ACLU that further gave my family assistance in our journey.

However, after the CRB made their recommendation and the decision was given to the Police Commissioner, there was nothing else that the CRB could do nothing else. The CRB had limited powers so they could not tell me what disciplinary action would be taken, which made it

feel like all of our hard work went to waste. If the CRB had the powers of the PAB this officer could have been off the streets from his previous action of breaking a suspect's jaw. It's unacceptable that this officer has gotten away with so much misconduct and the CRB needs the resources of the PAB to make sure this never happens again.

Still almost four years later, my family and I didn't know if the officer was still working, on the street, has a gun, or is on desk duty. We lived in constant fear that we could encounter him while he's on duty. We moved from Howard County to Baltimore County because living near him was too much for my family. We travel to Baltimore city often and whenever we do the uneasiness lingers because my son and family have no idea if this officer is still on duty. Using Case Search, we found out that he was still on active duty until September 2018, at which point, I could not find any further information on his activities.

My story is just one example of serious and traumatic police abuse, the importance of independent civilian oversight, and the need for greater transparency and accountability for law enforcement.

Support SB441 because Baltimore needs significantly greater police accountability, the CRB is already established and has been extremely helpful to the extent they can be, but they need all the additional powers and resources of the new PABs, plus some.



# **SB 441 - Clarification of Baltimore City Civilian**

Uploaded by: Erica Palmisano

Position: FAV

Dear Members of the Senate 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. We are also working in collaboration with the Campaign for Justice Safety and Jobs. I am a resident of District 12. **I am testifying in support of Senate Bill 441.**



Senate Bill 441 will authorize Baltimore City's existing Civilian Review Board to function as the local Police Accountability Board required by the Maryland Police Accountability Act of 2021.

For reference, the passage of the Maryland Police Accountability Act included mandates for establishing jurisdictional Police Accountability Boards (PABs) in each county and Baltimore City. Intended to provide a measure of community oversight, the tasks assigned to PABs include: (1) appointing civilian members for the administrative charging committee and internal police trial boards; (2) receiving police misconduct complaints from the public; (3) reviewing disciplinary outcomes from charging committees; (4) holding quarterly meetings with law enforcement agencies; and (5) reporting on disciplinary trends and recommendations to improve police accountability.

The intended functions of the PABs are largely duplicative of those of Baltimore City's existing Civilian Review Board (CRB), which was established by the General Assembly in 1999. Senate Bill 441 seeks to keep existing CRB functions intact, while expanding the board's jurisdiction to include all forms of misconduct (rather than a subset), providing additional opportunities for the CRB to influence internal disciplinary processes, specifically allowing it to function as the PAB for Baltimore City, and allocating increased funding to ensure that the CRB has the resources required to effectively take on misconduct cases and to secure independent legal counsel.

Empowering the City's Civilian Review Board to function as its Police Accountability Board is the key to achieving maximum police accountability for Baltimore City. It will allow us to consolidate community oversight, while at the same time building on the longstanding expertise and infrastructure of the CRB.

The need for an effective and adequately-resourced police oversight body is made abundantly clear by the episodes of excessive force and false arrest that continue despite public outcry and uprisings, by the senseless killings of Freddie Gray and Tyrone West, by the unchecked multiyear exploits of the Gun Trace Task Force, and by the harassment and indignities faced everyday by Baltimore residents in their interactions with law enforcement. According to an ACLU report released in 2021, the period of 2015 through 2019 saw over 13,000 police misconduct complaints filed against 1,800 officers in Baltimore City. For scale, in late 2017, the total number of patrol officers was just over 800. Unsurprisingly, police violence and misconduct disproportionately impact Black and Brown Baltimoreans and their families, and despite the sheer number of complaints against officers, only a fraction of these complaints are sustained. In addition to these human costs, continued police misconduct represents a direct and significant financial cost to the city; as the period from 2015 through 2020 saw Baltimore spend over \$18 million in settlements related to officer misconduct and harm.

These facts show the need for a robust Civilian Review Board, which has the resources and jurisdiction to effectively hold law enforcement accountable to the public. Failure to consolidate oversight power in the CRB would needlessly dilute independent oversight. It is for these reasons that I am encouraging you to **vote in support of Senate Bill 441.**

Thank you for your time, service, and consideration.

Sincerely,

Erica Palmisano  
5580 Vantage Point Rd, Apt 5, Columbia, MD  
Showing Up for Racial Justice Baltimore

## **SB 441 - Clarification of Baltimore City Civilian**

Uploaded by: Holly Powell

Position: FAV

Dear Members of the Senate 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. We are also working in collaboration with the Campaign for Justice Safety and Jobs. I am a resident of 46. **I am testifying in support of Senate Bill 441.**



Senate Bill 441 will authorize Baltimore City's existing Civilian Review Board to function as the local Police Accountability Board required by the Maryland Police Accountability Act of 2021.

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Thank you for your time, service, and consideration.

Sincerely,

**Holly Powell**

**2308 Cambridge Street**

**Baltimore, Maryland 21224**

Showing Up for Racial Justice Baltimore

# **SURJ Civilian Review Board 2022 Feb 15.pdf**

Uploaded by: Jan Kleinman

Position: FAV

Dear Members of the Senate 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. We are also working in collaboration with the Campaign for Justice Safety and Jobs. I am a resident of District 40. As a new Baltimore resident, recently relocated from Minneapolis, I am keenly aware of tensions between the public and the police. I want to live in a safe place where everyone in trouble feels s/he can call on reliable, professional help. **I am testifying in support of Senate Bill 441.**



Senate Bill 441 will authorize Baltimore City's existing Civilian Review Board to function as the local Police Accountability Board required by the Maryland Police Accountability Act of 2021.

For reference, the passage of the Maryland Police Accountability Act included mandates for establishing jurisdictional Police Accountability Boards (PABs) in each county and Baltimore City. Intended to provide a measure of community oversight, the tasks assigned to PABs include: (1) appointing civilian members for the administrative charging committee and internal police trial boards; (2) receiving police misconduct complaints from the public; (3) reviewing disciplinary outcomes from charging committees; (4) holding quarterly meetings with law enforcement agencies; and (5) reporting on disciplinary trends and recommendations to improve police accountability.

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Thank you for your time, service, and consideration.

Sincerely,  
Jan Kleinman  
816 Union Ave, Baltimore 21211  
Showing Up for Racial Justice Baltimore

# **Support SB0441 (2022).pdf**

Uploaded by: Jennifer Sell

Position: FAV

Dear Members of the Judicial Proceedings Committee,

I am a resident of District 33 and a member of Showing Up for Racial Justice- Annapolis and Anne Arundle County. I am testifying in support of Senate Bill 441.

Senate Bill 441 will authorize Baltimore City's existing Civilian Review Board to function as the local Police Accountability Board required by the Maryland Police Accountability Act of 2021.

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These facts show the need for a robust Civilian Review Board, which has the resources and jurisdiction to effectively hold law enforcement accountable to the public. Failure to consolidate oversight power in the CRB would needlessly dilute independent oversight. It is for these reasons that I am encouraging you to **vote in support of Senate Bill 441**.

Thank you for your time, service, and consideration.

Sincerely,

Jennifer Sell  
444 Lynwood Dr  
Severna Park, MD 21146

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<sup>1</sup> <https://www.aclu-md.org/en/publications/chasing-justice-addressing-police-violence-and-corruption-maryland>



## **SB 441 - Clarification of Baltimore City Civilian**

Uploaded by: Jonathan Smeton

Position: FAV

Dear Members of the Senate 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. We are also working in collaboration with the Campaign for Justice Safety and Jobs. I am a resident of **District 40. I am testifying in support of Senate Bill 441.**



Senate Bill 441 will authorize Baltimore City's existing Civilian Review Board to function as the local Police Accountability Board required by the Maryland Police Accountability Act of 2021.

