

Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline

Bill Sponsor: Senator Carter

Committee: Judiciary Proceedings

Organization Submitting: Lower Shore Progressive Caucus

Person Submitting: Sam Harvey

Position: FAVORABLE

I am submitting this testimony in favor of SB627 on behalf of the Lower Shore Progressive Caucus. The Caucus is a political and activist organization on the Eastern Shore, unaffiliated with any political party, committed to empowering working people by building a Progressive Movement.

Caucus members consistently support legislation that speaks to the belief that civil society cannot exist unless all its members are equally governed and protected by a system of laws. The task of refining these laws, toward a more perfect justice system, must never be set aside.

In some areas, Maryland may be admired by other states, in others... perhaps it better serves as a cautionary tale. Home to one of the most dangerous cities in the nation, in Baltimore, Maryland as a result has one of the highest homicide rates in the nation. A border state that only narrowly approved abolition, Maryland continues to languish near the bottom quarter on equality in jailing (non-Hispanic whites compared to other groups).

No system of justice will bring back Bethlehem Steel. However, it could well be argued that the hammer stroke fell harder on many of Baltimore's communities because residents there had only just begun to climb the rungs of the economic ladder. For many, those rungs have only continued to rust.

A sense of injustice – of inequity – pervades, a sense that a larger system charges ahead along its own path, heedless of damage it does to the blameless members of society trampled underfoot. That law enforcement officers have their own Bill of Rights, ostentatiously separate from the enshrined rights afforded to ordinary citizens, immediately chafes. It's quite possible its very existence roughly tears away at bandages over wounds that, in many communities, have never healed.

Meritorious in its conception, a Law Enforcement Officers' Bill of Rights (LEOBoR), in many of its parts fairly safeguards the rights of law enforcement officers under investigation of wrongdoing. However, the very existence of an LEOBOR can't help but feed into the sense of inequity, when it appears to convey extra considerations – considerations not afforded to the average citizen.

Maryland law enforcement has come some way toward recognizing this grievance, modifying the LEOBoR in recent years – for instance, by expanding the statute of limitations on police brutality from 90 days to 366 days. However, current law may be deemed so deferential that interrogation protocol calls nothing so much to mind as an old home week. That the officer goes into interrogation having been introduced to everyone, having been given some background, some work history... that the interrogation will be conducted, whenever possible, at a reasonable hour, “preferably when the law enforcement officer is on duty” – nothing in this is definitively inappropriate, and yet everything in it strikes a sour note. It aggrieves, and in doing so the LEOBoR inadvertently undermines law enforcement’s core mission.

No dichotomous relationship will attain – all the charm of the chivalrous guard, all the honor of the selfless sheepdog notwithstanding – if it is to be done successfully, public safety must be done by especially, emphatically, normal members of the public. Surely the LEOBoR was created with the intention of giving law enforcement professionals a reasonable sense of security, recognizing that the

work they do will not always win them popularity contests. Unfortunately, no amount of tweaking the LEOBoR will dispel the perception that it establishes a system that treats law enforcement officers differently – or worse, that it grants a certain superiority. Only a repeal of the LEOBOR can address this – and only thereby can the community’s trust be revived, and public safety most fully realized.

Therefore, the Lower Shore Progressive Caucus supports this bill and recommends a **FAVORABLE** report in committee.