

Center for American Progress

Maryland General Assembly Senate Judicial Proceedings Committee

Testimony in support of Patterns and Practices of Civil Rights Violations- Remedies, SB658

Authorizing the Attorney General to investigate and initiate a civil action to remedy unlawful patterns or practices committed by certain government officials; providing that the Attorney General shall have subpoena power to support certain investigations; and providing that the Attorney General may obtain equitable and declaratory relief to eliminate the pattern or practice of certain conduct.

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Hello, my name is Nicole Lee Ndumele and I am the Senior Vice President of Rights and Justice at the Center for American Progress. It is my pleasure to testify today in support of Senate Bill 685, granting the Attorney General authority to investigate and initiate civil action to remedy unlawful patterns or practices by certain government officials. If enacted, this bill will provide an important tool for the State of Maryland to hold its police departments accountable for systemic patterns of misconduct, including racially biased policing ingrained in certain institutional policies and practices that cannot be remedied adequately without comprehensive solutions.

The Center for American Progress is an independent, nonpartisan policy institute dedicated to improving the lives of all Americans through bold, progressive ideas, as well as strong leadership and concerted action. I lead the Center for American Progress' cross-cutting work to advance bold, large-scale policy solutions that meet the long-standing challenge of racial and criminal injustice and seize the current opportunity to build a better America where all people have an equal opportunity to thrive. I am also a former federal civil rights prosecutor, having worked in the Civil Rights Division in the Department of Justice to prosecute law enforcement misconduct.

The Civil Rights Division has the authority to prosecute constitutional violations by individual law enforcement officers and to bring civil actions to remedy patterns or practices of law enforcement misconduct.

The recent killing of Tyre Nichols at the hands of police has [renewed the national call](#) for police accountability that ensures both that the individual officers involved are brought to justice and that systemic reforms are put into place to stem the much too rampant violence, misconduct, and racially biased policing of Black people in this country. The Center for American Progress has long recognized that real public safety requires public trust and meaningful accountability between the police and the communities they serve. Accountability measures like pattern-or-practice investigations provide critical opportunities to investigate and root out the misconduct, racial bias, and excessive uses of force that strip Black Americans of the safety and security they deserve.

While the Attorney General has had pattern-or-practice authority since 1994 and launched [over 70](#) investigations during that time, the U.S. Department of Justice simply does not have the capacity to initiate investigations into every department for which they might be warranted. There are approximately 18,000 local, state and federal police departments, and increasing demands for pattern-or-practice investigations. As such, a growing number of states have statutorily empowered their state attorneys general to conduct their own pattern-or-practice investigations, as Maryland is seeking to do. In 2000, [California](#) became the first. In the wake of national protests against police violence in 2020, [Colorado](#), [Virginia](#), and [Nevada](#) passed similar legislation.

Research suggests that police reform agreements that result from a pattern or practice investigation improve public safety and advance much needed systemic reform. For example, a study from the Harvard Kennedy School [found](#) that Los Angeles experienced lower crime rates and a higher quality of enforcement activity after its police department implemented a consent decree. Additionally, a [2020 analysis](#) by the Center for American Progress [found](#) that violent crime rates declined in all 10 analyzed jurisdictions following fulfillment of a reform agreement. Research from the University of Pennsylvania also [found](#) that the use of consent decrees—when accompanied by court-appointed monitoring—was linked to a 29 percent reduction in officer-related fatalities.

Expanding the opportunity for state attorneys general to conduct pattern or practice investigations is particularly important because it can lead to the adoption of long-lasting, and sometimes even statewide, reforms that combat systemic issues which might not have been realized without the use of an investigation process. For instance, in [Colorado](#) an investigation of the Aurora police department was conducted, which found a “pattern and practice” of racially disproportionate enforcement conduct in use of force practices. Because of the investigation, new policing measures were implemented and the department has now made a commitment to improve their use of force policies. Under this proposed measure, Maryland stands to gain significant insight into the reforms that are needed to ensure true and equitable justice throughout their enforcement agencies.

Furthermore, SB658 is a significant continuation of the recent successful efforts that were made by Maryland's lawmakers to pass several crucial policing reform measures, aimed at increasing much needed transparency and accountability within the state's policing practices. These measures were not only a legislative response to the murder of George Floyd, but an answer to the [strong support](#) Maryland's constituents showed for true accountability standards in law enforcement. Passage of this vital legislation would continue this General Assembly's commitment to the implementation of accountability standards that will ultimately improve trust between communities and law enforcement and enhance public safety.

On behalf of the Center for American Progress, I urge the Maryland Senate and General Assembly to swiftly pass and sign SB658 into law. With this measure, Maryland can foster greater trust and accountability between their police and their communities that will have beneficial results for generations to come.

Thank you for the opportunity to submit this testimony for the record.