For reference, the passage of the Maryland Police Accountability Act included mandates for establishing jurisdictional Police Accountability Boards (PABs) in each county and Baltimore City. Intended to provide a measure of community oversight, the tasks assigned to PABs include: (1) appointing civilian members for the administrative charging committee and internal police trial boards; (2) receiving police misconduct complaints from the public; (3) reviewing disciplinary outcomes from charging committees; (4) holding quarterly meetings with law enforcement agencies; and (5) reporting on disciplinary trends and recommendations to improve police accountability.

The intended functions of the PABs are largely duplicative of those of Baltimore City's existing Civilian Review Board (CRB), which was established by the General Assembly in 1999. Senate Bill 441 seeks to keep existing CRB functions intact, while expanding the board's jurisdiction to include all forms of misconduct (rather than a subset), providing additional opportunities for the CRB to influence internal disciplinary processes, specifically allowing it to function as the PAB for Baltimore City, and allocating increased funding to ensure that the CRB has the resources required to effectively take on misconduct cases and to secure independent legal counsel.

Empowering the City's Civilian Review Board to function as its Police Accountability Board is the key to achieving maximum police accountability for Baltimore City. It will allow us to consolidate community oversight, while at the same time building on the longstanding expertise and infrastructure of the CRB.

The need for an effective and adequately-resourced police oversight body is made abundantly clear by the episodes of excessive force and false arrest that continue despite public outcry and uprisings, by the senseless killings of Freddie Gray and Tyrone West, by the unchecked multiyear exploits of the Gun Trace Task Force, and by the harassment and indignities faced everyday by Baltimore residents in their interactions with law enforcement. According to an ACLU report released in 2021, the period of 2015 through 2019 saw over 13,000 police misconduct complaints filed against 1,800 officers in Baltimore City. For scale, in late 2017, the total number of patrol officers was just over 800. Unsurprisingly, police violence and misconduct disproportionately impact Black and Brown Baltimoreans and their families, and despite the sheer number of complaints against officers, only a fraction of these complaints are sustained. In addition to these human costs, continued police misconduct represents a direct and significant financial cost to the city; as the period from 2015 through 2020 saw Baltimore spend over \$18 million in settlements related to officer misconduct and harm.

These facts show the need for a robust Civilian Review Board, which has the resources and jurisdiction to effectively hold law enforcement accountable to the public. Failure to consolidate oversight power in the CRB would needlessly dilute independent oversight. It is for these reasons that I am encouraging you to **vote in support of Senate Bill 441.**

Thank you for your time, service, and consideration.

Sincerely,  
Jonathan Smeton  
Baltimore, MD 21211  
Showing Up for Racial Justice Baltimore

# **2022 SB 0441 - FAVORABLE.pdf**

Uploaded by: Ken Phelps

Position: FAV



# THE EPISCOPAL DIOCESE OF MARYLAND

## TESTIMONY IN SUPPORT OF SB 0441:

### Baltimore City – Civilian Review Board

**\*\*FAVORABLE\*\***

February 16, 2022

TO: The Hon. William C. Smith, Chair; the Hon. Jeff Waldstreicher, Vice-Chair, and the members of the Judicial Proceedings Committee

FROM: The Rev. Kenneth O. Phelps Jr., Co-Chair, The Maryland Episcopal Public Policy Network

The Episcopal Church. In its 2018 General Convention resolution on police violence and racism, stated, “that while we honor and raise up the work of dedicated police officers who put their lives on the line to serve and protect, we also acknowledge the numerous inexcusable deaths and intimidation of people of color at the hands of law enforcement personnel in communities all over the United States”

Episcopalians are further urged to “join community and grassroots leaders in advocating ... substantive and mandatory change in police departments and policing and to allocate resources for community-based models of safety, support and prevention.”

In that spirit, the Episcopal Diocese of Maryland and its member parishes strongly urge favorable reports on this bill.

Since the death of Freddie Gray in Baltimore in 2015 the Maryland General Assembly finally began the task of addressing police violence and accountability with the passage of significant legislation in the last session. But, we also know that the new laws have set in motion at best an incremental approach, and that further refinement will be necessary to solve the urgent problem of police violence and to a mitigate the impact on the systemic racism that feeds and sustains it. We applaud this next step as it concerns the city of Baltimore.

Ending police violence can only benefit everyone. Enacting these measures would be a great next step. We have sisters and brothers who have suffered under this system for far too long.

We request a favorable report.

# **SB 441 - Clarification of Baltimore City Civilian**

Uploaded by: Lindsay Keipper

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by 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. I am a resident of Maryland District 46, and **I am testifying in support of Senate Bill 441.**



Senate Bill 441 will authorize Baltimore City's existing Civilian Review Board to function as the local Police Accountability Board required by the Maryland Police Accountability Act of 2021. The law mandates the creation of these boards to provide a measure of community oversight. Their tasks include: (1) appointing civilian members for the administrative charging committee and internal police trial boards; (2) receiving police misconduct complaints from the public; (3) reviewing disciplinary outcomes from charging committees; (4) holding quarterly meetings with law enforcement agencies; and (5) reporting on disciplinary trends and recommendations to improve police accountability.

The intended functions of the PABs are largely duplicative of those of Baltimore City's existing Civilian Review Board (CRB), which was established by the General Assembly in 1999. It makes little sense to create a new board from scratch that largely mirrors the functions of the existing CRB; the best solution is to harmonize the two laws by making the CRB, with its longstanding expertise and infrastructure, function as the city PAB. Senate Bill 441 seeks to keep existing CRB functions intact and allow it to function as the city PAB, while expanding the board's jurisdiction to include all forms of misconduct (rather than a subset), providing additional opportunities for the CRB to influence internal disciplinary processes, and allocating increased funding to ensure that the CRB has the resources required to effectively take on misconduct cases and to secure independent legal counsel.

Individual episodes of misconduct like the death of Freddie Gray and the Gun Trace Task Force scandal have provoked outrage and calls to action, but police misconduct is a longstanding, ongoing problem. According to an ACLU report released in 2021<sup>1</sup>, the period of 2015 through 2019 saw over 13,000 police misconduct complaints filed against 1,800 officers in Baltimore City. For scale, in late 2017, the total number of patrol officers was just over 800. Unsurprisingly, police violence and misconduct disproportionately impact Black and Brown Baltimoreans and their families, and despite the sheer number of complaints against officers, only a fraction of these complaints are sustained. In addition to these human costs, continued police misconduct represents a direct and significant financial cost to the city; as the period from 2015 through 2020 saw Baltimore spend over \$18 million in settlements related to officer misconduct and harm.

The recently-released final report on the development of the Gun Trace Task Force scandal<sup>2</sup> is notable because it describes not only the genesis of the individual GTTF officers' misconduct, but a pattern of ongoing systemic failure in the Internal Affairs division of the police department that contributed to criminal officers having free reign. As the report summarized in its conclusion, "[A]llegations of misconduct were frequently not taken seriously or investigated promptly. Even when internal investigations proved that officers had engaged in corruption or serious misconduct, substantial punishment was seldom imposed."<sup>3</sup>

These facts show the need for a robust Civilian Review Board, which has the resources and jurisdiction to effectively hold law enforcement accountable to the public. Failure to consolidate oversight power in the CRB would needlessly dilute independent oversight. It is for these reasons that I am encouraging you to **vote in support of Senate Bill 441.**

Thank you for your time, service, and consideration.

