

# Testimony\_JPC\_SB0482 - Google Docs.pdf

Uploaded by: Carter, Jill

Position: FAV



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter  
In Favor of SB0482 - Public Safety - Law Enforcement Officers -  
Whistleblower Protections  
Before the Judicial Proceedings Committee  
on January 28, 2021**

**Chairman Smith and members of the Committee:**

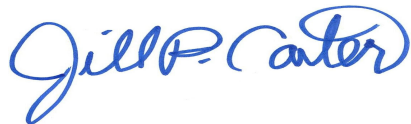
**I first introduced this bill in the House in 2015. It prohibits any form of retaliation against a law enforcement officer who reports internal misconduct, whether seemingly minor or even unnecessary considering the state of the law in Maryland. With respect to whistleblower protection, it should be a stated policy of every agency, with clear notice given to every officer upon entry that intervening and reporting misconduct is mandatory, and they will be protected for so doing. There must be zero tolerance for complicity and collusion in wrongdoing; silence is collusion. Full protection for reporting wrongdoing is imperative. Police accountability depends on officers being able to report corruption, racism, violence, and dishonesty safely within their own agencies. The Thin Blue Line, an unwritten code of silence understood among police officers, exists, and the consequences of violating it can be career-ending. A search of court filings will turn up countless incidents where whistleblowers within police departments have been ostracized, fired, reassigned, denied promotions, or given odious**

**assignments in retaliation for speaking up about wrongdoing within their own departments.**

**Officers know better than anyone else what happens to “rats”. Coming forward with an allegation of malfeasance against a fellow officer takes a special kind of courage. It takes the willingness to lose the badge you literally fought to earn. A calling that you truly believe in could be whisked away because you put your oath to serve and protect your community above your loyalty to other officers or your own well-being.**

**The officers who are sworn to protect all of us. Those who are courageous enough to speak up when they witness misconduct in others deserve security so they can continue to do their difficult jobs with honor and integrity. And in an era of mistrust of police, this bill will increase transparency, which is the keystone without which trust cannot be rebuilt.**

**Respectfully,**

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive, flowing style.

**Jill P. Carter**

# **Legislative Testimony 482.pdf**

Uploaded by: Elliott, Richard DeShay

Position: FAV

Legislative Testimony:  
SB482

I support Senator Jill P. Carter's Senate Bill 482 to protect police whistleblowers.

**RICHARD  
ELLIOTT**  
**FOR MARYLAND**

By Authority: Rich Elliott For Maryland Keanuu Smith-Brown, Campaign Chair Christian Hillian, Treasurer

# **SB 482 Deborah Katz Levi.pdf**

Uploaded by: Levi, Deborah

Position: FAV

Deborah Katz Levi  
Director of Special Litigation  
Baltimore City Felony Trial Division  
Maryland Office of the Public Defender

Written Testimony Senate Bill 482 – Whistleblower Protections

A few short days ago, I testified in front of this Honorable Committee on the duty to report misconduct, a bill proposed by Senator Sydnor. During that testimony, I referred to the historically detrimental blue code of silence that law enforcement officers are encouraged not to break. And I told you that any law enforcement officer who would stand here today and tell you that the blue code of silence doesn't exist is simply not telling you the truth.

Few would know this code of silence better than former Baltimore Police Officer Joe Crystal. On October 27, 2011, Crystal and his colleagues were getting ready to end their shift, when they decided to make one more arrest. As they honed in on Antoine Green, a suspected drug dealer, Mr. Green fled and entered what he thought was a vacant row house, only to find the girlfriend of an off-duty Baltimore Police Officer, Anthony Williams, seated inside. After some time passed, the officers arrested Mr. Green -- whose case in its entirety was ultimately dismissed -- and called for a paddy wagon to take him down to the station. But when Williams, who was off-duty, showed up at his girlfriend's apartment, the officers ordered the paddy wagon driver to return to the scene. Williams and his colleague, Sgt. Mariano Gialamas, then beat Mr. Green senseless.

Crystal, an ambitious and heroic officer, reported the brutality the next day. While Williams and Gialamas were ultimately criminally convicted, Mr. Crystal went on to be crucified. He was called a rat, he was intimidated, reassigned and eventually, per a lawsuit he filed against the BPD, forced to resign. The culminating event occurred one morning, when Crystal exited the home that he shared with his wife, and discovered a dead and bloody rat jammed under the wiper of his windshield.

It is not enough to wish for a change in culture, it's time require it. Perhaps if we'd done so earlier, good officers, ones who received commendations and awards like Officer Joe Crystal, would still be here, and those who intimidate, use brutality and live by the mantra "what happens in the family stays in the family," would be long gone. As an aside, Joe Crystal recently won the Leo Foundations' Officer of the Year award for the entire state of Florida, it's a shame these protections were not in place to keep him here, protecting the citizens of Maryland.

**MCPA-MSA\_SB 482 Whistleblower-Protections-Oppose.p**

Uploaded by: Mansfield, Andrea

Position: UNF





# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

**TO:** The Honorable William C. Smith, Jr. Chairman and  
Members of the Judicial Proceedings Committee

**FROM:** Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee  
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

**DATE:** January 28, 2021

**RE:** **SB 482 Public Safety – Law Enforcement Officers – Whistleblower Protections**

**POSITION:** **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 482**. While in agreement that officers should not face retaliation coming forward to report abuses of authority, actions that question an officer's integrity, violations of the law, and other wrongful actions; MCPA and MSA have concerns with certain aspects of this bill.

Under the current Law Enforcement Officers Bill of Rights (LEOBR), statute clearly states an officer may not be discharged, disciplined, demoted, or denied promotion, transferred, or reassignment or otherwise discriminated against for disclosing information that evidences gross mismanagement, a gross waste of government resources, a substantial and specific danger to public health or safety, or a violation of law committed by another law enforcement officer.

The proposed whistle blower provisions in SB 482 provide protections that duplicate existing anti-retaliation provisions of the LEOBR and provide an additional avenue for potentially delaying disciplinary proceedings and effectively defeating attempts to hold an officer administratively responsible for misconduct. Further, the bill would expand the definition of "retaliatory action" in such broad and all-encompassing terms that even a low-level supervisor's recommendation, or threat to take some minor corrective action that a police officer believed was adverse could be actionable and subject to a civil litigation against the law enforcement agency that would take years to resolve. Such a claim could be used to forestall legitimate corrective or disciplinary actions and thus frustrate the current efforts for increased law enforcement officer accountability. Additional concerns are listed below.

- This provision is not needed; there is no evidence that officers are reluctant to come forward to report misconduct *and* the law already protects those who do.
- The "protection" will create an artificial but effective safe haven for officers who have committed acts of misconduct and allow them to delay disciplinary proceedings.
- The section has numerous legal deficiencies, is unworkable, violates governmental immunity and may be unconstitutional.

- The proposal undermines the ability of management to hold its employees accountable and will mire law enforcement employees in expensive and fruitless litigation, resulting in the abandonment of disciplinary proceedings.
- The burden of proof of the law enforcement agency in defending a whistleblower civil action, which is a clear and convincing, is an extreme standard that will encourage expensive litigation and compromise disciplinary investigations.

For these reasons, MCPA and MSA OPPOSE SB 482 and urge an UNFAVORABLE report.