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**SUPPORT FOR HB 687/SB381
Law Enforcement Officers' Bill of Rights – Uniform Disciplinary Procedures**

In this legislative session, there are a number of bills dealing with the outright repeal of the LEOBR, removal of confidentiality protections, and the establishment of citizen review boards to remove officers.

With the removal of the LEOBR, it will be important to maintain the standard statewide protocols and procedures. In an effort to understand why this is so important, it is necessary to review the history of the creation of the LEOBR.

LEOBR was originally created in 1974 “to secure for law enforcement officers minimum guarantees of procedural and substantive due process.” It established a uniform, statewide process for police disciplinary matters – a process that was fair to the officers but also instilled public confidence.

Under the William Donald Schafer administration in 1987 and 1988, SB860 and SB227/HB1209 passed but were vetoed. The bills would have authorized law enforcement officers to waive any and all of the LEOBR hearing procedures and elect, in the alternative, to proceed under a process established by a locally negotiated collective bargaining agreement (CBA). Governor Schafer vetoed these bills on the grounds that it would erode the uniformity of police disciplinary process and the public confidence that existed throughout the state. (SEE ATTACHED EXHIBIT A and EXHIBIT B)

If there was an election for the different and diverse disciplinary systems through collective bargaining agreements – this would erode the uniformity of LEOBR and create a confusing patchwork of policies and procedures.

In 1989, the enactment of HB 687/SB91 (SEE ATTACHED EXHIBIT C) made two key changes to LEOBR:

1. HB687/SB91 allowed law enforcement officers to choose between the method for forming a hearing board in the manner set forth in LEOBR or the method established in a CBA.
2. HB687/SB91 allowed parties to a CBA to make the hearing board’s decision final and not subject to the chief’s discretion.

These bills were opposed by the Baltimore City Police, MACO, and MML, but supported by the AFL-CIO.

In 2000, HB 1296 proposed to amend the LEOBR such that disputes regarding hearing boards would be subjected to binding arbitration. This bill was rejected by the General Assembly out of a concern that binding arbitration provisions would mean that elected officials' accountability for resolving allegations of police misconduct would be removed.

Despite the cautionary efforts of Governor Schaefer, MACO and Prince George's County in 2006, the General Assembly enacted SB420 making the most significant changes to the LEOBR. The enacted bill completely removed the prohibition on the use of binding arbitration to determine procedures to be used in resolving officer discipline related matters. As predicted by the opposition in the 2006 enactment, police agencies lost control of the disciplinary process, denied citizens recourse, and fostered a loss of citizen confidence in the credibility of law enforcement. (See Attached Exhibit D)

Today, many of major jurisdictions (except Harford County), county law enforcement agencies operate under CBAs. As predicted by Governor Schaefer, the CBA provides for different policies and procedures regarding police misconduct investigations and disciplinary actions. The concerns expressed by Governor Schaefer and others have been realized:

- Citizens have been denied recourse, fostering a loss of confidence in law enforcement.
- Chiefs and Sheriffs have lost their discretion necessary to ensure that discipline for similar incidents is consistent or that desired public policy is implemented.
- Police accountability is subject to decisions from an unaccountable third party.
- Police leaders are losing control of the police disciplinary process, which is eroding the command and control structure of the police departments.

**House Bill 687 is the simple answer to a big problem.
Let's remove the 2006 amendments to the LEOBR.**

Finally, I want to thank Senator Cassilly for his hard work and research in procuring the legislative history of this important legislation.