Sincerely,  
Lindsay Keipper  
2425 Fleet St.  
Showing Up for Racial Justice Baltimore

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<sup>1</sup> Chasing Justice, available at:

[https://www.aclu-md.org/sites/default/files/field\\_documents/aclu-md\\_chasingjusticereport\\_aug2021.pdf](https://www.aclu-md.org/sites/default/files/field_documents/aclu-md_chasingjusticereport_aug2021.pdf)

<sup>2</sup> Anatomy of the Gun Trace Task Force Scandal, available at:

<https://www.steptoec.com/images/content/2/1/v2/219380/GTTF-Report.pdf>

<sup>3</sup> Steptoe report, page 509.

# **Support SB 441 - Clarification of Baltimore City C**

Uploaded by: Linnie Girdner

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

I am a resident of District 21 and a member of Showing Up for Racial Justice Annapolis and Anne Arundel County. **I am testifying in support of Senate Bill 441.**

Senate Bill 441 will authorize Baltimore City's existing Civilian Review Board to function as the local Police Accountability Board required by the Maryland Police Accountability Act of 2021.

For reference, the passage of the Maryland Police Accountability Act included mandates for establishing jurisdictional Police Accountability Boards (PABs) in each county and Baltimore City. Intended to provide a measure of community oversight, the tasks assigned to PABs include: (1) appointing civilian members for the administrative charging committee and internal police trial boards; (2) receiving police misconduct complaints from the public; (3) reviewing disciplinary outcomes from charging committees; (4) holding quarterly meetings with law enforcement agencies; and (5) reporting on disciplinary trends and recommendations to improve police accountability.

The intended functions of the PABs are largely duplicative of those of Baltimore City's existing Civilian Review Board (CRB), which was established by the General Assembly in 1999. Senate Bill 441 seeks to keep existing CRB functions intact, while expanding the board's jurisdiction to include all forms of misconduct (rather than a subset), providing additional opportunities for the CRB to influence internal disciplinary processes, specifically allowing it to function as the PAB for Baltimore City, and allocating increased funding to ensure that the CRB has the resources required to effectively take on misconduct cases and to secure independent legal counsel.

Empowering the City's Civilian Review Board to function as its Police Accountability Board is the key to achieving maximum police accountability for Baltimore City. It will allow city residents to consolidate community oversight, while at the same time building on the longstanding expertise and infrastructure of the CRB.

The need for an effective and adequately-resourced police oversight body is made abundantly clear by the episodes of excessive force and false arrest that continue despite public outcry and uprisings, by the senseless killings of Freddie Gray and Tyrone West, by the unchecked multiyear exploits of the Gun Trace Task Force, and by the harassment and indignities faced everyday by Baltimore residents in their interactions with law enforcement. According to an ACLU report released in 2021, the period of 2015 through 2019 saw over 13,000 police misconduct complaints filed against 1,800 officers in Baltimore City. For scale, in late 2017, the total number of patrol officers was just over 800. Unsurprisingly, police violence and misconduct disproportionately impact Black and Brown Baltimoreans and their families, and despite the sheer number of complaints against officers, only a fraction of these complaints are sustained. In addition to these human costs, continued police misconduct represents a direct and significant financial cost to the city; as the period from 2015 through 2020 saw Baltimore spend over \$18 million in settlements related to officer misconduct and harm.

These facts show the need for a robust Civilian Review Board, which has the resources and jurisdiction to effectively hold law enforcement accountable to the public. Failure to consolidate oversight power in the CRB would needlessly dilute independent oversight. It is for these reasons that I am encouraging you to **vote in support of Senate Bill 441.**

Thank you for your time, service, and consideration.

Sincerely,

Linda Girdner

941 Fall Ridge Way

Gambrills, MD 21054



# **CASA\_FAV\_SB441.pdf**

Uploaded by: Lydia Walther Rodriguez

Position: FAV



**Testimony in SUPPORT of SB441**  
Baltimore City - Civilian Review Board  
Senate Judicial Proceedings Committee

Lydia Walther-Rodriguez, On Behalf of CASA

February 16, 2022

Dear Honorable Chairman Smith and Members of the Judicial Proceedings Committee:

CASA is pleased to provide favorable testimony in support of **SB441, Baltimore City - Civilian Review Board**. CASA is the largest member-led immigrant advocacy and direct services organization in the state of Maryland and in the Mid-Atlantic region, serving over 123,000 Black and Brown immigrants and working class families.

CASA's membership is disproportionately impacted, in comparison to their white counterparts, by police violence. CASA members have consistently been before the committee testifying to their personal accounts of police misconduct, abuse, and brutality. For immigrant families in particular, this unjust interactions with police often go unaccounted for and unreported due distrust in the police stemming from a long history of police misconduct going without accountability and proper oversight. This is a trend with CASA members and the immigrant community at large, who have suffered police misconduct.

Due to the above trends, CASA, led by its members, have joined coalition efforts in advocating for police reform and civilian oversight for over a decade. CASA is an active member of the Maryland Coalition for Justice and Police Accountability (MCJPA), a statewide coalition of over 90 organizations, and the Campaign for Justice Safety and Jobs (CJSJ), a Baltimore based coalition of over 30 organizations. Both coalitions are united to achieve meaningful police reform in Baltimore City and Maryland as a whole.

CASA stands firmly with both coalitions' efforts in support of SB441 - as this is our opportunity to achieve maximum civilian oversight and police accountability by building upon the infrastructure and expertise of the existing Baltimore City Civilian Review Board.

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. However, the police accountability boards have certain features that Baltimore's CRB currently does not have, and could bring about larger empowerment of the CRB including the oversight over broader categories of complaints, more opportunities for the CRB to influence the internal disciplinary process, and adequate funding for the CRB - are some examples.

Strengthening the CRB through SB441, will bring about greater police accountability- through a more powerful mechanism of civilian oversight - and encourage CASA members, and the community at large to come forward with their accounts of police misconduct. For all of those reasons, **CASA strongly urges a favorable support of SB441.**

Lydia Walther-Rodriguez

Baltimore & Central Maryland Region Director, CASA

## **Becker\_writtenTestimony\_SB 441 - Clarification of**

Uploaded by: Madeline Becker

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

I am a resident of Maryland living in District 46 in Washington Village. I am an artist, small business owner, part-time instructor at the Baltimore School for the Arts, and a member of the International Alliance of Theatrical Stage Employees (IATSE) Local 487 working on film and television shows throughout the East Coast. I am also a member of Showing Up for Racial Justice (SURJ). **I am testifying in support of Senate Bill 441.**

Senate Bill 441 will authorize Baltimore City's existing Civilian Review Board to function as the local Police Accountability Board required by the Maryland Police Accountability Act of 2021.

For reference, the passage of the Maryland Police Accountability Act included mandates for establishing jurisdictional Police Accountability Boards (PABs) in each county and Baltimore City. Intended to provide a measure of community oversight, the tasks assigned to PABs include: (1) appointing civilian members for the administrative charging committee and internal police trial boards; (2) receiving police misconduct complaints from the public; (3) reviewing disciplinary outcomes from charging committees; (4) holding quarterly meetings with law enforcement agencies; and (5) reporting on disciplinary trends and recommendations to improve police accountability.

The intended functions of the PABs are largely duplicative of those of Baltimore City's existing Civilian Review Board (CRB), which was established by the General Assembly in 1999. Senate Bill 441 seeks to keep existing CRB functions intact, while expanding the board's jurisdiction to include all forms of misconduct (rather than a subset), providing additional opportunities for the CRB to influence internal disciplinary processes, specifically allowing it to function as the PAB for Baltimore City, and allocating increased funding to ensure that the CRB has the resources required to effectively take on misconduct cases and to secure independent legal counsel.

