

State of Maryland

Commission on Civil Rights

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



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February 9, 2021

Senate Bill 364 – Baltimore City – Civil Claims Against Law Enforcement Officers of an Institution of Higher Education – Prohibition Against Nondisclosure Provision in Settlement Agreement **POSITION: Support**

Dear Chairperson Smith, Vice Chairperson Waldstreicher, and Members of the Senate Judicial Proceedings 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, and state contracts based upon 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.

Senate Bill 364 prohibits an officer at an institution of higher education who are the subject of a claim or suit asserting misconduct in the performance of duties from including into any settlement agreement confidentiality or nondisclosure provisions. The institutions of higher education are identified as the police forces of the University System of Maryland, Morgan State University, Baltimore City Community College, and Johns Hopkins University.

The Maryland Commission on Civil Rights believes that any claim or suit against an officer at these institutions should not be denied public scrutiny because confidentiality or nondisclosure agreements were inserted into private settlement agreements. Rather, in the interest of public safety, victims of misconduct who have settled their complaint should be able to speak publicly, be it with policymakers or the media, without fear of reprisal or of the terms of the agreement not being honored.

For these reasons, the Maryland Commission on Civil Rights urges a favorable vote on SB364. Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.