



Dear Judicial Proceedings,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with our accountability partner, the Campaign for Justice, Safety and Jobs (CJSJ). I am a resident of **District 41**. **I am testifying in support of HB0853 to Amend Baltimore City's Charter for Local Control of Police.**

In November 2022, Baltimore residents overwhelmingly voted in favor (82%!) of a charter amendment to transfer control of the BPD from the State to Baltimore City. This [win](#) was the result of years of work by residents, community organizations, and lawmakers to correct an 1860s law granting the state legislature power over Baltimore City's police department. Previous to this [win](#), Baltimore City was the *only* locality in Maryland and only one of two localities in the entire country that did not have control over its own police department. It is unjust and absurd that Baltimore City taxpayers have funded the BPD – including having paid civil settlements and judgments for police misconduct – but they have been unable to change policies or to hold officers accountable for misconduct. A provision in the Baltimore City Charter continues to prohibit Baltimore City from fully exercising control over the BPD - the Maryland General Assembly must pass a bill this legislative session to immediately restore local control.

It is unjust that Baltimore City residents and taxpayers still remain unable to advocate for changes to BPD policies locally, even after the vote. We shouldn't have to travel to Annapolis to do so. To fulfill the will of Baltimoreans, Maryland legislators must strike a restrictive provision in the Baltimore City Charter.

We are calling on the General Assembly to support the corrective legislation and to move swiftly to restore local control of the BPD to Baltimore City Council and its residents as it should have been since it was taken away in 1860.

It is for these reasons that I am encouraging you to vote **in support of HB0853 to Amend Baltimore City's Charter for Local Control of Police.**

Thank you for your time, service, and consideration.

Sincerely,
Bonnie Weissberg
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Showing Up for Racial Justice Baltimore



Maryland Coalition for Justice and Police Accountability

LOCAL CONTROL OF BALTIMORE CITY POLICE

BILLS HB 1027 & SB 786

Baltimore City is the only locality in the Maryland with limited control over its own police department. In the 1860s, state officials took over Baltimore City's police force after a violent white-male nativist party gained political control of the city and engaged in acts of corruption through the police department.¹ After 160 years and a history of more representative governance, the Maryland General Assembly, not the Baltimore City Council, continues to have statutory authority over the Baltimore Police Department (BPD). However, police corruption and misconduct have persisted within BPD even under the state's control.²

WHY IS STATE CONTROL OF BALTIMORE CITY'S POLICE DEPARTMENT A PROBLEM?

Unlike other local officials, Baltimore City officials are unable to introduce or adopt policies requiring BPD to change its policing policies and practices. Instead, Baltimore City officials and residents must travel to Annapolis to ask state lawmakers to pass policies to change their own police force. This hinders police accountability efforts.

Despite being the 8th largest municipal police department in the country, and five consecutive years of rising violent crime, Baltimore City is unable to meaningfully enforce accountability and policing reforms (several of which are mandated by the Department of Justice) because of a lack of appropriate legal authority. We can only ensure

BPD becomes effective by ensuring local law enforcement is accountable to local residents and elected officials rather than being responsive to the whims of the state of Maryland.

WHAT IS THE IMPACT?

In 2014, when Baltimore City Council members passed an ordinance to require BPD officers to wear body-worn cameras, they were blocked from doing so because of BPD's status as a state agency.³ And, unlike Montgomery County officials who passed a law in 2019 requiring independent investigations of police-involved deaths⁴ in that county, if Baltimore City officials wanted to pass a similar law, they must ask members of the Maryland General Assembly, most of whom do not represent Baltimore City residents.

SUPPORT LOCAL CONTROL

A coalition of over 90 groups from across the state are calling on Maryland legislators to support strong, renewed demands for police reform and accountability:

- 1 Repeal in full the Law Enforcement Officers' Bill of Rights.
- 2 Reform the Public Information Act to allow disclosure of all complaints of police misconduct.
- 3 Establish a statewide use of force policy that will prevent officers from using force unless it is necessary.
- 4 Remove police officers from children's schools.
- 5 **Return control of the Baltimore City Police Department to Baltimore City residents.**



THE SOLUTION: RESTORE BALTIMORE CITY'S CONTROL OVER ITS POLICE DEPARTMENT

It is unjust and absurd that Baltimore City taxpayers fund the BPD and pay civil settlements and judgments for police misconduct, but they are unable to require BPD to change policies to prevent or hold officers accountable for misconduct. Accordingly, the City's Community Oversight Task Force recommended restoring local control of the BPD.⁵ In 2019, the Maryland House of Delegates unanimously passed a bill that took steps toward restoring local control of the BPD but the bill stalled in the Senate.⁶

One of the most perverse aspects of the current state control of BPD is allowing city officials to more easily ignore police misconduct. Opponents argue that because BPD currently has state sovereign immunity, restoring BPD to local control would result in an increase in payouts for police misconduct. However, the city is already solely responsible for paying misconduct claims, and the state provides little to no help. City officials have noted that any increase would be minimal. And Baltimore City should not be afforded a special shield from civil liability.

Local control creates additional accountability of the BPD. Suggesting that it puts a burden on the city intentionally ignores the serious misconduct and corruption still present within BPD. It also intentionally dismisses the harm it is causing Baltimore city residents, further undermining public safety and the rights of all Baltimoreans.

Find more information about the five necessary police reforms in Maryland, and the more than 90 organizations calling for them:
www.mcjpa.org

BALTIMORE CITY IS CURRENTLY PROHIBITED FROM:

- Enacting department-wide policies
- Provide local oversight of the Consent Decree's implementation
- Enforcing incentives that prevent police misconduct lawsuits and their costs by actively creating public accountability and promoting public trust

The Baltimore Consent Decree's Community Oversight Task Force emphasized in their 2018 report:



Every other police force in Maryland is governed and regulated by their local charters. The same should be true for Baltimore City. The BPD will never be fully accountable to its residents until full control of the department is returned to the city. Given the broken relationship that exists between the people of Baltimore and the police, the implementation of this recommendation needs to be a top priority.



SOURCES:

- 1 George A. Nilson, The Abell Foundation, The Baltimore Police Department: Understanding its status as a state agency, 2-3 (March 2019). <https://abell.org/sites/default/files/files/Abell%20Baltimore%20Police%20Department%20Report.pdf>
- 2 <http://data.baltimoresun.com/news/gun-trace-overview/>
- 3 <https://www.baltimoresun.com/citypaper/bcp-as-city-council-and-public-clamor-for-police-body-cameras-mayor-hires-group-to-clarify-questions-rai-20141104-story.html>
- 4 https://www.washingtonpost.com/local/md-politics/montgomery-first-in-region-to-require-outside-police-probe-of-officer-involved-deaths/2019/05/07/7cdadc9c-70ce-11e9-8be0-ca575670e91c_story.html
- 5 Community Oversight Taskforce, The Community Oversight Task Force's Recommendations for Strengthening Police Accountability and Police-Community Relations in Baltimore City (August 2018), https://www.baltimorepolice.org/sites/default/files/General%20Website%20PDFs/0909_COTF_Final_Web.pdf
- 6 <https://www.baltimoresun.com/politics/bs-md-local-control-police-20190405-story.html>