Empowering the City's Civilian Review Board to function as its Police Accountability Board is the key to achieving maximum police accountability for Baltimore City. It will allow us to consolidate community oversight, while at the same time building on the longstanding expertise and infrastructure of the CRB.

The need for an effective and adequately-resourced police oversight body is made abundantly clear by the episodes of excessive force and false arrest that continue despite public outcry and uprisings, by the senseless killings of Freddie Gray and Tyrone West, by the unchecked multiyear exploits of the Gun Trace Task Force, and by the harassment and indignities faced everyday by Baltimore residents in their interactions with law enforcement. According to an ACLU report released in 2021, the period of 2015 through 2019 saw over 13,000 police misconduct complaints filed against 1,800 officers in Baltimore City. For scale, in late 2017, the total number of patrol officers was just over 800. Unsurprisingly, police violence and misconduct disproportionately impact Black and Brown Baltimoreans and their families, and despite the sheer number of complaints against officers, only a fraction of these complaints are sustained. In addition to these human costs, continued police misconduct represents a direct and significant financial cost to the city; as the period from 2015 through 2020 saw Baltimore spend over \$18 million in settlements related to officer misconduct and harm.

These facts show the need for a robust Civilian Review Board, which has the resources and jurisdiction to effectively hold law enforcement accountable to the public. Failure to consolidate oversight power in the CRB would needlessly dilute independent oversight. It is for these reasons that I am encouraging you to **vote in support of Senate Bill 441.**

Thank you for your time, service, and consideration.

Sincerely,

**Madeline Becker**  
**1012 South Paca Street**  
**Baltimore, MD 21230**  
[Paintbrushpictures.com](https://www.paintbrushpictures.com)  
IATSE Local 487  
Showing Up for Racial Justice Baltimore

# **BALTtestimony\_SB441\_2022.pdf**

Uploaded by: Matt Parsons

Position: FAV

**TESTIMONY in Support of SB 441**  
**Baltimore City - Civilian Review Board**

**TO:** Chair Smith, Vice Chair Waldstreicher, members of the Judicial Proceedings Committee  
**FROM:** Matt Parsons on behalf of Baltimore Action Legal Team

My name is Matt Parsons, and I am the Community Lawyer at Baltimore Action Legal Team (BALT). I submit this testimony in favor of Senate Bill 441. Since 2015, BALT has been committed to educating community members about their rights and ensuring access to public records like police misconduct investigations.

Senate Bill 441 offers the City of Baltimore a way out from an ongoing conflict of interest regarding its current legal representation of the CRB. This conflict of interest has substantially interfered with the CRB's aim to hold police officers accountable for misconduct. Specifically, the bill will allow the CRB to retain independent legal counsel to represent its interests as an independent agency separate from the City of Baltimore. In its current form, the CRB is represented by the Baltimore City Law Department (BCLD), which simultaneously represents the divergent interests of the Baltimore Police Department (BPD). Not only is this an inherent conflict of interest on its face, but also the unlawful conduct of the BCLD and BPD demonstrate this conflict poses concrete, material harm to the CRB's work.

CRB members consistently complain they do not receive citizen complaints at all or in a timely manner. In the past, the City Solicitor has pressured CRB members to sign a confidentiality agreement to protect the reputation of the BPD; members who refused to sign were then rejected access to complaints against BPD officers. Between 2013-2015, the BPD failed to forward more than two-thirds of police misconduct complaints received at their station to the CRB. Complaints have been withheld from the CRB for over twelve months, rendering them moot, in an illicit attempt to shield the BPD from accountability to the public whom it purports to serve. Such conduct is unlawful under Maryland law, and creates the exact kind of conflict of interest considered impermissible under the Maryland Attorneys' Rules of Professional Conduct. If the CRB remains under the legal counsel of the BCLD, its ability to meaningfully provide justice to the public will suffer, even with the additional jurisdiction and powers SB 441 would provide.

We know that the City Solicitor has three points of legal contention against the bill.

First, the City Solicitor states that under the City Charter the Mayor has the sole power of appointment of municipal officers, which includes members of boards such as the CRB. However, SB 441 does not pertain to the hiring of CRB "members" as considered under its enacting statute, which expressly lists the types and number of members to serve on the Board. SB 441 only allows the CRB to hire additional staff members to assist with its functions, while retaining the same process through which the Mayor selects and the City Council approves prospective "members".

Secondly, the City Solicitor avers the CRB is not an independent legal entity, and does not have the power to sue or be sued, nor to retain independent legal counsel. This contradicts settled law which the Court of Special Appeals established in 2006: "*The CRB is not an agency of the Mayor and City Council of Baltimore City or the BCPD. It is an independent entity created by the General Assembly to advise the*

Police Commissioner on matters of police discipline arising from complaints of abusive language, harassment, and use of excessive force" (emphasis added).<sup>1</sup> Even if viewed as an unincorporated association, the CRB is an independent agency with the legal ability to sue and be sued, and retain independent legal counsel on its behalf. This ability is not merely expedient: "Political independence is necessary for civilian oversight to be seen as credible and legitimate."<sup>2</sup>

Finally, the City Solicitor maintains that SB 441's provision allocating funding to the CRB from the Baltimore City annual budget is an unconstitutional overreach of the General Assembly's powers regarding a public local law. However, similar public local laws require the City of Baltimore to appropriate funds to other state agencies such as the BPD. Public Local Law § 16-38 states in pertinent part, the Mayor and City Council of Baltimore "*shall... appropriate annually a sum of money for the relief of disabled, and superannuated members of the police force of Baltimore City,*" as well as others identified in the statute (emphasis added). The City Solicitor's legal assertion is inconsistent with the existence of such public local laws, yet their position does not surprise. The City's willingness to allocate substantial funding to the BPD, coupled with the BCLD and BPD's misconduct toward the CRB, reveals their deep loyalty to the status quo and bias against police accountability.

Without this legislation Baltimore will be forced to create a Police Accountability Board as outlined in The Speaker's 2021 bill HB 670, as well as maintain its Civilian Review Board as outlined in 1999's SB 747. This would be a colossal waste of city resources, would continue to leave the CRB without independent counsel, and would deprive the public of meaningful recourse for police officer misconduct. Therefore, I urge a favorable report on SB 441.

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<sup>1</sup> *Wilbon v. Hunsicker*, 172 Md. App. 181, 199 (2006) (citing Pub. Local Laws of Md., Art. 4, §16–42).

<sup>2</sup> Community Oversight Task Force, The Community Oversight Task Force's Recommendations For Strengthening Police Accountability and Police-Community Relations in Baltimore City, pg. 19, June 30, 2018.



# **Currie.CRB.pdf**

Uploaded by: Melvin Currie

Position: FAV

Dear Members of the Senate 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. We are also working in collaboration with the Campaign for Justice Safety and Jobs. I am a resident of **the City of Baltimore and I have been a member of Baltimore's Civilian Review since May, 2017. I am testifying in support of Senate Bill 441.**

Senate Bill 441 will authorize Baltimore City's existing Civilian Review Board to function as the local Police Accountability Board required by the Maryland Police Accountability Act of 2021.

For reference, the passage of the Maryland Police Accountability Act included mandates for establishing jurisdictional Police Accountability Boards (PABs) in each county and Baltimore City. Intended to provide a measure of community oversight, the tasks assigned to PABs include: (1) appointing civilian members for the administrative charging committee and internal police trial boards; (2) receiving police misconduct complaints from the public; (3) reviewing disciplinary outcomes from charging committees; (4) holding quarterly meetings with law enforcement agencies; and (5) reporting on disciplinary trends and recommendations to improve police accountability.

