

SB627_FAV_AANAACP.pdf

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Position: FAV

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE



Anne Arundel County Branch Youth and College Division # 7719

"Freedom Fighters of the New Century."

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To: Chairman Smith, Vice Chair Waldstreicher and Members of the Senate Judicial Proceedings Committee

My name is Harold Lloyd, III. I am the President of the Anne Arundel County NAACP Youth and College Division and I represent the youth of the Maryland State Conference of the NAACP. We respectfully submit our support for SB627 which calls for a full repeal of the Law Enforcement Officer's Bill of Rights.

Last summer's outcry for police reform was supported by Marylanders of all different backgrounds who desired to see change within their distinctive communities. Demands from more than 90 organizations were proposed to ensure that law enforcement in Maryland is held accountable for any sort of misuse of power. One of their collective demands is for the full repeal of the Law Enforcement Officer's Bill of Rights.

As young people we understand the disproportionate effect this bill has had on our black and brown communities. For years this bill, one of the strongest like it in the country has allowed law enforcement to police themselves. Time after time we have heard of officers involved in violence against our peers escape accountability. So from Anton Black, to George Floyd, and Daniel Jarrell's we say enough is enough and we invite you to move this repeal forward.

This piece of legislation will help secure the safety of civilians of color who often fear for their lives daily when encountering law enforcement. As well as slowly reinstate a trust between community and police relations. It is our local government's responsibility to adhere to civilian's concerns and follow through with actions of intent. Here is the opportunity to prove to your constituency that you are listening to our voices by supporting this legislation.

According to the Baltimore Sun, a poll was conducted by Campaign Zero and YouGov finding that 71% of Marylanders are in favor of repealing the law. If you so choose to support the passing of SB627, it will be greatly appreciated by a wide range of civilians across the state of Maryland. We advocate for this legislation to be passed as we know that it is a very essential part of police reform not only in our state but across the country. We want to make sure that the state of Maryland does its due diligence to be set apart from other states that may not understand the importance of police reform.

Therefore, we are requesting the full repeal of LEOBR and urge a positive action on behalf of this legislation.

President - Harold Lloyd: Harold Lloyd

Secretary- Armani Jackson: Armani Jackson

Himberger_SB 627_FAV.pdf

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Position: FAV

BILL NO: SB 627
TITLE: LEOBR Repeal
COMMITTEE: Senate Judicial Proceedings Committee
HEARING DATE: February 4th 2021
POSITION: SUPPORT

To the Chair Smith, Vice-Chair Waldstrieher and Esteemed Members of the Committee:

I am someone who has never had to worry about encounters with law enforcement because of my innate privilege. However, I recognize that this feeling is in contrast to the inequality which exists in our state.

While I support all five of ACLU's policing priorities (<https://www.aclu-md.org/en/campaigns/now-time-impactful-police-reforms-maryland>), I want to focus on LEOBR because now is the time to repeal it with HB151.

Giving special rights to police officers is incongruent with fairness, as is the lack of openness and transparency (see [checkthepolice.org](https://www.checkthepolice.org)). Police with stronger protections are associated with greater harm to the communities they "protect" relative to police with fewer protections. Additionally, the LEOBR prevents communities from investigating misconduct that could lead to discipline (Keenen & Walker, 2004). As a result, only a very small percentage of complaints actually result in discipline.

It doesn't have to be this way. Maryland is in the minority as a state that still has this regressive law and you can remedy this problem with SB 627.

Thank you for your leadership,
Kevin Himberger

Holmes_SB627_FAV.pdf

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Position: FAV

**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

SB 627__FAV_MCJPA.pdf

Uploaded by: Amanuel, Yanet

Position: FAV



MARYLAND COALITION FOR JUSTICE & POLICE ACCOUNTABILITY

Testimony in SUPPORT of SB627

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

Maryland Coalition for Justice and Police Accountability

February 3, 2021

Dear Honorable Chairman Smith and Members of the Judicial Proceedings Committee:

The Maryland Coalition for Justice and Police Accountability (MCJPA) is pleased to provide favorable testimony in support of **SB 627, Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline**. MCJPA is a statewide coalition of over 90 organizations united to achieve meaningful police reform in Maryland - and includes individuals and family members who have been impacted by police violence, civil rights activists, religious leaders, legal experts, advocacy groups, and more.

Since the Law Enforcement Officers' Bill of Rights (LEOBR) was enacted in 1974, it has allowed police abuse to go unpunished with a majority of officers with complaints going without any discipline at all. LEOBR protects officers from accountability by giving them special due process rights that go beyond what is required under the Constitution. LEOBR also allows police chiefs to escape accountability because they can deflect to the hearing board that made the decision.

For instance, LEOBR shields officers from discipline by saying that, unless they are convicted of a felony, they can only be disciplined after a mini-trial is conducted, with fellow officers as the judges no matter how egregious the conduct or how clear the evidence. This is why it is so important to have a transparent and streamlined discipline process that allows for us to hold bad officers accountable.

Countless Marylanders and their families have suffered from police wrongdoing without any form of justice. Maryland is in the minority of states that give these special rights to law enforcement that no other public employee in the state of Maryland has, thus, protecting officers from accountability. Only 16 other states have a LEOBR. SB627 is a tremendous step forward in achieving justice by striking the entire LEOBR (Pub. Safety §3-101 – §3-113) from state law and replacing it with the due process rights and procedures laid out in the bill.

Our coalition strongly believes that it is precisely because law enforcement officers have so much power over people they serve (to legally kill and deprive people of their liberty) that we cannot shield them from discipline. Police officers should be treated no differently than any other state or local employee and should have the same rights in the workplace that other employees do.

The Maryland Coalition for Justice and Police Accountability strongly urges a favorable report on SB 627.

Respectfully,

Maryland Coalition for Justice and Police Accountability

**See the full list of coalition membership attached.*

Advocates for Children and Youth
ACLU of Maryland
ACLU of Maryland, Montgomery County Chapter
Amnesty International
Arts Education in Maryland Schools Alliance (AEMS)
Baltimore Action Legal Team
Baltimore Bern Unit
Baltimore City Civilian Review Board
Baltimore City Democratic Socialists of America
Baltimore for Border Justice
Be More Unified
Council on American-Islamic Relations (CAIR) Office in Maryland
CASA
Caucus of African-Americans Leaders
Citizens Policing Project
Coalition for Justice for Anton Black
Coalition of Concerned Mothers
Coalition of People Opposed Violence and Extremism
Common Cause Maryland
Community Actively Seeking (C.A.S.T.)
Community Justice
Disability Rights Maryland
Do the Most Good
Drug Policy Alliance
Equity Matters
For Kathy's Sake
FreeState Justice
Greater Baltimore Democratic Socialists of America - Steering Committee
Greenbelt People Power
Hispanic National Law Enforcement Association
Homeless Persons Representation Project
Innocence Project
InterFaith Action for Human Rights
Jews United For Justice
Job Opportunities Task Force
Justice for Tyrone West Coalition
Justice Policy Institute
Kevin L. Cooper Foundation
Law Enforcement Action Partnership
Leaders of a Beautiful Struggle
League of Women Voters Maryland
LGBTQ Dignity Project
Life After Release
Making Changes
Mama Sisterhood of Prince George's County
March for Our Lives Maryland
Maryland Alliance for Justice Reform
Maryland Center on Economic Policy

Maryland Consumer Rights Coalition
Maryland Defenders Union
Maryland Justice Project
Maryland Office of the Public Defender
Maryland Poor People's Campaign
Maryland Prisoners' Rights Coalition
Maryland Restorative Justice Initiative
Maryland State Conference of NAACP Branches
Marylanders to Prevent Gun Violence
Moms Demand Action
Montgomery County Civil Rights Coalition
Montgomery County Democratic Socialists of America
Mothers on the Move
NARAL Pro-Choice Maryland
NAACP Legal Defense and Educational Fund
National Coalition for Drug Legalization
Nigerian American Lawyers Association - Washington DC Chapter
Organizing Black
Our Maryland
Our Prince George's
Our Revolution Maryland
Out For Justice
Planned Parenthood of Maryland
Power Inside
Prevent Gun Violence Ministry, River Road Unitarian Universalist Congregation
Prince George's County Branch of Democratic Socialists of America
Prince George's People's Coalition
Prisons to Professionals
Progressive Maryland
Public Justice Center
Racial Justice NOW!
Rebuild, Overcome, and Rise (ROAR) Center at UMB
Reproductive Justice Inside
Sanctuary DMV
SEIU 1199
Showing up for Racial Justice Annapolis and Anne Arundel County (SURJ3A)
Showing Up for Racial Justice, Baltimore
Showing Up for Racial Justice, Montgomery County
Sierra Club Maryland Chapter
Silver Spring Justice Coalition
Takoma Park Mobilization
The JustUs Initiative
Wicomico County NAACP Branch 7028
Women's Law Center
Young People for Progress

SB 627_FAV_Willis.pdf

Uploaded by: Amanuel, Yanet

Position: FAV

Written Testimony: Greta Willis—Kevin L. Cooper Foundation

SB 627

February 3, 2021

Dear Chairman, Vice-Chair, and Members of the Committee,

My name is Greta Willis, mother of Kevin Cooper and Co-Founder and President of the Kevin L. Cooper Foundation created in my son's name. Also, a member of the ACLU.

Let me explain to you why I am here today. On Saturday, August 12, 2006, my 14-year-old son was shot and killed by an inexperienced Baltimore City police officer with one year on the force. My son was experiencing a mental health crisis. I called the police seeking help for my son. Instead of receiving help, my son, while holding a plastic dustpan, was maced and shot, in my home, in front of me, as I was holding my 10-month-old granddaughter.

