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February 1, 2021

Hon. William C. Smith, Jr., Chairman
Maryland State Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

SUBJECT: SB 627 – Favorable

Dear Senator Smith:

I urge favorable consideration of SB 627. The Maryland Law Enforcement Officers' Bill of Rights (LEOBR) is the single greatest impediment to reform of troubled police departments in Maryland. It has accomplished exactly what its proponents intended it to accomplish when enacted in 1974: Make getting rid of bad police officers as time-consuming and difficult as humanly possible.

The LEOBR is *not* about due process for civil servants. I retired as Anne Arundel County Attorney in 2014 after a long career in the county law office. I had extensive experience with both the LEOBR and the administrative due process afforded to other merit system employees.

The protections given to law enforcement officers are nothing like those enjoyed by ordinary civil servants. It is a difference of kind, not degree. Terminating a licensing clerk who is chronically rude to customers takes time and effort, as it should.

Terminating a police officer who has been physically abusive to citizens and poses a risk of greater harm, however, can be a nightmare. Ask a witness who opposes this bill to explain the public policy justification for making it much harder to get rid of a dangerous police officer than a rude clerk.

Police chiefs should be held directly accountable for the conduct of their officers, but that means that they must have the authority to administer discipline. The great "innovation" of the LEOBR was stripping police chiefs of the power to decide if the conduct of an officer warrants discipline and turning it over to administrative panels who cannot be held accountable for their decisions. It was a fundamental mistake that must be undone.

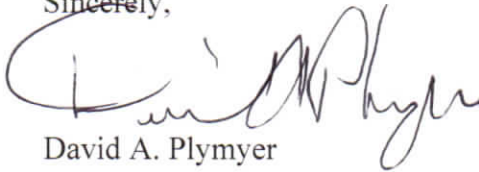
Do not expect many police chiefs or sheriffs to testify in support of this bill. Sadly, supporting the LEOBR has become a "loyalty test" for police chiefs and sheriffs among rank-and-file officers and their unions, and chiefs risk the antipathy of their employees if they fail the test.

There are other chiefs who simply do not want the disciplinary buck to stop on their desks. They need to find new jobs.

Finally, a word about the accusation that being in favor of repeal of the LEOBR is “anti-police.” I was an assistant state’s attorney for five years before joining the county office of law, and some of the finest public servants I ever worked with during my entire career in government were police officers. The idea that it is “anti-police” to want to make sure that police departments can eliminate corrupt and dangerous officers in a timely manner is patently absurd, and offensive.

Thank you very much for considering my written testimony in favor of SB 627.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Plymyer". The signature is fluid and cursive, with a large initial "D" and "P".

David A. Plymyer