The intended functions of the PABs are largely duplicative of those of Baltimore City's existing Civilian Review Board (CRB), which was established by the General Assembly in 1999. Senate Bill 441 seeks to keep existing CRB functions intact, while expanding the board's jurisdiction to include all forms of misconduct (rather than a subset), providing additional opportunities for the CRB to influence internal disciplinary processes, specifically allowing it to function as the PAB for Baltimore City, and allocating increased funding to ensure that the CRB has the resources required to effectively take on misconduct cases and to secure independent legal counsel. **The matter of legal counsel has been a bone of contention during my tenure on the CRB. We do not want to be in a position that requires the CRB to depend on the same legal apparatus that is responsible for advising the Baltimore Police Department.**

Empowering the City's Civilian Review Board to function as its Police Accountability Board is the key to achieving maximum police accountability for Baltimore City. It will allow us to consolidate community oversight, while at the same time building on the longstanding expertise and infrastructure of the CRB.

The need for an effective and adequately-resourced police oversight body is made abundantly clear by the episodes of excessive force and false arrest that continue despite public outcry and uprisings, by the senseless killings of Freddie Gray and Tyrone West, by the unchecked multiyear exploits of the Gun Trace Task Force, and by the harassment and indignities faced everyday by Baltimore residents in their interactions with law enforcement. According to an ACLU report released in 2021, the period of 2015 through 2019 saw over 13,000 police misconduct complaints filed against 1,800 officers in Baltimore City. For scale, in late 2017, the total number of patrol officers was just over 800. Unsurprisingly, police violence and misconduct disproportionately impact Black and Brown Baltimoreans and their families, and despite the sheer number of complaints against officers, only a fraction of these complaints are sustained. In addition to these human costs, continued police misconduct represents a direct and significant financial cost to the city; as the period from 2015 through 2020 saw Baltimore spend over \$18 million in settlements related to officer misconduct and harm.

These facts show the need for a robust Civilian Review Board, which has the resources and jurisdiction to effectively hold law enforcement accountable to the public. Failure to consolidate oversight power in the CRB would needlessly dilute independent oversight. It is for these reasons that I am encouraging you to **vote in support of Senate Bill 441.**

Sincerely,  
Melvin R. Currie  
2434 Pickwick Road Baltimore, MD 21207

## **SB 441 - Favorable Testimony .pdf**

Uploaded by: Natalie Novak

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee:

**I am testifying in support of Senate Bill 441.** I am a resident of District 41 and the Secretary and Northern District representative of the Baltimore City Civilian Review Board.

Senate Bill 441 will authorize Baltimore City's existing Civilian Review Board (CRB) to function as the local Police Accountability Board required under the Maryland Police Accountability Act of 2021, while retaining the CRB's current functions. Without passing this bill, police oversight in Baltimore City will be gravely in danger.

First, the intended function of the Baltimore City PAB is largely duplicative of the CRB's statutory function, which was established by the General Assembly in 1999.

Further, bringing the Baltimore City PAB under the CRB umbrella, while keeping the CRB functions intact is imperative to creating effective police accountability and oversight, which were driving forces behind the passage of the Maryland Police Accountability Act. Effective and true police accountability and oversight is impossible without independence. At this time, the Administrative Charging Committees (ACCs) created by the Maryland Police Accountability Act lack independence. Pursuant to the Maryland Police Accountability Act, the ACCs are vested with the awesome task of reviewing police misconduct complaints and determining any resulting disciplinary action. Importantly, if the ACC finds misconduct and issues a disciplinary action, the Police Commissioner cannot set a lower discipline, only a harsher one. This is a great win for police reform; however, the ACCs function as citizen involvement in the police disciplinary process, **not police oversight and accountability**. The ACCs are not effective and true police oversight and accountability because they lack independence. The ACCs do not perform their own independent investigations. Rather, they rely on only the Baltimore City Police Department's (BPD) own internal investigation. Under this scheme, the police are again allowed to police themselves.

SB 441 would fix this. This legislation would bring the PAB under the umbrella of the existing CRB, which already has independent investigatory powers. Therefore, the CRB would be able to continue to conduct independent investigations of police misconduct and provide those investigations, in addition to BPD's internal investigation, to the ACC. This is the process that the CRB currently follows—the board members are given both the CRB independent investigation, as well as the BPD Public Integrity Bureau's investigation to use in its deliberations. Access to an independent investigation is important because the complainant and any civilian witnesses might prefer to report the details of police misconduct to a CRB investigator, rather than only having the option of participating in the BPD investigation. Further, and notably, the CRB has the authority to issue subpoenas, which are issued when BPD or other actors are unwilling to provide necessary information regarding a complaint. The ACCs do not have subpoena power, they can only request that the police department issue a subpoena. As such, the ACCs are not independent—they are relegated to only BPD investigations and have no authority to conduct their own investigations. This is not effective and full police oversight and accountability. Without SB 441, Baltimore City government will attempt to dissolve the CRB, thus eliminating the CRB's investigatory and subpoena powers. Powers that Baltimore City residents fought decades for will be eliminated and so will any hope of effective police oversight.

Finally, SB 441 allows for increased and fixed funding for the CRB and the right to secure independent legal counsel. The CRB requires adequate funding to ensure police oversight and accountability and access to independent counsel is essential considering the CRB's counsel is also BPD's counsel. Therefore, SB 441 would bring independence to the police oversight and accountability promised by the Maryland Police Accountability Act.

With the passage of SB 441, we have the chance to create ground-breaking police oversight and accountability. It is for these reasons that I am encouraging you to **vote in support of Senate Bill 441**.

Sincerely,

Natalie Novak

1206 W Northern Parkway, Baltimore, MD 21209

CRB Secretary, Northern District Representative

# **SB 441 - Clarification of Baltimore City Civilian**

Uploaded by: Patrick Sadil

Position: FAV

Dear Members of the Senate 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. We are also working in collaboration with the Campaign for Justice Safety and Jobs. I am a resident of District 46. **I am testifying in support of Senate Bill 441.**



Senate Bill 441 will authorize Baltimore City's existing Civilian Review Board to function as the local Police Accountability Board required by the Maryland Police Accountability Act of 2021.

For reference, the passage of the Maryland Police Accountability Act included mandates for establishing jurisdictional Police Accountability Boards (PABs) in each county and Baltimore City. Intended to provide a measure of community oversight, the tasks assigned to PABs include: (1) appointing civilian members for the administrative charging committee and internal police trial boards; (2) receiving police misconduct complaints from the public; (3) reviewing disciplinary outcomes from charging committees; (4) holding quarterly meetings with law enforcement agencies; and (5) reporting on disciplinary trends and recommendations to improve police accountability.

The intended functions of the PABs are largely duplicative of those of Baltimore City's existing Civilian Review Board (CRB), which was established by the General Assembly in 1999. Senate Bill 441 seeks to keep existing CRB functions intact, while expanding the board's jurisdiction to include all forms of misconduct (rather than a subset), providing additional opportunities for the CRB to influence internal disciplinary processes, specifically allowing it to function as the PAB for Baltimore City, and allocating increased funding to ensure that the CRB has the resources required to effectively take on misconduct cases and to secure independent legal counsel.

Empowering the City's Civilian Review Board to function as its Police Accountability Board is the key to achieving maximum police accountability for Baltimore City. It will allow us to consolidate community oversight, while at the same time building on the longstanding expertise and infrastructure of the CRB.

