



Committee: Judiciary

Hearing Date: February 9, 2021

Testimony for: HB0151– Law Enforcement Officers’ Bill of Rights – Repeal

Position: FAVORABLE

Bill Contact: Delegate Gabriel Acevero

DoTheMostGood (DTMG) is a progressive grass-roots organization with more than 2500 members who live in a wide range of communities in Montgomery and Frederick Counties, from Bethesda near the DC line north to Frederick and from Poolesville east to Silver Spring and Olney. DTMG supports legislation and activities that keep all members of our communities healthy and safe and that promote positive and trusting relationships between communities and law enforcement as well as fair and equal policing for all communities. DTMG is part of a coalition of more than 75 groups across the state calling on Maryland legislators to support strong police reform and accountability. DTMG strongly supports HB0151 that will repeal the Law Enforcement Officers’ Bill of Rights (LEOBR) and create a streamlined system without the current procedural barriers that prevent adequate discipline of police officer misconduct.

Maryland was the first state to create a LEOBR type of law and is one of only 16 states to still have it on the books. Maryland’s LEOBR is considered to be the most extreme in the country. LEOBR protects officers from accountability by giving them special due process rights that go far beyond what is required under the Constitution and prevents communities from investigating misconduct that could lead to discipline. For example, complaints have to go through a hearing board process before officers can be disciplined. In addition, LEOBR includes:

- Generous protections for officers during the investigation of misconduct.
- Limits on what discipline can be imposed for certain infractions.
- Strict time limits on alleging a complaint, including for police brutality.
- Allowing only other law enforcement officers to investigate misconduct.
- Allowing a delay before questioning an officer about misconduct.
- Expungement of disciplinary records.

As a result of these extra rights, few officers receive any discipline at all. In the vast majority of incidents of violence and misconduct, the officer receives no discipline and is not held accountable. LEOBR also allows police chiefs to escape accountability because they can just say the hearing board made the decision, so their “hands are tied”.

HB0151 is necessary so that Maryland finally stops shielding officers from accountability. Officers should have the same rights and be treated the same as any other state or local employee, especially since officers have so much power in the community – literally making life

or death decisions. The discipline process for officers also needs to be transparent and streamlined so that the community knows exactly who is responsible for holding officers accountable.

HB0151 will accomplish these goals. The due process rights for law enforcement officers will be the same as due process for other civil service personnel in each jurisdiction. Maryland must also ensure that when LEOBR is repealed, local jurisdictions cannot just recreate LEOBR at the local level. That is why it is important that HB0151 prohibits local laws and collective bargaining agreements that conflict with the due process rights and procedures laid out in the bill.

HB0151 is also about racial justice and holding officers accountable for the disproportionate violence, abuse, and trauma they inflict on Black and Brown residents our communities. Repeal of LEOBR will go a long way toward improving trust between residents and our law enforcement officers and agencies.

Therefore, DTMG strongly supports HB0151 and urges a Favorable report on this bill.

Respectfully submitted,

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