



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

**Senate Bill 658
Human Relations – Patterns and Practices of Civil Rights Violations – Remedies
In the Senate Judicial Proceedings Committee
Hearing on February 28, 2023
Position: FAVORABLE**

Maryland Legal Aid (MLA) submits its written and oral testimony on SB 658 in response to a request from Chair Will Smith.

MLA appreciates the opportunity to testify in support of this vital legislation. We are the state's largest nonprofit law firm, representing thousands of low-income Marylanders every year in matters from housing to family law to unemployment. While we do not represent criminal defendants, our civil clients come from the most [underinvested communities](#) in the state—the same ones hit hardest by unconstitutional policing, mass incarceration, and systemic discrimination. We need a partner inside government with the tools to undo these harms, hold bad actors accountable, and clear the way for our clients to thrive. This bill provides some of those tools.

MLA's expungement work brings us in close contact with Maryland's criminal justice system. Over the last five years, we have represented over 11,000 people in civil proceedings to clear past criminal convictions that stand in the way of job opportunities, public benefits, and family unity. Over 55% of our expungement clients have been Black, and this is sadly unsurprising. As of 2020, [70% of Maryland's prison population was Black](#), compared to 30% in the population as a whole. This was the largest disparity in the nation at the time. We do not know what portion of those convictions were wrongful or coerced or the result of illegal practices. We do not know what portion could have been avoided if our prison system were not so [criminogenic](#). However, given the level of scandal in Maryland's [police](#) and [prison](#) systems over the years, plus the all-too-common practice of [charging the victims](#) of brutality to deflect blame, we need an agency with the resources to find out.

Of course, being saddled with criminal records is not the only civil harm of illegal law enforcement practices. Unconstitutional, often racially discriminatory arrests—even if they do not lead to convictions—can prevent someone from getting a job interview or receiving unemployment while they search. Arrests frequently impact custody and child welfare hearings. They can prevent people from getting housing or get a renter evicted, disrupting entire families living in subsidized housing even when only one member is charged. In addition, [repeated payouts](#) for police misconduct without corresponding injunctive relief saps funds that could be used on schools, roads, and hospitals. These cascading economic impacts of our current criminal justice system further tear apart communities already reeling from that system. Yes, our communities demand and deserve safety. However, they deserve justice and prosperity as well, and the three are not mutually exclusive.

To be sure, the Attorney General’s enforcement of civil rights violations, standing alone, will not lift our communities out of oppression. We imagine the Attorney General would agree. To achieve that goal, the state must chart a new vision for justice that stops trying to jail our way out of every problem and instead invests in communities to prevent harm in the first place. This means access for every Marylander to shelter, food, family, and healthcare—all things that MLA attorneys secure for their clients each and every day.

That said, accountability matters. Because SB 658 will help the Attorney General achieve accountability for civil rights violations across our justice system, including on behalf of so many of our clients, MLA enthusiastically supports the bill. If the Committee would like additional information, please contact Somil Trivedi, MLA’s Chief Legal & Advocacy Director, at strivedi@mdlaboratory.org or (410) 951-7679.