There were two officers on the scene, and the one officer left stating, "the call was abated," meaning it was over. The other officer stayed and antagonized my son... then shot and killed him. Think: if the officer was in danger, why did his partner leave a rookie still on the scene alone?

I was never given an opportunity to accompany my son to the hospital. Two detectives instructed me to go right then to the police station to make a statement. Then I would be allowed to be with my son. I had pleaded with the officer numerous times to exit the premises. He chose to stay and escalate the situation. He became the judge, jury and executioner of Kevin's life. There were no criminal charges placed against the officer.

Kevin was a brother, son, uncle and a friend. He had just completed his first summer employment with Youth Works. My daughter was overseas fighting for our country, and someone who is paid to protect and serve the community was murdering her brother in his home.

There is no police accountability in Baltimore City Police Department even now. If the department would have investigated our case a little further, instead of covering up and declaring on the same day of the shooting that it was a JUSTIFIABLE HOMICIDE. Please explain to me how can you justify a homicide that had just occurred at 9:30 am? On the same day it occurred? Impossible! Where is the investigation? Where is the transparency?

It is too late for my son, but as a mother and grandmother, I am here. As George Floyd cried out for his mother, I am here crying out in representation for my only child, grandchildren and all the sons and daughters. **I urge you all to repeal the LEOBR so our children can live.** Police violence is gun violence. We cannot end gun violence without addressing this crisis.

I urge the Committee to vote and make changes. We need police reform and accountability.

Thank you for your time.

SB627 _FAV_Angelia DiGuiseppe District 7.pdf

Uploaded by: Amanuel, Yanet

Position: FAV

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 **Angelia** and I live in **District 7**, 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 records to be hidden so that we don’t know who the officers are who have multiple complaints of police brutality. We as citizens can not even keep track of officers who pose a threat to our community.

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 and so obviously abusing that power in Maryland. They should not be given extra rights. The police should not be protected more than the people.

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,

Angelia DiGuiseppe

(District 7) 3012 Westchester Ave Ellicott City MD, 21043

**Testimony for the House Judiciary Committee
February 9, 2021**

HB 151– Law Enforcement Officers’ Bill of Rights – Repeal

FAVORABLE

To Chairman Clippinger, Vice Chair Atterbeary, and Committee members,

My name is **Angelia DiGuiseppe]** and I live in **District 7**, Maryland. I am testifying in support of HB 151 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 records to be hidden so that we don’t know who the officers are who have multiple complaints of police brutality. We as citizens can not even keep track of officers who pose a threat to our community.

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 and so obviously abusing that power in Maryland. They should not be given extra rights. The police should not be protected more than the people.

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.

HB 151 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 HB 151.

Sincerely,

Angelia DiGuiseppe

District 7, 3012 Westchester Ave, Ellicott City MD, 21043

SB627_FAV_Hopkins.pdf

Uploaded by: Amanuel, Yanet

Position: FAV

**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 members of the Committee,

Thank you for this opportunity to give my testimony in support of SB 627 to repeal LEOBOR.

My name is Marion Gray-Hopkins, a resident of Maryland for nearly my entire life. I am a registered voter and actively involved in many organizations whose focus is police reform. The local organizations include Prince Georges County Peoples Coalition for Justice, MCJPA, Community Justice, the president of Coalition of Concerned Mothers which is a grassroots organization comprised of mothers who have lost children primarily to police brutality as well as community violence. Additionally I am an active board member of ACLU- MD affiliate. More importantly I am the voice for my son Gary Hopkins, Jr. who at the young age of 19 had his voice silenced due to being a casualty of police violence on November 27, 1999. He had dreams and aspirations. A fulltime college student who looked forward to contributing in a positive way yet like so many others was denied that opportunity because he came into contact with officers who were judge, jury and executioner.

Maryland LEOBOR enacted in 1972 is considered to be the most extreme in the country. It is a law that clearly protects law enforcement officers by giving them special rights that we as citizens do not get. Our tax dollars pay them to serve and protect us not to kill with impunity. They are literally making life or death decisions. They should not be given extra rights. We want, expect and demand accountability. The senseless killings of our loved ones at the hands of police MUST stop. It saddens me to know that over 21,000 have been killed by police since my sons’ death most of which are disproportionately black and brown people, many unarmed and who suffered from mental illness. The focus on police brutality has been that of high profile cases yet we have impact right here in Maryland. Let’s not forget my son Gary Hopkins, Jr., Anton Black, Freddie Gray, Leonard Shand, William Green, Dale Graham, Amir Brooks, Korryn Gaines, Kevin Cooper, Archie Elliott, and so many more. We are seeing ongoing demonstrations, rallies, and marches because America is tired of the senseless killings by law enforcement.

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 due process rights and procedures laid out in the bill.

This body has an opportunity to bridge the divide between community and policing by first acknowledging that there is an issue and then taking action to be on the right side of justice when this time in history is written.

My son aspired to be a writer and one of his final college papers he wrote “It takes a village to bring change”. The time for change is long overdue...the time is NOW. On behalf of my son, my family,

the many other Maryland victims of police brutality and advocates of police reform hope you will/are a part of the village and urge you to vote favorable to repeal LEOBOR Senate Bill 627.

Thank you.

SB0627 Testimony.pdf

Uploaded by: Apple, Christopher

Position: FAV

Chris Apple
7001 Cradlerock Farm Court
Columbia, MD 21045
District 13

TESTIMONY IN SUPPORT OF Bill SB0627, Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline

Feb 4, 2021

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Chris Apple

I am Chris Apple, I live in Columbia in District 13. This testimony is in support of Bill SB0627.

Between 2015 and 2019, almost 14,000 complaints of misconduct were filed against Baltimore police officers, a rate of about seven per day.¹ Because of LEOBR, these complaints must be investigated in secret, and only by other officers. No community oversight board or ombudsman has access to verify the investigation was thorough and impartial.

Because of LEOBR, investigating officers also have the power to dismiss any complaints they deem frivolous, by choosing not to “sustain” them. These decisions are made in secret and are never released to the public, eliminating any chance of civilian oversight. Marylanders have no way to ensure that those investigations were properly handled. Though some officers accrue dozens of complaints against them, only about 8% are sustained. Some citizens have claimed their complaints were improperly dismissed.² In fact, one complaint was not sustained even after the officer *admitted to the misconduct under oath*.

Communities have suffered at the hands of these officers and they deserve to know what is being done about it. If an officer is cleared of dozens of complaints, the communities deserve to know why. Our tax dollars fund these disciplinary investigations -- Marylanders deserve to know what happens in them. But we will never know what is happening until LEOBR is repealed and these investigations can be observed by third parties.

Someone with the authority to use deadly force should be under *increased* scrutiny, not protected with secrecy. Oversight is a reasonable requirement for a position with a lot of authority, especially a public servant.

I respectfully urge you to support SB0627, ensuring Marylanders get necessary transparency about the actions of their public servants.

¹ Spielberg, Joe. *Chasing Justice*. Baltimore, 2021.

<https://www.aclu-md.org/en/publications/chasing-justice-addressing-police-violence-and-corruption-maryland>

² Hamlett, Erica. Interview with ACLU of Maryland. <https://www.facebook.com/ACLUMD/posts/10158786928628766>

SB627 FAVORABLE - David Atkinson.pdf

Uploaded by: Atkinson, David

Position: FAV

**Testimony for the Senate Judicial Proceedings Committee
February 4, 2021**

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

FAVORABLE

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

My name is David Atkinson 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 streamlined system without the procedural barriers that prevent discipline. 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.

I am a part of Young People for Progress. YPP is a community organizing and social justice organization of young people, aged under 35, currently in Montgomery County, MD that strives to create power among youth and young adults through engaging in issue campaigns and voter education campaigns. I am also a volunteer member of Montgomery County, MD’s ACLU.

I grew up in Montgomery County, MD. I still live here. This is my normal, my reference point. Growing up black in this county, I received a few talks from my parents about how to manage officers’ fears of me. I knew this was not how things were supposed to be. I have had to put that in to practice at times, but thankfully I am still here. What alarmed me was learning of police killings in this state which have not resulted in trials and convictions of officers. It made me feel less safe in this county.

When I watched the body cam footage of Finan Berhe where Sgt David Cohen killed him, and then saw that no criminal trial would take place, it made me realize that local police will truly look at me as guilty for being black. When issues occur, people are supposed to be able to call on police to help. When police cause harm, a basic building block of society is taken out from under people’s feet. And when this is done unevenly across lines of race, age and even income, it exacerbates the belief that this state does not care about equality. And what type of society does that help to create? We have seen the protests this past summer, full of police abuse victims and thousands of their sympathizers. With LEOBR, Maryland is susceptible to another Baltimore uprising or worse due to a domineering culture of violence implemented by police.

If people want to fix police morale, by the way, then an accountable police force will do just that. If my co-worker can carry a gun to work and use it when in fear but I am not, what kind of workplace culture is that? What about if that co-worker fired their gun at me over a disagreement and their friends had to be the first line of prosecution? And they went to work a whole five days with me without having to address the issue? What kind of trust can be created in that environment? What productivity would that office have? Who would want to work there? What if the person who has the gun is a nice person? Does that matter when the rule is set up to allow abuse? An accountable police force will earn the trust of those they are employed to protect. In this way, supporting this bill will create equality for those targeted unfairly by police and help Maryland operate closer to its capacity because we have more of a baseline of safety (resident to resident and resident to police) to operate from.

Now is not the time to hide from serious police reform. It is the time to build on the protests of the summer and legislate for public safety. This year LEOBR is visible. This is the year for it to go.

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 escape accountability because they can say that it was the hearing board that made the decision, not them so their "hands are tied". This is why it is so important to have a transparent and streamlined discipline process that allows for us to know exactly who is responsible for holding officers accountable.