The need for an effective and adequately-resourced police oversight body is made abundantly clear by the episodes of excessive force and false arrest that continue despite public outcry and uprisings, by the senseless killings of Freddie Gray and Tyrone West, by the unchecked multiyear exploits of the Gun Trace Task Force, and by the harassment and indignities faced everyday by Baltimore residents in their interactions with law enforcement. According to an ACLU report released in 2021, the period of 2015 through 2019 saw over 13,000 police misconduct complaints filed against 1,800 officers in Baltimore City. For scale, in late 2017, the total number of patrol officers was just over 800. Unsurprisingly, police violence and misconduct disproportionately impact Black and Brown Baltimoreans and their families, and despite the sheer number of complaints against officers, only a fraction of these complaints are sustained. In addition to these human costs, continued police misconduct represents a direct and significant financial cost to the city; as the period from 2015 through 2020 saw Baltimore spend over \$18 million in settlements related to officer misconduct and harm.

These facts show the need for a robust Civilian Review Board, which has the resources and jurisdiction to effectively hold law enforcement accountable to the public. Failure to consolidate oversight power in the CRB would needlessly dilute independent oversight. It is for these reasons that I am encouraging you to **vote in support of Senate Bill 441.**

Thank you for your time, service, and consideration.

Sincerely,  
Patrick Sadil, PhD  
1637 Fleet Stree, FL 1  
Baltimore MD 21231  
Showing Up for Racial Justice Baltimore

## **SB 441 - Clarification of Baltimore City Civilian**

Uploaded by: Rebecca Shillenn

Position: FAV

Dear Members of the Senate 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. We are also working in collaboration with the Campaign for Justice Safety and Jobs. I am a resident of District 45, within the city. **I am testifying in support of Senate Bill 441.**



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Thank you for your time, service, and consideration.

Sincerely,  
Rebecca Shillenn  
5401 Elsrode Avenue Baltimore MD 21214  
Showing Up for Racial Justice Baltimore



## **SB 441 - Clarification of Baltimore City Civilian**

Uploaded by: Sam Chan

Position: FAV

Dear Members of the Senate 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. We are also working in collaboration with the Campaign for Justice Safety and Jobs. I am a resident of **District 43**. **I am testifying in support of Senate Bill 441.**



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For reference, the passage of the Maryland Police Accountability Act included mandates for establishing jurisdictional Police Accountability Boards (PABs) in each county and Baltimore City. Intended to provide a measure of community oversight, the tasks assigned to PABs include: (1) appointing civilian members for the administrative charging committee and internal police trial boards; (2) receiving police misconduct complaints from the public; (3) reviewing disciplinary outcomes from charging committees; (4) holding quarterly meetings with law enforcement agencies; and (5) reporting on disciplinary trends and recommendations to improve police accountability.

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Thank you for your time, service, and consideration.

Sincerely,  
**Sam Chan**  
**38 E 26<sup>th</sup> St Baltimore MD 21218**  
Showing Up for Racial Justice Baltimore

## **SB 441 - Clarification of Baltimore City Civilian**

Uploaded by: Sarah Johnson

Position: FAV

Dear Members of the Senate 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. We are also working in collaboration with the Campaign for Justice Safety and Jobs. I am a resident of District 41 in Baltimore City. **I am testifying in support of Senate Bill 441.**



Senate Bill 441 will authorize Baltimore City's existing Civilian Review Board to function as the local Police Accountability Board required by the Maryland Police Accountability Act of 2021.

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Thank you for your time, service, and consideration.

Sincerely,

Sarah Johnson  
1 Merryman Court  
Baltimore, MD 21210  
Showing Up for Racial Justice Baltimore

# **SB441\_TobyDitz JUFJ\_FAV.pdf**

Uploaded by: Toby Ditz

Position: FAV

February 16, 2022

Toby Ditz  
Baltimore MD, 21217



**TESTIMONY ON SB441/HB991 - POSITION: FAVORABLE**  
**Baltimore City – Civilian Review Board**

**TO:** Chair Smith, Vice Chair Moon, 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 have lived in Baltimore City in District 40 for thirty-eight years. This testimony is on behalf of Jews United for Justice in **support of SB441/HB991, Baltimore City – Civilian Review Board**. JUFJ organizes more than 6,000 Jewish Marylanders and allies in support of local and state campaigns for social, racial, and economic justice, and we have been working with our coalition partners for **more than seven years on police reform**.

Last year, the General Assembly passed sweeping police reform legislation, including mandating that each county create a Police Accountability Board (PAB) with powers to review police misconduct cases. The intent was to provide a modicum of community oversight, but Baltimore already has a Civilian Review Board (CRB) created by the General Assembly in 1999. SB441 would authorize the City's CRB to acquire all the powers of the new Police Accountability Board – to become, in effect, the City's PAB.

This bill, then, eliminates the potential overlaps and contradictions between the reforms of 2021 and the older state statute that created Baltimore's Civilian Review Board. It does so by consolidating civilian oversight in a *single* entity backed by a budget sufficient to ensure meaningful oversight and adequate staffing, including independent counsel. To let both bodies stand would be to disperse and weaken oversight. In short, SB441 allows for smoother local implementation of last year's mandate.

SB441 also accords with the broader spirit of your statutory reforms. These reforms established statewide baseline standards for achieving greater police accountability: guardrails for local jurisdictions in a post-LEOBR era. But the intent of last year's police reform legislation was that each jurisdiction would adapt and improve upon this statewide framework, and SB441 allows Baltimore to do exactly this. Local reformers, especially in the majority Black districts that have the most to gain from police reform, had been calling for greater police accountability well before the Freddie Gray uprising and the Gun Trace Task Force scandal, and they have placed great emphasis on the need for a genuinely independent oversight board in order to

repair the broken trust between the Baltimore Police Department and Baltimore's Black residents.

Our Civilian Review Board is a work in progress, to be sure. But it already embodies innovations well adapted to our City and the wishes of its residents, including independent powers of investigation in misconduct cases and membership rules that draw community members from each BPD precinct. Adding to it the full powers of a Police Accountability Board and ensuring its autonomy through adequate financing and a professional staff will bring it even closer to the model of robust accountability that Baltimoreans want and deserve.

So let's finish what we started with last year's police reforms by passing this important follow-up legislation. **On behalf of JUFJ, I respectfully urge a favorable report on SB441.**

# **SB441\_FAV\_ACLUMD.pdf**

Uploaded by: Yanet Amanuel

Position: FAV





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

**SB 441- Baltimore City- Civilian Review Board**

YANET AMANUEL  
INTERIM PUBLIC POLICY  
DIRECTOR

**Favorable**

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

3600 CLIPPER MILL ROAD  
SUITE 350  
BALTIMORE, MD 21211  
T/410-889-8555  
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS  
HOMAYRA ZIAD  
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GENERAL COUNSEL

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.<sup>1</sup>

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.

---

<sup>1</sup> 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 court<sup>2</sup>. 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 BPD<sup>3</sup>. 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.

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<sup>2</sup> 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>

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



YANET AMANUEL  
PUBLIC POLICY ADVOCATE

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

3600 CLIPPER MILL ROAD  
SUITE 350  
BALTIMORE, MD 21211  
T/410-889-8555  
or 240-274-5295  
F/410-366-7838

[WWW.ACLU-MD.ORG](http://WWW.ACLU-MD.ORG)

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# **SB441\_FAV\_ACLUMD.pdf**

Uploaded by: Yanet Amanuel

Position: FAV



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

**SB 441- Baltimore City- Civilian Review Board**

YANET AMANUEL  
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GENERAL COUNSEL





# **testimony SB441.pdf**

Uploaded by: Zainab Chaudry

Position: FAV



February 16, 2022

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 SB441 – Baltimore City - Civilian Review Board**

Dear Chair Smith 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 441 sponsored by Senator Jill Carter. CAIR is America's largest Muslim civil rights and advocacy organization.

