


<b>FROM</b>	NAME & TITLE	Caylin Young, Deputy Director	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Baltimore City Office of Equity and Civil Rights		
	SUBJECT	City Council Bill 22-0234 Police Accountability		

TO Honorable President and Members of the Baltimore City Council

DATE: May 18, 2022

Re: City Council Bill 22-0234 Police Accountability

**Position: Support with Amendments**

The Office of Equity and Civil Rights (OECR) has reviewed City Council Bill 22-0234, which seeks to establish the Police Accountability structures for Baltimore City, for logistical and programmatic considerations for implementation and operation.

**Background**

Last year, the State legislature passed HB670, Maryland Police Accountability Act of 2021, a comprehensive police reform bill which requires the formation of a Police Accountability Board (PAB) and an Administrative Charging Committee (ACC) in Baltimore City to provide transparency and civilian oversight into the process of reviewing and resolving complaints of police misconduct. The PAB will serve as the overarching oversight body, tasked with the intake of citizen complaints against the law enforcement agencies in the City, appointing members to the ACC, reviewing and reporting on trends in police misconduct, and advising City leadership on policy recommendations. The ACC, composed of five civilians, will review all completed internal affairs investigations of complaints involving the public, make determinations for all allegations, and issue written findings and disciplinary decisions to the head of the agency.

OECR currently houses and supports the Civilian Review Board, the only independent entity in Baltimore City authorized to investigate and evaluate complaints of police misconduct. Building on the agency’s institutional knowledge of the intricacies of police misconduct, successful history of supporting civilian-led boards and commissions, and existing relationships with the City’s law enforcement agencies, City Council Bill 22-0234 tasks OECR with the implementation and administration of these new structures.

**Logistical Considerations**

Grounded in evidence-based best practices for police oversight, the successful implementation of the PAB and ACC necessitates consideration of a multitude of factors, including the mandates of HB670, the requirements and conditions of the current Federal Consent Decree, the practical intricacies of supporting civilian-led entities, and the overarching social and economic impacts of the long-standing distrust of the police by communities across the City.

City Council Bill 22-0234 presents not just a response to the State mandate, but an opportunity to advance crucial components in rebuilding community trust and reducing violent crime. Based in established best practices, effective implementation of the PAB and ACC will serve as a strong tool in the quest to instill greater trust and confidence in the criminal justice systems in our city. A belief that justice will be served transparently and fairly, core principles of procedural justice, increases trust in the law enforcement agency itself - if an officer mistreats a civilian or abuses their power, they will be held accountable by a system and department that does not tolerate unconstitutional policing. Decades of

research show rebuilding this trust not only increases civilian cooperation with the police and reduces crime rates, but also reduces rates of police misconduct and strengthens officer's relationships with the communities they serve.

To achieve this, effective implementation must ensure that the entire process, from intake to final adjudication, is completed with the utmost care and fairness for the civilians and officers involved, while keeping the general public consistently informed and educated about the process and outcomes. To fully support the police accountability systems established under City Council Bill 22-0234, OECR must have:

- Well-trained, dedicated, and diverse civilian members to serve on these bodies with the support from OECR staff;
- A highly efficient, trauma-informed intake process to receive and track complaints;
- Data and policy support to track and report on trends to constantly improve the systems and processes;
- Robust public education and outreach programs to inform all members of the public, particularly the most vulnerable, of the rights and remedies afforded to them within this new structure; and
- Strong and consistent backing and collaboration from the City and the law enforcement agencies to support these endeavors.

The OECR review of City Council Bill 22-0234, taking into these considerations and practicalities, leads to agency support with the addition of the amendments below.

### **Proposed Amendments**

§ 11-3.B.3.I **Remove** the language barring someone who “is or becomes an officer or employee of the State, City, or any other political subdivisions of the State, or any of their respective agencies, instrumentalities, or other units (other than a state College, University, or other institution of Higher Education)” from serving on the PAB;

§ 11-3.B.3.III **Remove** the language barring someone who “has been convicted of a felony or misdemeanor with a statutory penalty of more than 5 years” from serving on the PAB and **replace** with “has been convicted of a felony or a crime of moral turpitude for which the penalty and sentence has not been fully satisfied.”

§ 11-5.B.5 **Remove** the language allowing the Mayor, with approval of at least seven Board members, to remove a PAB member for “a violation of law,” and **replace** with “a conviction of a felony or a crime of moral turpitude for which the penalty and sentence has not been fully satisfied.”

§ 11-9.A **Add** a third provision (3) providing that “if a complaint is filed with the law enforcement agency, the complaint must be forwarded to the Board.”

§ 11-9.B. **Add** language to allow OECR to start accepting complaints on behalf of the PAB on July 1, 2022, utilizing an interim intake process until the members of the PAB are able to establish and approve a process.

§ 11-10.C.2.V **Remove** the language allowing the Mayor to remove an ACC member for “a violation of law,” and **replace** with “ a conviction of a felony or a crime of moral turpitude for which the penalty and sentence has not been fully satisfied.”

§ 11-10.G **Add** a fourth provision (IV) providing the ACC the authority to “authorize independent investigation of a police misconduct complaint by OECR staff.”

SECTION 5. **Remove** the language “that this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted,” and **replace** with “that this Ordinance takes effect on the date it is enacted.”

**For the reasons stated above and with the aforementioned amendments, the Office of Equity and Civil Rights supports City Council Bill 22-0234.**