I believe that officers should have the same 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 due process rights and procedures laid out 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,

David Atkinson

<https://www.yppforprogress.org/demands>

<https://www.aclu-md.org/en/campaigns/now-time-impactful-police-reforms-maryland>

Support of LEOBR Repeal (SB0627).pdf

Uploaded by: Berger, Zackary

Position: FAV

Support of LEOBR Repeal (SB0627)
Zackary Berger, MD, PhD

As a resident of Baltimore City I call upon you to support repeal of the Law Enforcement Officers' Bill of Rights (LEOBR).

The LEOBR is a key barrier to investigating and enacting discipline in cases of police misconduct. Police officers are entitled to and already have the same rights and protections as every other state and local government employee. Officers being given additional rights under LEOBR has proven to hinder real police accountability after an officer commits misconduct, brutalizes, or even kills a community member. Leaving LEOBR in place is dangerous as it provides officers with extra protections allowing police to police themselves and prevents community oversight. There is no justifiable reason why they should be afforded rights beyond those of every other citizen. In fact, their sworn integrity as officers should make them more accountable to the law than the average citizen.

As a primary care doctor in Baltimore I have seen the effects of police brutality first hand. Only through restoring accountability can local control of police be a reality.

SB0672 - Law Enforcement Officers' Bill of Rights

Uploaded by: Bock-Singleton, Natasza

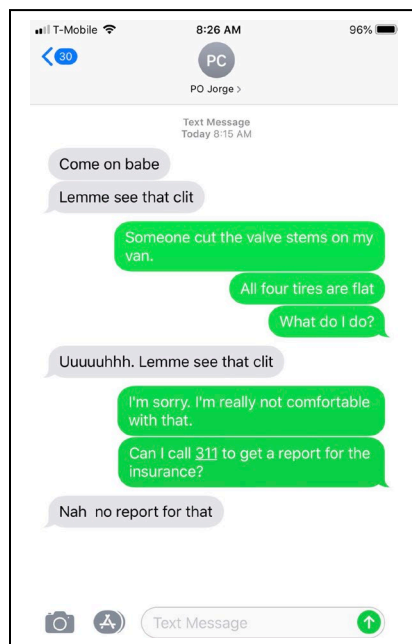
Position: FAV

February 2, 2021

In Favor – SB0672 Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline

Dear Honorable Members of the Judicial Proceedings Committee:

Today you will hear witness testimony from a variety of experts on all sides of the argument to repeal the Law Enforcement Officers Bill of Rights. I respectfully defer to those legal and civil rights experts. I only ask, that you consider that when your mother, wife, sister, or daughter is travelling through Maryland, she may encounter this: an officer who engineers a situation that requires police assistance, and then requests sexually explicit pictures in exchange for police services. She may encounter this officer, because the current interpretation of the Law Enforcement Officers Bill of Rights prevented Commissioner Michael Harrison from firing him. Despite subsequent images of the officer's genitalia and threats being sent to at least 11 victims, some as young as 13, despite witnessed incidents of vandalism and retaliation, despite statements from other law enforcement officers regarding the situation, the officer remains available to answer calls should your loved one require service, thanks to the Law Enforcement Officers Bill of Rights.



You have the duty and authority to protect your constituents. Please choose wisely and support SB0672 Law Enforcement Officers' Bill of Rights – Repeal and Procedures for Discipline

Respectfully,

Natasza Bock-Singleton
Baltimore City Resident
Founder, CEO Bloom and Grow
410-710-7553
nataszabocksingleton@gmail.com

Favorable-SB627-Cain.pdf

Uploaded by: Cain, Darlene

Position: FAV

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 members of the Committee,

My name is Darlene Cain and I live in Baltimore City, Maryland. I am testifying in support of SB 627 to repeal the Law Enforcement Officers’ Bill of Rights (“LEOBR”) and create a streamlined system without the procedural barriers that prevent discipline. 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.

This means so much to me because I lost my son, Dale Graham on October 28, 2008 to a Baltimore City Police Officer. I never received information on the officer’s background or had my day in court. We cannot sit back and allow an officer to be the judge, jury and executioner while mothers and families are left voiceless. Instead of attending hearings for police accountability in a court room for wrongful actions, we are planning funerals and burials. If the roles were reversed, families of police officers would want justice for their loved one’s life that was taken unjustly. Dale’s dreams, like so many others, were stolen. Mothers, fathers, and families are left traumatized; visiting gravesites on birthdays and holidays while violent officers can continue their job and see their families. Dale has two daughters that are now fatherless. Sadly, our new normal is to mourn with unanswered questions. We demand accountability, starting now.

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 escape accountability because they can say that it was the hearing board that made the decision, not them so their “hands are tied”. This is why it is so important to have a transparent and streamlined discipline process that allows for us to know exactly who is responsible for holding officers accountable.

I believe that officers should have the same 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 due process rights and procedures laid out 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,
Darlene Cain

SB0267 LEOBR Repeal.pdf

Uploaded by: Cantori, Renee

Position: FAV

In support of SB0627 - Repeal Law
Enforcement Officers' Bill of Rights -
Judicial Proceedings - Sen. Carter

There is no reason that public officials -- who should be more accountable to the law than the average person -- should have greater protections than the rest of us. LEOBR grants our law enforcement personnel those extra protections by providing: extra-judicial protections to police officers being investigated for misconduct or brutality, including needless restrictions on timing and process of interrogations, unnecessary disclosure of in-process investigation information to the accused officer, and a biased jury of mostly or entirely police officers to decide on punishment. All of the above prevents neutral investigation and a transparent (to the public) process.

If the point of the police is to protect the public, this current law does the opposite, as it unduly protects any police officer who may be engaging in misconduct. It throws barriers in the public's of finding answers. In essence, our police no longer our accountable to the community. LEOBR needs to be repealed.

Respectfully,
Renee Cantori
Annapolis, MD

Testimony_JPC_SB0627.pdf

Uploaded by: Carter, Jill

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter
In Favor of SB0627 - Law Enforcement Officers' Bill of Rights - Repeal
and Procedures for Discipline
Before the Judicial Proceedings Committee
on February 4, 2021**

Mr. Chairman, Vice-chair, and Members of the Committee:

Senate Bill 0627 is a bill of both necessity and common sense. This bill repeals the Law Enforcement Officers' Bill of Rights (LEOBR), and creates specific procedures for disciplining law enforcement officers. It also disallows the involvement of department agencies or unions during the discipline process. Senate Bill 0627 attempts to address current deficiencies in the law that work against transparency and genuine police accountability.

Currently, under the LEOBR, officers who allegedly engage in misconduct and who, as a result, become the subject of a formal complaint, are investigated by internal procedures. Consequently, when an oversight agency such as the Civilian Review Board of Baltimore City launches an administrative investigation into a complaint of misconduct within its jurisdiction, it is prevented from questioning the officer about the incident. This is true even though, like the internal affairs division of a police department, both entities are responsible for investigating the matter. As a result, the oversight agency - which is legally authorized to investigate the incident and determine whether misconduct occurred - is forced to investigate the matter indirectly while internal affairs does so directly. This makes little sense. As a result of this ineffective system, in most cases the

complaint ends without disciplinary action. For example, less than 5% of allegations in Baltimore City end with a finding of misconduct. SB0627 addresses this by repealing the LEOBR and implementing a new investigatory system that does not hinder the disciplinary process.

Senate Bill 627 strives to fix this broken system by repealing the current LEOBR and implementing a system that results in better accountability. Specifically, the system under this bill ensures that investigations of police misconduct are more in line with investigations that an ordinary citizen would undergo. With this bill, an investigation of alleged misconduct is required unless the matter has resulted in a criminal conviction, in which case the department can rely on that conviction to impose whatever discipline is appropriate. The chief, or investigator, has one year from the complaint or allegation to bring disciplinary action against the officer. During the proceedings the officer that is under investigation is permitted to have representation and both parties are allowed to issue and enforce subpoenas. Additionally, any hearings during the investigation must be open to the public unless there is a good cause not to, like protecting sensitive or classified witnesses. The chief also has the authority to suspend the officer with pay if it is deemed to be in the best interest of the public and the law. The chief also may suspend the officer without pay if the officer is involved in a crime.

After the investigation, if the officer is found guilty of misconduct and discipline is imposed, they must be notified of each offense and the disciplinary action as well as the facts that support the findings. If the disciplinary action is termination, the chief must meet with the officer to discuss the outcome of the investigation. The officer has the right to appeal the decision, and the chief must address the appeal within 15 days by answering every point the officer made as well as giving the reasoning for their decision. Lastly, the bill notes that the law enforcement agency has the burden of proof, and the law enforcement agency or the agency's superior governmental authority

or a collective bargaining unit may not enter into any agreement that is inconsistent with the rest of the bill.

In closing, genuine police accountability, and discipline when appropriate, is required to protect not only our citizens, but also our police officers. Given this, I urge a favorable report on SB0627 in the interest of accountability, transparency and public safety.

Respectfully,

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive, flowing style.

Jill P. Carter

testimony.SB627.pdf

Uploaded by: Chaudry, Zainab

Position: FAV



February 4, 2021

Honorable Senator William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
Miller Senate Office Building, 2 East
Annapolis, MD 21401

Re: Testimony in SUPPORT of SB627 – Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline

Dear Chair William C. Smith, Jr. and Senate Judicial Proceedings Committee Members:

On behalf of the Council on American-Islamic Relations, I thank you for this opportunity to testify in support of Senate Bill 627 entitled Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline. CAIR is America's largest Muslim civil rights and advocacy organization.

In the early 1970's, Maryland became the first state in the country to draft a blueprint for and enact a Law Enforcement Officers' Bill of Rights. After lobbying from police unions and associations, fifteen other states have followed suit and passed their own version. However, Maryland's LEOBR remains arguably the most expansive and extreme of such laws in the nation.

