

Testimony of Jason Downs on Senate Bill 0658

Good afternoon, Chair Smith and members of the Senate Judicial Proceedings Committee. My name is Jason Downs. I serve as a co-chair of the State Attorney Practice Group at a national law firm. I previously served as the chief deputy attorney general for the District of Columbia, where I managed the day-to-day operations of the office, which included civil rights enforcement and defending matters brought against government officials. Previously, I served as a partner at two different Maryland-based law firms, where I managed affirmative civil rights litigation in federal and state courts. In other words, I have been responsible for defending and initiating lawsuits against government officials.

It is an honor to testify in support of Senate Bill 0658. I will use my time to ask you to consider two points. First, implementing SB0658 is fiscally responsible. Second, implementing this bill is socially responsible.

Let's start with the business case: pattern and practice investigations reduce the litigation costs that accompany serious government misconduct. Take PERF for example. PERF is the Police Executive Research Forum, which is a national membership organization of police executives primarily from the largest city, county and state law enforcement agencies in the United States. PERF gives several examples¹ of police chiefs around the United States confirming that the results of pattern and practice investigations reduced litigation against the department. I'll highlight one of those examples today: a Retired Cincinnati Police Chief said, "[p]rior to the consent decree in Cincinnati, we paid out \$10 to \$11 million to settle a number of lawsuits. But since the consent decree, the ACLU has not sued the Police Department. That is a tremendous savings."² Giving our Office of Attorney General the authority to initiate pattern and practice investigations is the financially responsible decision to protect Maryland's fisc.

Second, SB0658 is socially responsible. Maryland should not rely on the federal government to conduct pattern and practice investigations of Maryland government officials. We should police ourselves. The federal government's willingness to review pattern and practice investigations changes depending on which administration is in power. Marylanders should not be forced to rely exclusively on an increasingly polarized federal government. When properly implemented, the result of a pattern and practice investigation improves public safety and community relations. In fact, a former Philadelphia Police Commissioner stated "[t]he end result was very positive. Shootings dropped by 80 percent and have remained low. And it gave us credibility with the public."³

In short, my experience defending and prosecuting pattern and practice investigations coupled with research on this topic leads me to conclude that SB0658 is a financially and socially responsible mechanism to protect Marylanders. Thank you for considering my testimony.

¹ Police Executive Research Forum, *Civil Rights Investigations of Local Police: Lessons Learned*, pp. 34-35.

² *Id.* at 35.

³ *Id.* At 34.