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To: Luke Clippinger, Chair  
Vanessa E. Atterbeary, Vice Chair, and  
House Judiciary Committee

From: **Neill Franklin, on behalf of the  
Law Enforcement Action Partnership (LEAP)**

**Favorable - House Bill 764**

Criminal Law – Law Enforcement Officers – Prohibition on Sexual Activity

Hearing: Tuesday, February 25, 2020, 1:00 p.m.

Distinguished members of the Committee, thank you very much for the opportunity to present the views of the Law Enforcement Action Partnership (LEAP) in support of HB764.

LEAP is a national nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience to endorse evidence-based public safety solutions. Our mission is to make communities safer by focusing law enforcement resources on the most serious priorities, promoting alternatives to arrest and incarceration, addressing the root causes of crime, and healing police-community relations. My colleagues and I at LEAP whole heartedly support HB764 because it sends a clear message of intolerance and accountability for certain police conduct, which is integral in healing police-community relations.

Law enforcement officers have great power and authority over the average citizen and sometimes certain citizens are extremely vulnerable to such levels of authority; such as, those already intimately familiar with the criminal justice system, fearing a second or third arrest, or even a violation of their probation terms and conditions. Unfortunately, sexual misconduct among police officials continues to be problematic in communities across the United States and police policy has had little to no affect in curbing inappropriate behavior.

Jacqueline Robarge, head of Power Inside, a nonprofit that provides services to women who have been the victims of assault, speaks to recent reports alleging sexual harassment or violence by Baltimore police in recent years. It's a particularly devastating trend, she said, given the power dynamics at play, which make victims fear reprisal if they talk, from the very people meant to protect them.

“When the police engage in sexual violence, be that sexual harassment, coercion or outright sexual assault, the power dynamic is such that it adds extra consequences should the police officer be rebuffed,” Robarge said. “The victims are least likely to be believed and most likely to be highly vulnerable.”<sup>1</sup>

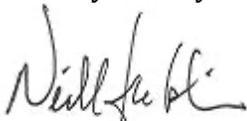
I've spent 34 years in Maryland policing and a great portion of that time as the head of training for the Maryland State Police and Baltimore City Police Department. We place a lot of energy into training relative to integrity and police conduct, but unfortunately, we occasionally end up with police officers who have character flaws, eventually becoming management nightmares and a danger to the community.

With the many administrative protections afforded to police officers, holding them accountable to police policy via administrative sanctions is problematic at best. As such, there are times when legislation is warranted in order to protect citizens from those who have taken an oath to serve and protect. I have always been in support of fewer laws, but this is one of those few times when I wholeheartedly support new legislation.

When I consider support for a new law, I ask, what are the reasons for opposing the proposed legislation? Usually, I can come up with at least a few challenges that would make sense at some level; such as, potential abuse of the law, confusion with the intent of the law, or the creation of unintended consequences. I see absolutely none with HB764.

In closing, HB764 will provide protection for the vulnerable while holding law enforcement officers accountable for their actions. It is for these reasons and more that I and the many members of LEAP ask that you give a favorable report for HB764.

Thank you for your time,

A handwritten signature in black ink, appearing to read "Neill Franklin".

Major Neill Franklin (Ret.)

Executive Director

Formerly with the Maryland State Police and Baltimore Police Departments

\*This testimony does not necessarily represent the views of these departments.

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<sup>1</sup> Rector, Kevin. "Baltimore Police Investigate Reported Rape That 'May Have Involved' Department Member; 115 Cars Out of Service." *The Baltimore Sun*, June 3, 2019.