While the majority of police officers maintain integrity in performing their responsibilities, those who do not are still able to escape accountability because of the protections LEOBR affords. It favors police officers over communities they are sworn to protect and serve, and prohibits civilian oversight groups from holding accountable officers who exhibit inappropriate conduct.

The Maryland LEOBR provides police officers special safeguards when complaints against them are investigated, including strict time limits on allegations and the expungement of disciplinary records. It imposes significant impediments to conducting transparent and diligent investigations, and places broad limitations on disciplinary action.

At a time when our state and country are grappling with how to restore trust that law enforcement officers will treat communities they serve fairly and ethically, it is more important than ever to pass this bill to repeal this measure. Police officers' honesty and integrity is vital not only to their job functions, but also in the upholding of the law. More than any other profession, they should not be allowed to act with such secrecy and expansive impunity.

Repealing LEOBR will bring our state one step closer to comprehensive police reform that is desperately needed to restore faith within the criminal justice systems. It will simplify the process to seek accountability for harmful police misconduct, restore badly eroded community trust in law enforcement, and ensure that good officers are not wrongly maligned.

CAIR supports this legislation and respectfully urges a favorable report. Thank you for your time.

Sincerely,

Zainab Chaudry, Pharm.D.
Director, CAIR Office in Maryland
Council on American-Islamic Relations
Email: zchaudry@cair.com
Phone: 410-971-6062

Testimony for Bill 627.pdf

Uploaded by: Ciambrone, Alicia

Position: FAV

My name is Alicia Ciambone and I am a homeowner in the Hampden neighborhood of Baltimore city, a resident of Baltimore for 11 years. The history of this country is riddled with examples of police officers serving as judge, jury, and executioner of American citizens without consequence. Baltimore City is plagued with complaints of severe officer misconduct against its citizens; nearly 14,000 between 2015-2019. Officers should not be shielded from the consequences of their heinous actions. In the name of Freddie Gray, Breonna Taylor, Eric Garner, George Floyd, and too many others, police must be held accountable. Repealing the Law Enforcement Officers Bill of Rights is one small step in the right direction.

SB0627 Testimony LEOBR.pdf

Uploaded by: Cocke, Abigail

Position: FAV



Many struggles, one mission.

Testimony SUPPORTING SB0627

February 1, 2021

Dear members of the Judicial Proceedings Committee,

My name is Abby Cocke, and I am a resident of Baltimore City in District 43 and a strong supporter of SB0627. On behalf of Baltimore for Border Justice, a local advocacy and aid organization, I am submitting this testimony to urge you to SUPPORT SB0627, *Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline*.

Members of the Baltimore Police Department routinely harass, abuse, defraud, frame, and assault ordinary people, up to and including murdering them. Mostly people don't even bother to seek justice, because it's so incredibly rare. This wretched state of affairs doesn't just harm victims and their families, the ripples of the resultant trauma, distrust and fear affect everyone. Millions of our tax dollars go to papering over a few of the most obvious offenses, while the cops who did the crimes stay on the street to menace more people. The actions of corrupt and violent officers can't be reviewed and responded to in an effective manner because the Law Enforcement Officers' Bill of Rights (LEOBR) mandates a system that is intentionally opaque, tilted heavily in officers' favor, and designed to frustrate attempts at any sort of reckoning. Even when we put additional mechanisms for accountability in place, they are meaningless thanks to the restrictions of LEOBR.

Take the incident in 2015 when four officers of the Baltimore Police Department shot at Keith Davis, Jr. dozens of times, striking him in the neck and nearly ending his life after mistaking him for a robber and chasing him into a dark garage. The Civilian Review Board of Baltimore City sustained allegations of excessive force, citing in their findings "officers' inconsistent testimonies," "serious discrepancies between the officers' testimonies in court and the officers' testimonies in the IAD [Internal Affairs Department] report," and "a lack of credibility in their testimonies." In other words, the Board could see, and crucially was willing to acknowledge, the obvious – officers had shot a man who posed them no threat and then lied about what happened – and thought the lying was so egregious that they had to call it out multiple times. The Board recommended that two of the officers, Lane Eskins and Alfredo Santiago, be fired (the least that should have happened), but the Board is denied enforcement power under LEOBR. **Both of these dangerous liars with guns and badges remain on the force today.**

Another one of the (many, many) cops with a documented history of brutality who has been able to evade accountability for years is Jorge Bernardez-Ruiz, one of the Baltimore City police officers who participated in the murder of Tyrone West in 2013. I encourage you to view this short video, which documents that case and five other cases in which Bernardez-Ruiz was publicly caught engaged in racial profiling, home invasions, and assault: <https://youtu.be/X3pFb4F5ews>. Yet he remains on the force and has been promoted! This is how little accountability exists in Baltimore City under LEOBR, that regular people must do their own research to try to at least warn others about threats to our lives and well-being, because the current system keeps anything from being done. For more on the tragedy of Tyrone West's unnecessary death: <https://youtu.be/FnjU6tQRfok>

The heart of the injustice inherent in LEOBR is this – who watches the watchmen? When the forces of the law in our society are given special privileges in terms of how they can be questioned and disciplined (no one else gets five days to get their story straight before they can be questioned, no one else gets to view all the allegations against them before they have to speak, no one else can only be questioned by one person at a time), when cases

against them are shielded from scrutiny and regularly allowed to expire, when the people allowed to address their misdeeds are mostly or entirely their comrades in arms, the predictable result occurs; the system protects itself. Tweaks to LEOBR have failed to resolve the situation. A full repeal is necessary, as is replacement language to lay out procedures for actual accountability and transparency. That is what SB0627 does, and why hundreds of organizations and individuals are demanding that you pass it this year. We are watching, and we NEED you to act.

Thank you for your attention and for doing the right thing.

Sincerely,

Abby Cocke
Co-founder, Baltimore for Border Justice
Bmore4BorderJustice@gmail.com
443-631-0432

SB627_FAV_Dalton.pdf

Uploaded by: Dalton, Dawn

Position: FAV

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 members of the Committee,

My name is **Dawn Dalton** and I live in **Upper Marlboro**, Maryland. I am testifying in support of SB 627 to repeal the Law Enforcement Officers’ Bill of Rights (“LEOBR”) and create a streamlined system without the procedural barriers that prevent discipline. 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.

I am the mother of a directly impacted victim of police brutality in Prince George’s County and the same officers that violated and beat my son are known for this behavior. We need change now.

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 escape accountability because they can say that it was the hearing board that made the decision, not them so their “hands are tied”. This is why it is so important to have a transparent and streamlined discipline process that allows for us to know exactly who is responsible for holding officers accountable.

I believe that officers should have the same 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 due process rights and procedures laid out 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.

Respectfully,

Dawn Dalton
The JustUs Initiative

SB627_FAV_Scott.pdf

Uploaded by: Diaz, Lorena

Position: FAV

**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 members of the Committee,

My name is **Erica Scott** and I live in **Glen Burnie**, Maryland. I am testifying in support of SB 627 to repeal the Law Enforcement Officers’ Bill of Rights (“LEOBR”) and create a streamlined system without the procedural barriers that prevent discipline. 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.

In July of 2015, two Anne Arundel County Police Officers, Officer Ferris and Bilter responded to a call at my residence, while my teenage daughters were home, at the time both my daughters were under the age of 19. I was not home at the time. My daughter was able to use her phone to call me, so I could speak with Officer Ferris and Bilter. During our conversation, Officer Ferris and I agreed that I would speak with my daughters when I returned home. Both Officers later spoke with their supervisor and completed their report, omitting information that was significant to the call and the resolution of the call, as well as mis-categorized; and misinformed officials during a hearing. Once I became aware of the report that both officers had written, between 1 to 2 years later, I was not able to effectively appeal the report or its content that had a significant impact on the lives of my children.

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 escape accountability because they can say that it was the hearing board that made the decision, not them so their “hands are tied”. This is why it is so important to have a transparent and streamlined discipline process that allows for us to know exactly who is responsible for holding officers accountable.

I believe that officers should have the same 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 due process rights and procedures laid out 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,
Erica Scott

SB627_FAV_Sheppard.pdf

Uploaded by: Diaz, Lorena

Position: FAV

**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 members of the Committee,

My name is **Eugene Sheppard** and I live in **Frederick**, Maryland. I am testifying in support of SB 627 to repeal the Law Enforcement Officers’ Bill of Rights (“LEOBR”) and create a streamlined system without the procedural barriers that prevent discipline. 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.

When asked to speak on my experience my dilemma was deciding which instance of police brutality/misconduct I should write about? Should I: -write about the time I was beaten while hand-cuffed? I asked the officer while getting punched and hit with batons, “Why are you doing this to me?” His response was, “Because I hate you!”- do I write about the time I was detained while working security because a woman was robbed and I fit the description? It didn't matter that my parking lot guardhouse was 10 feet away and I was playing with a tennis ball while on the phone. I was only released when my supervisor vouched for me. I was told they will let me slide, but I need to have more respect for the police. - do I write about the time I was pulled over for eating an orange? My brother who was driving asked the officer why we got pulled over. The officer motioned towards me and explained that he saw me rolling up (he imitates rolling marijuana with his hands). Confused for a moment, I then realized that I just peeled an orange. He argued that he saw what he saw but cautiously let us go with a warning and stern advice to respect the police. - do I write about the time I was accused at Whole Foods of stealing a quesadilla and an Honest green tea. \$5 worth of food. I asked the officer for assistance as the Whole Food security had taken my food. I gave him my receipt, he then proceeded to issue me a restraining order and arrested me. He tightened the cuffs to the point that it caused nerve damage. He then refused to return my receipt, but he was unaware that I already had taken a photo of it. He didn't appear at the trial.