My organization is part of the Maryland Coalition for Justice and Police Accountability - a large, diverse, statewide coalition of 100+ organizations united in seeking meaningful police reform. It includes civil rights activists, religious leaders, legal experts, and advocates for a whole host of groups lead by Black and Brown people representing communities who are disproportionately over-policed and impacted by harmful policing practices.

In the 2021 legislative session, our lawmakers passed the Maryland Police Accountability Act which in part mandates each Maryland county to form a police accountability board that provides oversight over police departments in their respective jurisdictions.

Twenty-two years ago, in 1999, the Maryland General Assembly voted to establish Baltimore City's Civilian Review Board (CRB) after years of advocacy to address concerns around police violence. This board was tasked with processing and handling complaints alleging the use of excessive force by police, among other forms of misconduct. The CRB has the authority to investigate complaints and issue subpoenas. It also reviews police department procedures and makes recommendations to Baltimore's Police Commissioner.

While the responsibilities and functions of the Baltimore City CRB, as established in the 1999 statute, largely encompass those required of newly mandated police accountability boards (PAB's), PAB's have greater oversight over broader categories of complaints, more opportunities to weigh in on disciplinary processes, and access to more expansive funding.

SB441 would essentially ensure that the city's CRB structure and authority remains intact while empowering and funding it to match the scope of PAB's mandated by the Maryland Police

Accountability Act. We support this bill and respectfully urge your favorable vote. Thank you for your consideration.

Sincerely,

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

# **Testimony SB441 Law Department.pdf**

Uploaded by: Ebony Thompson

Position: UNF

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CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW

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

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February 10, 2022

**TO:** Members of the Senate Judicial Proceedings Committee

**FROM:** Natasha Mehu, Director of Government Relations

**RE:** SENATE BILL 441 – Baltimore City – Civilian Review Board

**POSITION:** **OPPOSE**

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** Senate Bill (SB) 441.

Senate Bill 441 alters the powers and duties of the Baltimore City Civilian Review Board (“the Board”). The bill expands the jurisdiction of the Board to include all complaints of misconduct against police officers. The bill also allows for the Board to function as a police accountability board under the Maryland Public Safety Art. Sec. 3-102. The bill also provides that instead of the Mayor, the Board will hire staff to carry out its functions. Additionally, an employee or member of Baltimore City government who is not a member of the Board may not control hiring decisions made under this paragraph. The Board still conducts simultaneous investigations with the Baltimore Police Department’s (“BPD”) Internal Investigation Division but also investigates simultaneously with BPD’s administrative charging committee. The Board also sends its recommendations to the Administrative Charging Committee instead of the head of BPD. The Administrative Charging Committee has the final decision-making responsibilities with regard to appropriate discipline, but it may not take final action until after it has considered the recommendation of the Board.

SB 441 also amends Public Safety Article of the Maryland Code Sec. 3-102 to provide for a special section that applies only to Baltimore City. In that section, SB 441 reiterates that the Board may function as a police accountability board. That section also provides that the public local laws of Baltimore City govern the powers and duties of the Board and its membership will be determined according to Sec.164-3 of the public local law. The bill also states that the Baltimore Civilian Review Board may sue and be sued and hire or contract for legal representation. Finally, that same section provides for financing the Board’s operations by requiring that the City budget include an appropriation of not less than 2% of the total budget of the Baltimore City Police Department for the Board. The funds may be used for employing staff and investigators, hiring a contracting for legal counsel and any other expenditure approved by a quorum of the Board.

BCA opposes SB 441 for several reasons. First, the provisions related to hiring of staff are at odds with the Baltimore City Charter and Public Local Laws. Article IV, Sec. 6 of the City Charter gives the Mayor the sole power of appointment of “municipal officers.” “Municipal

officers” include members of boards and commissions. Charter, Art. 1, Sec. 2(j). Pursuant to the Baltimore City Public Local Law Sec. 16-42, the Board is an agency within Baltimore City. Similar to any City agency, the Board cannot fire employees independent of the City Human Resources Department and Civil Service Commission pursuant to their Charter powers. In other words, SB 441 encroaches on powers set forth in the Charter and Public Local Laws, and in doing so violates Art. XI-A of the Md. Constitution as explained below.

Second, on page 7 of SB 441, the drafter declares that the civilian review board can sue and be sued and may hire or contract for legal representation. As a municipal agency, the Board is not a legal entity and therefore does not have the capacity to sue and be sued See. PLL, 16-42 and Baltimore City Charter, Art. 1, Sec. 2(j). This part of the bill is therefore illegal.

Finally, the provisions related to the annual budget of Baltimore City are an unconstitutional violation of Art. XI-A of the Md. Constitution. The Maryland Court of Appeals has clearly defined the ability of the General Assembly to limit the authority of Baltimore City’s government:

“If the General Assembly, in its grant of powers to Baltimore City, subsequently concludes that the grant of powers contained a subject upon which the General Assembly should have authority to legislate, and not the City authorities, it can only accomplish this by amending or repealing the act granting and delineating the powers. The Legislature has the power to describe the field within which the local authorities may legislate, but having once done this, it cannot restrict or limit this field of legislation without changing its boundaries. The legislation in respect to the subjects contained in the granted powers is therefore committed exclusively to the local authorities and denied to the General Assembly, so long as the grant of powers remained unchanged. Any other interpretation would render the provisions of article 11A meaningless, and result in nullifying the purpose sought to be accomplished by its adoption. If the Legislature could change the grant of power by the simple expedient to passing an act in conflict with the legislation of the local authorities, it would result in the complete frustration of the object of the amendment.”

*State’s Attorney of Baltimore City v. Baltimore City*, 274 MD. 597 (1975).

While the General Assembly has the authority to determine what powers are to be exercised by Baltimore City or the charter counties, the General Assembly may not enact a public local law for the City or any charter county which modifies the powers so granted. This bill is a public local law that attempts to modify the fiscal powers granted to the City and exercised through the Charter.

We respectfully request an **unfavorable** report on SENATE BILL 441.

# **SB0441-JPR-LAW-OPP.pdf**

Uploaded by: Natasha Mehu

Position: UNF



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CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW

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

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February 16, 2022

**TO:** Members of the Senate Judicial Proceedings

**FROM:** James L. Shea, City Solicitor

**RE:** SENATE BILL 441 – Baltimore City – Civilian Review Board

**POSITION: OPPOSE**

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** Senate Bill (SB) 441.

Senate Bill 441 alters the powers and duties of the Baltimore City Civilian Review Board (“the Board”). The bill expands the jurisdiction of the Board to include all complaints of misconduct against police officers. The bill also allows for the Board to function as a police accountability board under the Maryland Public Safety Art. Sec. 3-102. The bill also provides that instead of the Mayor, the Board will hire staff to carry out its functions. Additionally, an employee or member of Baltimore City government who is not a member of the Board may not control hiring decisions made under this paragraph. The Board still conducts simultaneous investigations with the Baltimore Police Department’s (“BPD”) Internal Investigation Division but also investigates simultaneously with BPD’s administrative charging committee. The Board also sends its recommendations to the Administrative Charging Committee instead of the head of BPD. The Administrative Charging Committee has the final decision-making responsibilities with regard to appropriate discipline, but it may not take final action until after it has considered the recommendation of the Board.

