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## **POSITION ON PROPOSED LEGISLATION**

**BILL: House Bill 771 – Patterns and Practices of Civil Rights Violations**

**FROM: Deborah Levi with the Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: 03/01/2023**

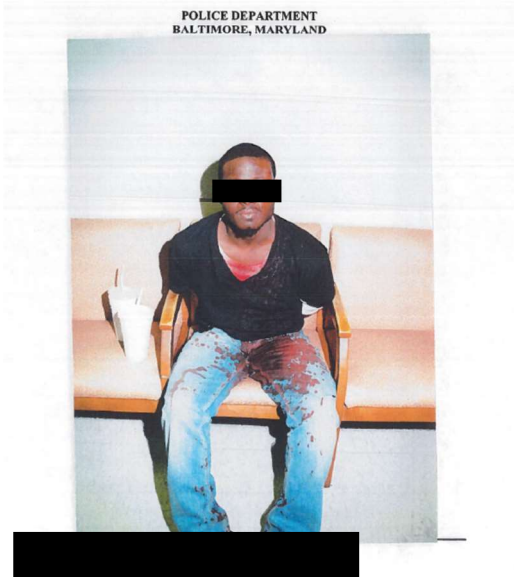
The Maryland Office of the Public Defender (OPD) urges a favorable report on House Bill 771, to authorize the Maryland Attorney General to investigate and initiate a civil action to remedy unlawful patterns or practices committed by law enforcement. OPD is the largest law firm in the State of Maryland. We represent the most amount of people who interact with law enforcement through the criminal justice system. It is our contention, and that of others,<sup>1</sup> that deeply entrenched patterns and practices exist within some of our State's law enforcement agencies that result in countless unnecessary and preventable civil rights violations. The federal government is unable to respond promptly enough, and there is no other entity in our State government, but for the Attorney General, who is appropriate to or capable of undertaking a pattern and practice investigation and addressing the harms meted out across the State in the form of civil rights violations.

While some testimony in front of this Honorable legislative body may speak on overarching policies, I can speak about the people I have represented who have been the victims of a multitude of civil rights violations. This type of harm, which hurts individuals, families, and

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<sup>1</sup> See, Michael Bromwich, et. al., *Anatomy of the Gun Trace Task Force Scandal: Its Origins, Causes, and Consequences*, available at <https://www.stepto.com/a/web/219380/3ZF1Gi/gttf-report.pdf>.

communities, is not something that we have time to wait for to fix. While the City of Baltimore waited for the Department of Justice to make them a priority, law enforcement officers reigned terror on our citizens in the form of, among other things, illegal beatings, looting, strip searches and kidnapping. These abuses of power are entirely preventable, and our State has an obligation to pay attention to these harms and exhaust all efforts to prevent and repair them.



This is a photograph of an individual who was unjustly beaten by a law enforcement officer. According to internal affairs files related to the incident, the officer illegally entered the man's apartment while executing a search and seizure warrant in a totally unrelated residence. The officer then removed his department issued walkie talkie and assaulted this man, for absolutely no reason. The officer then called the crime lab to take pictures of the abuse. This fact laid secret in the officer's internal affairs files, along with multiple other accounts of individuals who claimed to be beaten by the officer with his department issued walkie talkie. And yet, for over a decade, all of these harms were kept in secret and covered up. This, and multiple other accounts of abuse occurred years before the Department of Justice uncovered a pattern and practice of unconstitutional policing in Baltimore.

This example of police brutality is just one of so many that occur in Baltimore and other jurisdictions across the State, but it happened years before the DOJ uncovered a practice of unconstitutional policing in the Baltimore Police Department. And sadly, the DOJ's involvement only came after the tragic death of Freddie Gray and riots in the streets of

Baltimore. We simply have no time for another senseless and preventable death to catch the attention of the Department of Justice, and make our state a priority amongst all the other states clamoring for help. We need the attention of our local government to respond to the needs of the people who suffer from repeated abuse by law enforcement. And put simply, there is no other agency equipped, authorized, or able to do this other than the Maryland Attorney General.

As legislators, you may be asking if we are in need of pattern and practice legislation since we passed Anton's Law, and the answer to that question is yes. Yes, we need this. Unfortunately, of the 130 law enforcement agencies in the State of Maryland to whom we have submitted PIA requests seeking misconduct records, zero have fully complied with our requests for transparency. The need police reform has not vanished with the passage of Anton's Law, and our clients and the people we serve need, and have needed, independent oversight to rid our state of the abuses of power that have tormented so many. We therefore urge a favorable report of HB 771.