



State of Maryland Commission on Civil Rights

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March 1, 2023

House Bill 771 – Human Relations – Patterns and Practices of Civil Rights Violations – Remedies

POSITION: Support

Dear Chairperson, Clippinger, Vice Chairperson Moon, and Members of the House Judiciary Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, health services, and state contracts based on race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

House Bill 771 would amend the State Government Article, Title 20 to give the Attorney General the power to investigate and pursue civil remedies for cases involving a pattern or practice of civil rights violations in corrections, parole/probation, immigration detention, law enforcement, juvenile services, and state behavioral health facilities. The bill would give the Attorney General the authority to subpoena individuals and records, administer oaths, and examine witnesses.

This bill would mirror the mandate of 34 U.S.C. § 12601, which gives the United States Department of Justice (“DOJ”; “The Department”) the power to conduct pattern or practice investigations of systemic misconduct in state agencies, negotiate agreements, and seek judicial remedies. But instead of having to rely on the federal government for those investigations, when necessary, the Maryland Office of the Attorney General would be authorized to step in, if reasonable cause of a pattern or practice of misconduct arose. For example, the DOJ investigation into the Baltimore Police Department after Freddie Gray’s death in 2015 ultimately led to the consent decree between Baltimore City and the Department. However, HB 771 would allow the Attorney General to conduct similar investigations in their own community to address any misconduct by government agencies, such as local police departments.

Currently, the Attorney General is able to investigate cases where a person dies in police custody, but the decision to bring charges is made by local prosecutors. Instead of leaving this choice to the State’s Attorneys, who may be less objective than the autonomous AG’s Office, this bill would authorize the Attorney General to

“Our vision is to have a State that is free from any trace of unlawful discrimination.”

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have jurisdiction over the entire life of a case, from investigations to litigation, making the process more streamlined.

Furthermore, the federal government has been responsible for conducting these investigations since 1994, and it carries a large burden as the primary institution of enforcement. Over the past two decades, several states have passed legislation enabling their attorneys general to handle pattern or practice cases, including California, Colorado, Virginia, and Nevada. Since the DOJ is able to undertake only a portion of the total number of cases due to limited resources, these state laws ease the federal burden to conduct these investigations across the country. HB 771 would allow state resources to be put toward addressing systemic problems in Maryland by our state's lawyers.

Lastly, MCCR is responsible for enforcing state non-discrimination laws and pursuing remedies for individuals who have suffered discrimination in employment, housing, and public accommodations. State Government Article, Section 20-1036 allows the Commission to bring a civil action against those engaged in a pattern or practice of discrimination if the suit is in the public interest. However, this provision is limited to housing discrimination, leaving a wide gap in enforcement. House Bill 771 would serve to fill that need, giving the Attorney General broad and independent authority to investigate and litigate pattern and practice cases against the named government departments in a multitude of situations.

For these reasons, the Maryland Commission on Civil Rights urges a favorable vote on HB 771. Thank you for your time and consideration of the information contained in this letter. MCCR looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.