In all of these instances of harassment and assault, no one was held accountable and all that I got was the burden of proving my innocence and PTSD.

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 escape accountability because they can say that it was the hearing board that made the decision, not them so their “hands are tied”. This is why it is so important to have a transparent and streamlined discipline process that allows for us to know exactly who is responsible for holding officers accountable.

I believe that officers should have the same 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 due process rights and procedures laid out 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.

Accountability strengthens communities and strong communities are safer places to live. And that's all we want to do. Live.

Sincerely,
Eugene Sheppard

SB 627 - Repeal LEOBR.pdf

Uploaded by: Dwyer, Maura

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District **40**. I am testifying in **support of Senate Bill 627**.



Senate Bill 627 would repeal the Law Enforcement Officers' Bill of Rights (LEOBR), a law that makes it more difficult to investigate and discipline police misconduct in Maryland than in almost any other state. LEOBR gives special rights to police officers that ordinary people, including other state employees, do not get. It also prevents communities from investigating misconduct that could lead to discipline. For example, under the LEOBR, police abuse can only be investigated by sworn law enforcement. This creates a conflict of interest and raises concerns about transparency.

LEOBR also reduces or eliminates police accountability to the public they are supposed to serve. Because disciplinary procedures are enshrined in LEOBR, civilians have no input into this procedure. Strict time limits on filing complaints mean some investigations are prevented by technicalities. Investigations conducted by civilians cannot result in discipline.

Accountability cannot even be enforced by elected officials. As quoted in the Baltimore Sun, Police Commissioner Michael Harrison has asked that LEOBR be changed to allow him to fire officers after a criminal incident without waiting for a conviction. He noted that the current policy leads to cases such as that of Baltimore Officer Wesley Cagle, who was convicted on first-degree assault charges for shooting an unarmed man, but served on the police force for a further two years between the shooting and his conviction.

In order to respond to protect the public from police misconduct and to address concerns about transparency and accountability, small changes are no longer enough. A complete repeal of LEOBR is urgently needed so the public can know that law enforcement agencies are taking police discipline seriously, and not protecting officers who engage in misconduct.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 627**.

Thank you for your time, service, and consideration.

Sincerely,
Maura Dwyer
3908 Falls Rd
Baltimore MD 21211
Showing Up for Racial Justice Baltimore

Manuscript.pdf

Uploaded by: Elliott, Richard DeShay

Position: FAV

IMPACT OF THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS ON POLICE TRANSPARENCY & ACCOUNTABILITY

RICHARD DESHAY ELLIOTT
JOHNS HOPKINS UNIVERSITY, DEPARTMENT OF POLITICAL SCIENCE

Abstract

The United States, home to 5% of the world's population & 25% of the world's incarcerated population, is the largest hotspot of mass incarceration in human history¹. Many factors have contributed to rising incarceration rates over the past 50 years, including the War on Drugs and the 1994 crime bill. One piece of legislation with impact on policing in the United States is the *Law Enforcement Officer's Bill of Rights* (LEOBOR)², which serves to minimize accountability and transparency within police departments by granting rights to police officers that aren't granted to other public or private employees, such as interdepartmental investigations and classified personnel files. LEOBOR is state policy in the states where Freddie Gray (Maryland), Sandra Bland (Texas), Breonna Taylor (Kentucky), & George Floyd (Minnesota) were murdered by police and where Rodney King (California) was beaten on tape, and this legislation has a substantial impact on police investigations and discipline. There has been very little academic study on this legislation and its impact.

In this study, I seek to examine the difference in rates of incarceration, police spending, police salaries, on-duty shooting of civilians, the number of officers who have been charged for an on-duty shooting, and the number of decertified officers between states with and without LEOBOR in effect.

¹ ACLU. Mass Incarceration. <https://www.aclu.org/issues/smart-justice/mass-incarceration>.

² This legislation also exists under multiple names, including *Peace Officers Bill of Rights* (POBR). Only those provisions enacted in Delaware, Maryland, Rhode Island, and Wisconsin have the precise title "*Law Enforcement Officers Bill of Rights*;" Florida adds "*and Correctional Officers*" Illinois' law is called the "*Uniform Peace Officers Disciplinary Act*." New Mexico's is the "*Peace Officer's Employer-Employee Relations Act*." West Virginia's law is entitled "*Rights and Duties of Police and Fire Fighters*." Despite these variations in nomenclature, all the LEOBORs referred to as such in this Article have features in common, and some have provisions that are worded identically. The legislation is henceforth referred to as LEOBOR for simplicity. CITED FROM: KEVIN M. KEENAN & SAMUEL WALKER. AN IMPEDIMENT TO POLICE ACCOUNTABILITY? AN ANALYSIS OF STATUTORY LAW ENFORCEMENT OFFICERS' BILLS OF RIGHTS. *Public Interest Law Journal*, Volume 14.

These statistics will give a detailed comparison of accountability and transparency in states that do and do not have LEOBOR in effect.

Keywords: *police accountability and transparency, police misconduct, police brutality, Joe Biden, American policing, Jill P. Carter, Gabriel Acevero, Law Enforcement Officers' Bill of Rights, police unions*

History of the Law Enforcement Officer's Bill of Rights & Police Reforms

Police reforms during the late 19th/early 20th century often took the form of police commissions. These programs were generally ineffective as they were filled by political appointees and deferential to police leadership³. Precursors to the modern *civilian review boards (CRBs)* were created in major cities such as Washington D.C. and New York City from the 1920s to the 1960s, but all were ultimately dismantled due to resistance by police unions & local politicians and limited funding⁴. During the 1960's Civil Rights Movement, CRBs were a frequent demand among Black activists as many of the largest riots were sparked by incidents of police misconduct and police brutality. By the end of the decade, the CRBs in New York and Philadelphia had been dismantled. Through the 1970s and into the 1980's, the push for CRBs continued and investigative agencies with more resources and greater responsibility such as the *Public Review Commission* in Berkeley, CA & the *Office of Citizen Complaints* in San Francisco, CA were created⁵. By the mid-80's, national associations such as the *International Association for Civilian Oversight of Law Enforcement (IACOLE)* and later the *National Association for Citizen Oversight of Law Enforcement (NACOLE)* were founded. By 2001, there were over 100 civilian review agencies and 144 by 2016⁶.

³ Police Assessment Resource Center. 2005. "Review of National Police Oversight Models for the Eugene Police Commission." *Police Assessment Resource Center*. <http://www.parc.info/eugene>

⁴ Bayley, David. 1991. "Preface." In *Complaints Against the Police: The Trend to External Review*, edited by Andrew Goldsmith, v–vii. Oxford: Clarendon.

⁵ Ferdik, Frank V., Jeff Rojek and Geoffrey P. Alpert. "Citizen Oversight in the United States and Canada: An Overview." 2013.

Police Practice and Research 14 (2): 104–16. doi:10.1080/15614263.2013.767089.

⁶ CIVILIAN OVERSIGHT OF LAW ENFORCEMENT: ASSESSING THE EVIDENCE. Joseph De Angelis | Richard Rosenthal | Brian Buchner. September 2016.

During this time period, police unions became a powerful political force. Dissatisfaction with internal police management practices was a central organizing focus for these unions⁷, and LEOBOR has often been their policy vehicle to represent the interests of rank and file police officers. Police unions have also pursued legislation to reduce access to personnel records and currently, only 12 states have public personnel records for police officers while 23 have confidential records and 15 have limited accessibility⁸. A 2018 study of police disciplinary appeals argues that these serve as an underappreciated barrier to officer accountability and organizational reform, leading departments to rehire and significantly reduce disciplinary measures against officers that have engaged in serious misconduct⁹. In Rushin’s analysis of 656 departments, his data shows that the vast majority of these departments give police officers the ability to appeal disciplinary sanctions through multiple levels of appellate review, creating a “*formidable barrier to officer accountability*”. According to an informal tally by attorney Will Aitchison, arbitrators in the U.S. have eased or reversed discipline in favor of police officers in about 60 percent of cases since the 1980s¹⁰. LEOBOR, as described by the Grand Lodge of the Fraternal Order of Police, contains the components listed in Table 1¹¹.

Table 1: Grand Lodge Fraternal Order of Police, LEOBOR Policy Components

<u><i>Component Number</i></u>	<u><i>Policy Component Description</i></u>
<u><i>1</i></u> <i>Political Activity</i>	<i>Law enforcement officers, except when on duty or acting in an official capacity, have the right to engage in political activity or run for elective office.</i>
<u><i>2</i></u> <i>Advance Notice</i>	<i>Law enforcement officers shall, if disciplinary action is expected, be notified of the investigation, the nature of the alleged violation, and be notified of the outcome of the investigation and the recommendations made to superiors by the investigators.</i>

⁷ JURIS & FEUILLE, page 20-21.

⁸ WNYC. Disciplinary Records.

⁹ Stephen Rushin. Police Disciplinary Appeals. UNIVERSITY OF PENNSYLVANIA LAW REVIEW. 2018.

¹⁰ Alan Neuhauser. Arbitration and the Revolving Door of Bad Cops. *U.S. News & World Report*. October 19, 2016.

¹¹ Due Process Rights for Law Enforcement Officers. Archived 2007-07-07 at the Wayback Machine, Fraternal Order of Police.

