



NAACP

Maryland
STATE CONFERENCE

**CHAIRMAN; WILL SMITH
JUDICIAL PROCEEDINGS COMMITTEE
TESTIMONY IN SUPPORT OF SB-290
FEBRUARY 14, 2023 **

**WILLIE FLOWERS; PRESIDENT
NAACP MARYLAND STATE CONFERENCE**

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. I WANT TO THANK FOR THE OPPORTUNITY TO SPEAK. MY NAME IS WILLIE FLOWERS PRESIDENT OF THE NAACP MARYLAND STATE CONFERENCE.

I WOULD LIKE TO ACKNOWLEDGE THE COMMITTEE AND THE WORK OF BOTH THE HOUSE AND THE SENATE IN 2021 WHEN THEY RESPONDED TO THE COUNTRY WITH POLICE REFORM PACKAGE IN THE AFTERMATH OF THE MURDER OF THE LATE MR. GEORGE FLOYD. THIS REFORM PACKAGE STILL STANDS AS AN EXAMPLE OF WHAT THE GENERAL CAN DO IN RESPONSE TO A CRISIS OF THE MAGNITUDE OF WHAT WE SAW WITH NATIONAL DEMONSTRATIONS AND A CRY FOR REFORM.

AS WE KNOW, THERE WERE MANY PIECES OF THE REFORM PACKAGE BUT THE ONE PIECE THAT WAS LEFT OUT WAS THE ABILITY OF THE AG OFFICE TO THE INVESTIGATE POLICE AT THE LOCAL LEVEL AND THAT MUST BE CORRECTED WITH SENATE BILL 290.

SENATE BILL 290 SIMPLY EXPANDS THE INVESTIGATIVE JURISDICTION OF THE INDEPENDENT INVESTIGATIONS DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL TO INCLUDE POLICE-INVOLVED INCIDENTS WHERE A PERSON IS KILLED OR INJURED. SB 290 GIVES THE AG'S OFFICE THE POWER TO NOT JUST INVESTIGATE BUT TO CHARGE OFFICERS WHO WHEN EVIDENCE REQUIRES PRECAUTION.

THE LEGISLATION IS IMPORTANT FOR THE COMMUNITY AND FOR THE STATES ATTORNEY'S IN ALL COUNTIES IN THE STATE AND BALTIMORE CITY. IN GIVE AN INDEPENDENT 3RD PARTY THE POWER TO NOT JUST INVESTIGATE BUT TO CONTINUE STEPS TO COMPLETE A PROCESS THAT COULD BRING MISUNDERSTANDING BETWEEN THE COMMUNITY, POLICE AND STATE'S ATTORNEYS WHEN THERE IS INJURY OR DEATH AT THE HANDS OF THE POLICE. OVERALL, AN OUTSIDE AGENCY WOULD HAVE TO REDUCE DIVISION WITHIN THE COMMUNITY.

FOR THOSE WHO DON'T KNOW, THE MONTGOMERY COUNTY STATE'S ATTORNEY OFFICE AND THE HOWARD COUNTY STATE'S ATTORNEY OFFICE CREATED AT SYSTEM THAT INVOLVES ONE COUNTY INVESTIGATING THE OTHER IN THE CASE OF INCIDENTS OF POLICE FATALITIES AND INJURIES. UNTIL THIS DAY THERE HAS NEVER BEEN A POLICE OFFICER CHARGED OR PROSECUTED. HOWEVER, THERE HAS ALWAYS BEEN CONTROVERSY ABOUT THE DECISION NOT TO PROSECUTE. I SHOULD ADD HERE THAT UNLIKE THE IID REPORT FROM OCTOBER 2021 - SEPTEMBER 2022 WE HAVE NEVER SEEN A PUBLIC REPORT OF ANY OF THE INCIDENTS OF POLICE KILLINGS OF RESIDENTS IN EITHER MONTGOMERY COUNTY OR HOWARD COUNTY. THE BEST AND MOST THOROUGH REPORTING OF INCIDENTS HAS BEEN THE IID REPORT OF 2022. IT STANDS AS THE MOST IMPORTANT DOCUMENT TO MOVING FORWARD FROM AN AGENCY THAT COMMUNITIES AND CAN HOPE FOR THE BEST RESULT THEY JUST NEED THE POWER TO DO THEIR JOBS.

I HAVE TO ADD HERE THERE IS A RACIAL DYNAMIC TO THE POLICE KILLINGS BECAUSE THE MAJORITY OF PEOPLE KILLED WERE BLACK AND BROWN AT THE HANDS OF WHITE OFFICERS. THIS IS THE TREND IN MARYLAND AS LONG AS THAT IS THE CASE AND THERE IS NO PROSECUTION OF OFFICERS THERE WILL NOT BE ANY TRUST.

IN 2014, FREDDIE GRAY DIED AT THE HANDS OF THE POLICE. IT WAS A CLEAR CASE OF POLICE BRUTALITY WHERE AN UNARMED CITIZEN WAS TAKEN INTO CUSTODY AND KILLED BY BALTIMORE CITY POLICE. THE CITY WAS INFLAMES AND STOOD AS AN EXAMPLE TO THE ENTIRE WORLD ABOUT WHAT HAPPENS TO AFRICAN AMERICAN MEN AT THE HANDS OF POLICE. WE KNEW IT

BECAUSE PARTS OF THIS MISTREATMENT THAT LED TO FREDDIE GRAY'S MURDER WAS FILMED.

THE COMMUNITY THOUGHT IT WAS AN OPEN AND SHUT CASE WHEN THE STATE'S ATTORNEY AT THE TIME MARILYN MOSBY CHARGED THE OFFICERS INVOLVED FOR MURDERING AND UNARMED PEDESTRIAN. SADLY, THE OFFICERS WERE NOT CONVICTED AND COMMUNITY MIS-TRUST OF LAW ENFORCEMENT CONTINUES.

THE OTHER SIDE OF THE STORY IS THAT A BRAVE PROSECUTOR TOOK A STEP THAT WAS NEEDED AT THE TIME. WHILE HER OFFICE WAS NOT SUCCESSFUL IN WINNING A CONVICTION SHE WAS FOREVER VILIFIED FOR DOING RIGHT THING FOR THE COMMUNITY. HAD THE POLICE REFORM BILL BEEN IN PLACE AT THAT TIME THERE WOULD HAVE BEEN A STATE FUNDED INVESTIGATION. HAD THE AG'S OFFICE HAD THE POWER TO PROSECUTE THE STATE'S ATTORNEY WOULD HAVE NOT BEEN VILIFIED.

SINCE THEN THE POLICE REFORM PACKAGE HAS BECOME LAW. REPEALING THIS CERTAIN PART OF THE REFORM PACKAGE TO EMPOWER THE ATTORNEY GENERAL'S INDEPENDENT INVESTIGATIVE UNIT IS NOT JUST THE RIGHT THING FOR THE COMMUNITY BUT THE BEST THING FOR THE STATE'S ATTORNEY'S OFFICES AROUND THE STATE AS WELL.

I MOVE FOR FAVORABLE REPORT OF SB-290.