SB 441 also amends the Public Safety Article of the Maryland Code Sec. 3-102 to provide for a special section that applies only to Baltimore City. In that section, SB 441 reiterates that the Board may function as a police accountability board. That section also provides that the public local laws of Baltimore City govern the powers and duties of the Board and its membership will be determined according to Sec.164-3 of the public local law. The bill also states that the Baltimore Civilian Review Board may sue and be sued and hire or contract for legal representation. Finally, that same section provides for financing the Board’s operations by requiring that the City budget include an appropriation of not less than 2% of the total budget of the Baltimore City Police Department for the Board. The funds may be used for employing staff and investigators, hiring a contracting for legal counsel, and any other expenditure approved by a quorum of the Board.

BCA opposes SB 441 for several reasons. First, the provisions related to the hiring of staff are at odds with the Baltimore City Charter and Public Local Laws. Article IV, Sec. 6 of the City

Charter gives the Mayor the sole power of appointment of “municipal officers.” “Municipal officers” include members of boards and commissions. Charter, Art. 1, Sec. 2(j). Pursuant to the Baltimore City Public Local Law Sec. 16-42, the Board is an agency within Baltimore City. Similar to any City agency, the Board cannot fire employees independent of the City Human Resources Department and Civil Service Commission pursuant to their Charter powers. In other words, SB 441 encroaches on powers set forth in the Charter and Public Local Laws, and in doing so violates Art. XI-A of the Md. Constitution as explained below.

Second, on page 7 of SB 441, the drafter declares that the civilian review board can sue and be sued and may hire or contract for legal representation. As a municipal agency, the Board is not a legal entity and therefore does not have the capacity to sue and be sued See. PLL, 16-42 and Baltimore City Charter, Art. 1, Sec. 2(j). This part of the bill is therefore illegal.

Finally, the provisions related to the annual budget of Baltimore City are an unconstitutional violation of Art. XI-A of the Md. Constitution. The Maryland Court of Appeals has clearly defined the ability of the General Assembly to limit the authority of Baltimore City’s government:

“If the General Assembly, in its grant of powers to Baltimore City, subsequently concludes that the grant of powers contained a subject upon which the General Assembly should have authority to legislate, and not the City authorities, it can only accomplish this by amending or repealing the act granting and delineating the powers. The Legislature has the power to describe the field within which the local authorities may legislate, but having once done this, it cannot restrict or limit this field of legislation without changing its boundaries. The legislation in respect to the subjects contained in the granted powers is therefore committed exclusively to the local authorities and denied to the General Assembly, so long as the grant of powers remained unchanged. Any other interpretation would render the provisions of article 11A meaningless, and result in nullifying the purpose sought to be accomplished by its adoption. If the Legislature could change the grant of power by the simple expedient to passing an act in conflict with the legislation of the local authorities, it would result in the complete frustration of the object of the amendment.”

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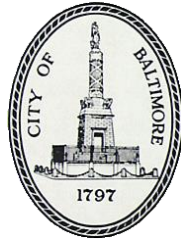
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We respectfully request an **unfavorable** report on SENATE BILL 441.

# **SB0441-JPR-OPP.pdf**

Uploaded by: Natasha Mehu

Position: UNF



**BRANDON M. SCOTT**  
MAYOR

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

**SB 441**

February 16, 2022

**TO:** Members of the Judicial Proceedings Committee

**FROM:** Natasha Mehu, Director, Office of Government Relations

**RE:** SB 441 - Baltimore City - Civilian Review Board

**POSITION: OPPOSE**

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** SB 441.

In 2021 the legislature passed sweeping police reforms that were historic in nature. The passage of the Maryland Police Accountability Act presented the State, City, and other local jurisdictions with the opportunity to transform police accountability. The BCA is excited to embark on this transformation and further increase civilian participation in the discipline and accountability process. However, we oppose SB 441 as (1) the bill undermines Baltimore City's local authority; (2) it creates an unworkable framework; and (3) the BCA already fully intends to comply with the reform requirements while honoring the spirit of the Civilian Review Board, locally.

**Local Authority**

The 2021 reforms repealed the Law Enforcement Officers' Bill of Rights and established a new statewide accountability and discipline process for police officers that importantly incorporates civilians in the process. They carefully balanced statewide uniformity and local authority by mandating local jurisdictions to establish Police Accountability Boards (PAB), Administrative Charging Committees (ACC), and Trial Boards but requiring the specifics for shaping the boards to fall to the local jurisdictions through their local ordinance processes.

SB 441 removes the ability for Baltimore City to implement a local ordinance to establish these boards. Last session, the BCA fought hard to pass a bill that would enable Local Control of the Baltimore City Police Department. This was the Mayor's top priority and had been 10 years in the making. From BCA testimony on SB 786 (2021):

"Baltimore City is the only jurisdiction in Maryland that does not directly oversee its police department...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."

*Annapolis – phone: 410.269.0207 • fax: 410.269.6785  
Baltimore – phone: 410.396.3497 • fax: 410.396.5136  
<https://mogr.baltimorecity.gov/>*

Rather than enable the City to lead transformation efforts, SB 441 maintains the status quo. While the 23 counties and 156 municipalities across the state will have the authority to establish these boards through their local council process with weigh in from their respective residents, Baltimore City would be held to a different standard where the General Assembly would continue to serve as the gatekeeper for the City. Local residents would be prevented from having direct say in the establishment process through their local elected officials. If issues with implementation should arise, the Mayor and City residents would have to wait for the 90-day General Assembly Session window to request changes from State elected officials unlike our counterparts who would be able to address any issues that arise locally.

### **Framework Concerns**

Accountability and discipline of police officers in the face of public complaints should be taken seriously and should involve civilians in a greater capacity that is currently afforded to them. But the process and oversight of how that is done should be carefully considered and overseen lest it creates unintended consequences. The volume of police complaints in Baltimore City is significant – significantly more than the current Civilian Review Board (CRB) was designed to handle. SB 441 tries to rectify concerns raised about funding and independence but does so in a way that creates new problems.

SB 411 creates an unfunded mandate on the City as it requires no less than 2% of the Baltimore Police Department's budget to go to the Boards operations. To the BCA's knowledge, the funding level was arbitrarily determined and is not based in, or in consideration of, the City's budget and budgeting authority. Additionally, the City would be mandated to fund the Board but would have no oversight over its work or its employees. Finally, it would grant the board the ability to sue and be sued – an authority that cannot be granted as they are a permanent statutory agency of the City and would not have the legal capacity to sue or be sued separately from the City.

### **Next Steps on Implementing Reform**

Historically, Baltimore City has been at the forefront of civilian accountability as the Civilian Review Board (CRB) was established in state law 20 years ago. It replaced the Complaint Evaluation Board (CEB) which did not include citizens. As such the establishment of the CRB was groundbreaking for its time. We respect the work and history of the CRB and understand the challenges it has faced under past Administrations since its creation. Like the move from the CEB to the CRB, the ability to establish the trifecta of local accountability boards under HB 670 (2021) that mandate civilian involvement should not be seen as an affront to the existing CRB but an opportunity to take what was started by the Civilian Review Board to the next level *locally*.

Mayor Brandon Scott was elected on a platform that included building public safety and ensuring there is transparency and accountability in government. The BCA stands ready to ensure that these two important directives are kept in mind as we work in partnership with the council, residents of the City, and interested stakeholders to locally establish a PAB, ACC, and Trial Board that meets the requirements of police reform, engages the public, and honors the spirit of the CRB.

For these reasons, the BCA respectfully requests an **unfavorable** report on SB 441.