<u>3</u> <i>Reasonable Length</i>	<i>Questioning of a law enforcement officer should be conducted for a reasonable length of time and preferably while the officer is on duty unless exigent circumstances apply.</i>
<u>4</u> <i>In-Office Questions</i>	<i>Questioning of the law enforcement officer should take place at the offices of those conducting the investigation or at the place where the officer reports to work, unless the officer consents to another location.</i>
<u>5</u> <i>Single Investigator</i>	<i>Law enforcement officers will be questioned by a single investigator, and he or she shall be informed of the name, rank, and command of the officer conducting the investigation.</i>
<u>6</u> <i>Right to Counsel</i>	<i>Law enforcement officers under investigation are entitled to have counsel or any other individual of their choice present at the interrogation.</i>
<u>7</u> <i>Ban on Inducement</i>	<i>Law enforcement officers cannot be threatened, harassed, or promised rewards to induce the answering of any question.</i>
<u>8</u> <i>Right to a Hearing & Access to Transcripts</i>	<i>Law enforcement officers are entitled to a hearing, with notification in advance of the date, access to transcripts, and other relevant documents and evidence generated by the hearing and to representation by counsel or another non-attorney representative at the hearing.</i>
<u>9</u> <i>Comment on Personnel File</i>	<i>Law enforcement officers shall have the opportunity to comment in writing on any adverse materials placed in his or her personnel file.</i>
<u>10</u> <i>Unalienable Right to Exercise</i>	<i>Law enforcement officers cannot be subject to retaliation for the exercise of these or any other rights under Federal, or State.</i>

LEOBOR has been introduced at both the state and federal level, and components have also been packaged into union contracts. The *Federal Police Officers Bill of Rights* was first introduced in the House of Representatives in 1971 by New York Congressman Mario Biaggi, with 120 co-sponsors. A

former New York City police officer who was wounded 11 times on duty, Biaggi also founded the *National Law Enforcement Officers Memorial Fund (NLEOMF)* and served as Acting President of the *Patrolmen's Benevolent Association (PBA)*. He introduced this bill several times on behalf of the PBA¹², but the bill was not introduced in the Senate until the 1990s. Biaggi's bill included a requirement for a Law Enforcement Officers Bill of Rights in every state to receive federal policing grants, alongside components 1, 2, 3, 4, 5, 6, 7, 8, & 10 of the Grand Lodge's LEOBOR.

Vice President Joe Biden, the 2020 Democratic presidential nominee, introduced the *Police Officers Bill of Rights Act of 1991* as Chair of the Senate Judiciary Committee, several weeks after an uprising in Los Angeles which followed the police beating of Rodney King¹³. This bill passed 55-43¹⁴, but was not brought up for a vote in the House of Representatives. This bill was not introduced in both houses of Congress until 1995. The Biden bill, if passed, would have federally implemented components 1, 2, 3, 4, 6, 8, 9, and 10 and parts of component 5. Former New York City Police Commissioner Lee P. Brown argued that Biden's bill would “*erode advances that have been made in holding police officers and their supervisors accountable for the use of excessive force and other forms of misconduct.*”¹⁵.

The Chair of the Legislative Committee of the International Association of Chiefs of Police appointed an Internal Affairs Legislation Subcommittee to draft a version of POBR law that management would find more acceptable, following the passage of LEOBOR at the state level in several states. Although there was no immediate intention to have the IACP version introduced in Congress, it would be available as a reference document in those states where POBR legislation might be pending. It should be noted that the final document, though unanimously approved by the subcommittee, was never adopted by the IACP Legislative Committee itself. Divided by a single vote difference, a majority of the full

¹² Congressman Mario Biaggi. US Congress HR 2443. 1979.

¹³ Senator Joseph Biden. *S.1043 - Police Officers' Bill of Rights Act of 1991*. Congress.gov.

¹⁴ Mark Schmidt. Peace Officers Bill of Rights Guarantees: Responding to Union Demands with a Management Sanctioned Version. *Law Enforcement Executive Forum*. 2005.

¹⁵ Leandra Bernstein. Police 'Bill of Rights' grants special protection for officers accused of misconduct. *ABC7*. July 14th 2020.

committee was so opposed to any POBR legislation that it rejected the adoption of a management version, even if it was labeled a “specimen” document¹⁶.

LEOBOR was first implemented in Maryland in 1974 and as of 2015, exists in 17 states¹⁷. The legislation is not uniform: some states cover sheriffs, firefighters, police chiefs, corrections officers and parttime employees while others do not. Similar legislation passed in Alabama in 2001, but this legislation lacked provisions on investigations¹⁸. Colorado amended its Professional Standards for police in 1990 with revisions and additions on internal investigations¹⁹. Neither of these are counted as LEOBOR states in the findings. The Canadian Province of Alberta also passed LEOBOR in 1990²⁰. Rhode Island and Maryland are considered to be the state’s with the most police-friendly LEOBORs, holding provisions that officers convicted of a felony in Rhode Island or a misdemeanor in Maryland are not automatically fired²¹.

Table 2: States with LEOBOR, Chronicled by Year of Introduction & Components

State	Year of Introduction	Components
1. Maryland	1974	Components 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 ²²)
2. Florida	1974	Components 2, 3, 4, 5, 6, 7, 8, 10 ²³)
3. California	1976	Components 1, 2, 3, 5, 6, 7, 8, 9, 10 ²⁴)

¹⁶ Mark Schmidt. Law Enforcement Executive Forum. Peace Officers Bill of Rights Guarantees: Responding to Union Demands with a Management Sanctioned Version. 2005.

¹⁷ Hager, Eli (27 April 2015). "Blue Shield – Did you know police have their own Bill of Rights?". *The Marshall Project*. Retrieved 7/21/2020.

¹⁸ Ala. Stats. §§ 11-43-230-232 (2003)

¹⁹ (Ord. No. 598-04, § 1, 8-30-04; Ord. No. 730-04, § 3, 10-4-04)

²⁰ Police Act/Police Service Regulation 356/90 (1990)

²¹ Blue Shield: Did you know police have their own Bill of Rights?. ELI HAGER. *Marshall Project*. April 27, 2015.

²² LAW ENFORCEMENT OFFICERS BILL OF RIGHTS (LEOBR). DIRECTIVE 5 – 104. Date of Revision: April, 2017.

²³ 2015 Florida Statutes > Title X > Chapter 112 > Section 532. Florida Senate.

²⁴ GOVERNMENT CODE - GOV TITLE 1. GENERAL [100 - 7914] (Title 1 enacted by Stats. 1943, Ch. 134.) DIVISION 4. PUBLIC OFFICERS AND EMPLOYEES [1000 - 3599]. (Division 4 enacted by Stats. 1943, Ch. 134.). CHAPTER 9.7. Public Safety Officers [3300 - 3313] (Chapter 9.7 added by Stats. 1976, Ch. 465.)

4. Rhode Island	1976	Components 2, 3, 4, 5, 6, 7, 8, 9, 10 ²⁵),
5. Virginia	1978	Components 2, 3, 5, 6, 8, 10 ²⁶),
6. Wisconsin	1979	Components 1, 2, 6, 10 ²⁷),
7. Illinois	1985	Components 2, 3, 4, 5, 6, 7, 8, 10 ²⁸),
8. Louisiana	1985	Components 2, 3, 6, 8 ²⁹),
9. Nevada	1985	Components 2, 3, 5, 6, 8, 9 ³⁰),
10. Delaware	1986	Components 2, 3, 4, 5, 6, 7, 8, 9 ³¹),
11. Tennessee	1989	Components 2, 3, 5, 6, 8, 10 ³²
12. West Virginia	1990	Components 2, 3, 6, 7, 8 ³³
13. New Mexico	1991	Components 2, 3, 4, 5, 6, 7, 8, 9, 10 ³⁴
14. Minnesota	1991	Components 2, 3, 4, 6, 8, 10 ³⁵
15. Kentucky	1994	Components 2, 3, 6, 7, 8, 10 ³⁶
16. Texas	1999	Components 1, 2, 3, 4, 5, 6, 7, 9 ³⁷
17. Alabama	2001	Components 2, 6, 8 ³⁸)

²⁵ TITLE 42. State Affairs and Government. CHAPTER 42-28.6. Law Enforcement Officers' Bill of Rights. SECTION 42-28.6-2.

²⁶ Code of Virginia. Law-Enforcement Officers Procedural Guarantee Act.

²⁷ Wisconsin State Legislature. CHAPTER 164. LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

²⁸ Illinois General Assembly. LOCAL GOVERNMENT. (50 ILCS 725/) Uniform Peace Officers' Disciplinary Act.

²⁹ 2006 Louisiana Laws - RS 40:2531 — Rights of law enforcement officers. CHAPTER 25. RIGHTS OF LAW ENFORCEMENT OFFICERS WHILE UNDER INVESTIGATION

³⁰ CHAPTER 289 - PEACE OFFICERS AND OTHER LAW ENFORCEMENT PERSONNEL. GENERAL PROVISIONS.

³¹ TITLE 11. Crimes and Criminal Procedure. Victims of Crimes. CHAPTER 92. Law-Enforcement Officers' Bill of Rights

³² PUBLIC CHAPTER NO. 398. HOUSE BILL NO. 467. By Rhinehart

³³ West Virginia Legislature. ARTICLE 14A. MUNICIPAL POLICE OFFICERS AND FIREMEN; PROCEDURE FOR INVESTIGATION.

³⁴ HOUSE BILL 169. 50th legislature - STATE OF NEW MEXICO - second session, 2012. INTRODUCED BY Al Park.

³⁵ Minnesota Legislature. 2019 Minnesota Statutes. 626.89 PEACE OFFICER DISCIPLINE PROCEDURES ACT.

³⁶ 15.520 Complaints against police officers -- Manner of investigation and hearing.

³⁷ LOCAL GOVERNMENT CODE. TITLE 5. MATTERS AFFECTING PUBLIC OFFICERS AND EMPLOYEES. SUBTITLE A. MUNICIPAL OFFICERS AND EMPLOYEES. CHAPTER 143. MUNICIPAL CIVIL SERVICE FOR FIREFIGHTERS AND POLICE OFFICERS

³⁸ Alabama Code Title 11. Counties and Municipal Corporations § 11-43-230.

