

**Testimony for the Senate Judicial Proceedings Committee
February 3, 2021**

SB 627– Law Enforcement Officers’ Bill of Rights – Repeal and Procedures for Discipline

FAVORABLE

To Chairman Smith, Vice Chair Waldstreicher, and Committee members,

My name is Paul Holmes and I live in Silver Spring, Maryland. I am testifying in support of SB 627 to repeal the Law Enforcement Officers’ Bill of Rights (“LEOBR”) and create a new disciplinary process to hold officers accountable for misconduct. This bill is about racial justice and holding officers accountable for the violence, abuse, and trauma they inflict on the community, mostly Black and Brown residents.

As you know, Maryland was the first state to create this type of law, and 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 beyond what is required under the Constitution. For instance, there is no reason why complaints need to go through a hearing board process before officers can be disciplined. As a result of LEOBR’s extra rights, only a 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 avoid accountability because they can say that it was the hearing board that made the decision, not the chief. This is why it is so important to have full transparency and know exactly who is responsible for holding officers accountable.

Police officers will be the first to acknowledge that mutual trust between police and the communities they serve is fundamental to both effective policing and public safety. Police must rely on the cooperation of community members and the assistance of community members depends on whether they believe that law enforcement reflects community values. Such trust, justice and legitimacy are impossible without transparency and accountability. Where I live in Montgomery County, that trust has broken down because police have refused to provide information about the police-killings of three Black men in recent years: Robert White, Finan Behre and Kwamena Ocran. There has been a virtual information blackout.

I believe that officers should have the same labor rights and not be treated differently than any other state or local employee, especially since officers have so much power in the community – literally making life or death decisions. They should not be given extra rights.

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 this bill prohibits local laws and collective bargaining agreements that conflict with the disciplinary process in the bill. SB 627 is a necessary bill so that Maryland finally stops shielding officers from accountability. Now is the time for a full repeal of LEOBR. I urge a favorable vote on SB 627.

Sincerely,
Paul Holmes