18. Arizona	2003	Components 2, 3, 5, 6, 8 ³⁹)
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At least 10 other states have had police unions attempt to enact LEOBOR in the past 30 years.

1. Hawaii, S.B. 2986 (21st Leg. 2002);
2. Kansas, S.B. 214 (77th Leg. 1997);
3. Massachusetts, H.B. 368 (182nd Leg. 1998);
4. Michigan, S.B. 25 (2001);
5. Montana, S.B. 44 (1993);
6. North Dakota, S.B. 2368 (57th Leg. 2001);
7. Pennsylvania, H.B. 376 (S. Res. 1073, 185th Leg. 2001);
8. South Carolina, H.B. 4498 (112th Leg., 1997 Sess.);
9. Utah, H.J.R. 9 §143 (54th Sess. 1999);
10. Washington, H.B. 1850 (54th Sess. 1995).

This legislation has been expanded in recent decades and written into union contracts to include corrections officers covered under a *Corrections Officers Bill of Rights (COBR)*, such as officers at New York’s Attica Prison⁴⁰ who have a union stipulation that they are only obligated to answer questions from their employers and at Baltimore City Detention Center⁴¹, where officers who were accused of smuggling contraband and sexual relationships with inmates were transferred to other facilities.

Recent incidents of police misconduct throughout the United States have sparked policy discussions around reforming/repealing LEOBOR. This year, over 60 organizations in Maryland have signed onto the *American Civil Liberties Union (ACLU)* of Maryland’s call for meaningful policing reforms, including a repeal of LEOBOR⁴², and former Baltimore Mayor Stephanie Rawlings-Blake blamed Maryland’s LEOBOR for delays in investigating the police murder of Freddie Gray in 2015⁴³. Officer Richard Pinheiro Jr. was convicted of fabricating evidence and misconduct, a misdemeanor, and

³⁹ Article 1 - Law Enforcement Officers.

⁴⁰ A Brutal Beating Wakes Attica’s Ghosts. Tom Robbins. *New York Times*. Feb. 28, 2015.

⁴¹ Walter Olson. Correctional officers’ “bill of rights” and the Baltimore jail scandal. *Overlawyered*. May 6, 2013.

⁴² OVER 60 ORGANIZATIONS ACROSS STATE CALL ON MARYLAND LEGISLATORS TO COMMIT SUPPORT FOR SPECIFIC MEANINGFUL POLICE REFORMS. *ACLU of Maryland*. 2020.

⁴³ JUSTIN FENTON and JUSTIN GEORGE. Five officers in Freddie Gray case gave accounts of incident. *Baltimore Sun*. APR 23, 2015

was able to remain with the *Baltimore Police Department (BPD)*⁴⁴. BPD officials said that under Maryland law, the process for handling police misconduct was outside their control. Under Maryland's LEOBOR, officers are not required to be automatically fired if they are convicted of a misdemeanor. The Delaware NAACP State Conference of Branches has called for the repeal of Delaware's LEOBOR⁴⁵, and the Rhode Island NAACP is currently on a commission to reform Rhode Island's LEOBOR⁴⁶.

Literature Review

AN IMPEDIMENT TO POLICE ACCOUNTABILITY? AN ANALYSIS OF STATUTORY LAW ENFORCEMENT OFFICERS' BILLS OF RIGHTS provides a thorough analysis of the history of LEOBOR in the various states in which it has passed, the policy components, and the implications LEOBOR has for police accountability⁴⁷ and was the primary source of information for this study.

According to Keenan & Walker, few scholarly studies on the impact of LEOBOR have been conducted, and a 1998 study by Human Rights Watch included that "*Police officers accused of human rights violations or other misconduct are often protected by special law enforcement officers' 'bill of rights,' providing for specific protections for officers accused of misconduct.*"⁴⁸, but included no research on the bill of rights nor its impact on accountability. In their conclusion, Keenan & Walker list the following as potential impediments to police accountability:

1. language that sets the scope of the LEOBORs too broadly, such that it might apply to routine supervisory activities;
2. formal waiting periods that delay investigations;
3. prohibitions on the use of non-sworn investigators in misconduct investigations;
4. pre-disciplinary hearings that include rank-and-file officers on the hearing board;

⁴⁴ KEVIN RECTOR. Caught fabricating evidence, convicted Baltimore police officer remains on force 2½ years later. *BALTIMORE SUN*. MAR 09, 2020

⁴⁵ Craig Anderson. NAACP calls for abolishing some Delaware use-of-force laws. *Delaware State News*. June 1st, 2020.

⁴⁶ DANIELLE KENNEDY. Commission to review Rhode Island Officers' Bill of Rights. *NBC 10 NEWS*. June 11th 2020.

⁴⁷ KEVIN M. KEENAN & SAMUEL WALKER. AN IMPEDIMENT TO POLICE ACCOUNTABILITY? AN ANALYSIS OF STATUTORY LAW ENFORCEMENT OFFICERS' BILLS OF RIGHTS. *Public Interest Law Journal*, Volume 14.

⁴⁸ HUMAN RIGHTS WATCH, *SHIELDED FROM JUSTICE: POLICE BRUTALITY AND ACCOUNTABILITY IN THE UNITED STATES* 5 (1998).

5. statutes of limitations on the retention and use of data on officer misconduct.
6. the failure to allow for reasonable exceptions to provisions regulating the time, place, and manner of investigative interviews;
7. excessive limitations on how many officers can participate, how many can speak at one time, and the use of “foul” language;
8. requiring the disclosure of the names of complainant(s) in every case;
9. overly broad definitions of “personnel files,” to which officers have access and/or to which they can contribute;
10. very short statutes of limitations on prosecutions;
11. lack of emergency suspension provisions; &
12. the lack of protections for whistleblowers.

One of the few scholarly studies of LEOBOR was written for the 2005 Law Enforcement Executive Forum by Wayne Schmidt, Chair of *Americans for Effective Law Enforcement* Legal Center, and includes the International Association of Chiefs of Police version of LEOBOR⁴⁹. This report details the differences between this law in different states and includes policy to create a uniform, national LEOBOR with all 10 components of the Grand Lodge FOP’s model legislation.

Another scholarly study on this topic is by University of Baltimore School of Law professor emeritus Byron L. Warnken, detailing his support for a national LEOBOR in 1997⁵⁰. Warnken argues:

“A national law enforcement officers’ bill of rights, like the one currently before Congress, would replace the ad hoc nature of many internal police investigations by encouraging states to provide minimum procedural standards to guide such investigations”. Warnken argues in support of components 1, 2, 3, 4, 5, 6, 7, & 8, stating:

“The bill of rights contained in these bills are exactly what law enforcement officers throughout the country deserve and desperately need. As evidenced by the examination of the current rights afforded to law enforcement officers during internal investigations, it is time for Congress to step in and ensure police officers there (sic) due process protections guaranteed to them under the Fourteenth Amendment.”

⁴⁹ Peace Officers Bill of Rights Guarantees: Responding to Union Demands with a Management Sanctioned Version. Wayne W. Schmidt. *Law Enforcement Executive Forum*. 2005.

⁵⁰ Warnken, Byron L., Due Process in Police Disciplinary Hearings: The Need for a National Law Enforcement Officers Bill of Rights (1997). Available at SSRN: <https://ssrn.com/abstract=1635429> or <http://dx.doi.org/10.2139/ssrn.1635429>.

An April 2016 study conducted with the assistance of the United States Department of Justice studied existing records of all criminal arrests of police officers in the United States, a novel area of study⁵¹. The researchers, using Google News, found 6,724 cases of police officers arrested between 2005 and 2011, a rate of 0.72 officers arrested per 1,000 officers and a rate of 1.7 officers arrested per 100,000 population nationwide, and that many of these crimes were occupationally-derived; for example, crimes that police officers had direct contact with such as narcotics officers who were caught selling drugs. According to their findings, nearly 40% of police crimes were committed while on-duty and over 67% of the arrests were made by an agency other than the employing agency, labeled a failure of internal control. Only 54% of officers lost their jobs as a result of conviction. According to the authors:

“The sheer number of police crimes directly contradicts the presumption that they are perpetrated by a small cadre of problem-prone officers; and, the fact that roughly two-thirds of all the cases originated from an arrest made by an agency other than the employing agency reveals that in at least some cases agencies are not aware of the crimes perpetrated by their own officers.”

Findings

In this study, I have gathered data on each state's:

- 2020 incarceration rate per 100,000⁵²
- 2017 state and local police budget per capita⁵³
- Average police salary⁵⁴
- Median salary⁵⁵
- Civilians shot by on-duty officers since 2015⁵⁶
- Black civilians shot by on-duty officers since 2015⁵⁷
- Latino civilians shot by on-duty officers since 2015⁵⁸
- Officers Charged for On-Duty Shootings since 2005⁵⁹

⁵¹ Philip Matthew Stinson, Sr., J.D., Ph.D., John Liederbach, Ph.D., Steven P. Lab, Ph.D., Steven L. Brewer, Jr., Ph.D. Police Integrity Lost: A Study of Law Enforcement Officers Arrested.. April 2016.

⁵² Peter Wagner and Wendy Sawyer. States of Incarceration: The Global Context 2018. *Prison Policy Initiative*. June 2018.

⁵³ State and Local General Expenditures, Per Capita. *Tax Policy Center*. 2017.

⁵⁴ Andrew DePietro. Here's How Much Money Police Officers Earn In Every State. *Forbes*. Apr 23, 2020.

⁵⁵ Average Income by State plus Median, Top 1%, and All Income Percentiles in 2019.

⁵⁶ Police Shootings Database. *Washington Post*.

⁵⁷ Police Shootings Database. *Washington Post*.

⁵⁸ Police Shootings Database. *Washington Post*.

⁵⁹ State By State | Number of officers charged with murder or manslaughter in an on-duty shooting. *Police Integrity Research Group*.

- Decertified police officers⁶⁰

I have found the data for these metrics in all 50 states and Washington D.C. These statistics are included in Table 2 and the states with LEOBOR enacted are marked in bold..

Table 3. Policing Statistics in the United States, State by State

State	2020 Incarceration Rate per 100,000	2017 Per Capita State & Local Police Budget	Average Police Salary	Median Income	Civilians Shot by On Duty Police Officers Since 2015	Black Civilians Shot by On Duty Police Officers Since 2015	Latino Civilians Shot by On Duty Police Officers Since 2015	Police Officers charged for On-duty Shootings since 2005	Decertified Police Officers
U.S. Average	698	\$352	\$67,600	\$48,672	5,475 total	1,302 total	910 total	106 total	30,338 total
LEOBOR Average	724.88	\$353	\$63,009	\$40,371	2,973 total	665 total	727 total	46 total	13,393 total
AL	946	\$261	\$46,510	\$36,444	104	31	1	3	328
AK	691	\$494	\$87,870	\$41,601	39	3	0	4	142
AZ*	877	\$355	\$66,979	\$40,000	256	17	84	2	1,112
AR	900	\$224	\$40,570	\$35,050	83	25	0	0	270
CA*	581	\$487	\$105,220	\$40,501	808	123	318	6	N/A
CO	635	\$330	\$75,720	\$46,000	201	18	49	3	365
CT	468	\$330	\$73,270	\$49,051	21	3	6	1	73
DE*	756	\$396	\$73,740	\$39,025	13	5	0	0	N/A
DC	1,153	\$910	\$67,760	\$65,011	13	12	0	0	N/A
FL*	833	\$406	\$60,720	\$37,002	356	111	52	4	8,348
GA	970	\$262	\$44,720	\$36,000	186	71	10	7	10,474
HI	487	\$338	\$78,720	\$45,001	30	1	1	0	N/A
ID	734	\$264	\$54,120	\$35,010	42	1	5	0	402
IL*	564	\$413	\$78,350	\$43,010	104	58	13	1	234
IN	723	\$200	\$56,780	\$38,001	97	30	4	1	38
IO	568	\$259	\$59,730	\$38,600	31	7	0	0	150
KS	698	\$296	\$49,910	\$39,000	50	6	8	1	295
KY*	869	\$186	\$46,720	\$38,561	97	15	3	1	76
LA*	1,052	\$352	\$42,470	\$38,110	110	60	1	10	87
ME	363	\$232	\$53,170	\$40,135	22	1	1	0	157

⁶⁰ Search the list of more than 30,000 police officers banned by 44 states. *USA Today*.

MD*	585	\$443	\$71,170	\$50,000	79	47	3	1	4
MA	324	\$377	\$72,400	\$50,100	35	8	7	0	N/A
MI	641	\$255	\$58,770	\$40,001	80	25	2	2	150
MN*	364	\$356	\$71,840	\$45,301	61	10	3	3	48
MS	1,039	\$257	\$36,290	\$33,501	65	23	1	3	31
MO	859	\$296	\$51,860	\$41,000	143	49	3	4	860
MT	726	\$299	\$56,710	\$36,350	33	0	0	0	142
NE	577	\$260	\$58,860	\$40,533	24	5	2	0	87
NV*	763	\$427	\$73,660	\$37,590	98	15	28	0	50
NH	373	\$311	\$58,820	\$45,010	13	0	0	0	44
NJ	407	\$401	\$86,840	\$50,000	69	30	8	2	N/A
NM*	829	\$337	\$53,750	\$33,085	106	1	64	2	156
NY	443	\$530	\$77,490	\$44,160	102	46	8	5	74
NC	639	\$313	\$47,340	\$36,325	154	50	8	3	1,074
ND	596	\$307	\$58,770	\$40,200	11	0	0	0	33
OH	679	\$327	\$62,880	\$40,100	157	56	1	6	391
OK	1,079	\$266	\$48,060	\$36,000	165	32	9	5	229
OR	582	\$331	\$73,300	\$42,000	87	7	6	0	107
PA	725	\$302	\$68,940	\$40,014	1111	42	6	4	165
RI*	361	\$430	\$63,690	\$42,910	4	2	1	0	N/A
SC	754	\$261	\$43,520	\$40,001	89	27	2	4	15
SD	855	\$241	\$49,690	\$40,000	17	0	0	0	96
TN*	853	\$295	\$45,370	\$39,150	144	31	4	2	460
TX*	891	\$289	\$63,690	\$39,001	486	100	143	9	2,682
UT	439	\$239	\$43,520	\$39,002	61	7	12	1	372
VT	328	\$350	\$49,690	\$42,051	9	0	0	0	13
VA*	779	\$298	\$45,370	\$47,065	95	40	4	4	33
WA	480	\$277	\$80,200	\$45,711	153	21	21	1	192
WV*	690	\$217	\$44,450	\$36,000	54	8	0	0	51
WI*	676	\$322	\$63,970	\$40,000	93	22	6	1	52
WY	842	\$387	\$56,120	\$40,012	14	0	2	0	176

* States with LEOBOR in place

States in **bold** have confidential police records

Conclusion

The findings clearly indicate that there are substantially greater hurdles to police accountability and transparency in states with LEOBOR in effect. 3 of the 7 states that do not report their decertified officers are LEOBOR states (*California, Delaware, and Rhode Island*). States with LEOBOR, on average, have significantly higher incarceration rates and slightly higher police budgets. Only 17 states have LEOBOR in effect (*33% of states, including D.C.*) and these 17 states account for:

- 47.13% of the total population
- 54% of police shootings of civilians
- 51% of police shootings of Black civilians
- 80% of police shootings of Latino civilians
- 44% of police decertifications
- 43% of police officers charged for on-duty shootings

Based on these statistics, it is apparent that LEOBOR is a detriment to police accountability and transparency to the general public, and allows police officers to avoid scrutiny for misconduct up to and including murder of civilians while on duty. This research could be further by investigating the personnel files of the officers who have been decertified to see if they continued policing and where they transferred/moved to. As Keenan & Walker suggest the removal or update of several LEOBOR components, I suggest a repeal of LEOBOR in all states and an end to special treatment and extra rights for police officers who are being investigated for misconduct. In particular, protections for whistleblowers, hearings conducted by CRBs and other civilian accountability organizations, and public access to personnel files are absolutely paramount to police accountability & transparency and reducing incidents of police misconduct.

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SB 627 - Repeal LEOBR Esposito 2.2.21.pdf

Uploaded by: Esposito, Lindsay

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 45. I'm proud to have been a resident of Baltimore City since 2008 and a homeowner and voter in the Greenmount West neighborhood for the last 8 years. I am testifying in **support of Senate Bill 627**.



Senate Bill 627 would repeal the Law Enforcement Officers' Bill of Rights (LEOBR), a law that makes it more difficult to investigate and discipline police misconduct in Maryland than in almost any other state. LEOBR gives special rights to police officers that ordinary people, including other state employees, do not get. It also prevents communities from investigating misconduct that could lead to discipline. For example, under the LEOBR, police abuse can only be investigated by sworn law enforcement. This creates a conflict of interest and raises concerns about transparency.

LEOBR also reduces or eliminates police accountability to the public they are supposed to serve. Because disciplinary procedures are enshrined in LEOBR, civilians have no input into this procedure. Strict time limits on filing complaints mean some investigations are prevented by technicalities. Investigations conducted by civilians cannot result in discipline.

Accountability cannot even be enforced by elected officials. As quoted in the Baltimore Sun, Police Commissioner Michael Harrison has asked that LEOBR be changed to allow him to fire officers after a criminal incident without waiting for a conviction. He noted that the current policy leads to cases such as that of Baltimore Officer Wesley Cagle, who was convicted on first-degree assault charges for shooting an unarmed man, but served on the police force for a further two years between the shooting and his conviction.

In order to respond to protect the public from police misconduct and to address concerns about transparency and accountability, small changes are no longer enough. A complete repeal of LEOBR is urgently needed so the public can know that law enforcement agencies are taking police discipline seriously, and not protecting officers who engage in misconduct.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 627**.

Thank you for your time, service, and consideration.

Sincerely,
Lindsay Esposito
434 E Oliver, Baltimore, MD 21202
Showing Up for Racial Justice Baltimore

LEOBR.pdf

Uploaded by: Evans-Goldstein, Anna

Position: FAV

**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 members of the Committee,

My name is Anna Evans-Goldstein and I live in Baltimore, Maryland. I am testifying in support of SB 627 to repeal the Law Enforcement Officers’ Bill of Rights (“LEOBR”).

While Maryland was the model for laws like this across the country, we still have the most extreme version. There is no accountability for police officers in this state due to LEOBR. Baltimore City has made headlines due to the actions of its police force on numerous occasions, and yet still there is little accountability. It is unnecessary for police officers to have extra protections from accountability than other government workers. They should have the same rights as other government employees. It is beyond due that LEOBR be repealed.

I urge a favorable vote on SB 627.

Sincerely,
Anna Evans-Goldstein

SB 627 - Repeal LEOBR.pdf

Uploaded by: Fertig, Benjamin

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 11 and a member of Congregation Beth Am Social Action Committee. I am testifying in **support of Senate Bill 627**.



Senate Bill 627 would repeal the Law Enforcement Officers' Bill of Rights (LEOBR), a law that makes it more difficult to investigate and discipline police misconduct in Maryland than in almost any other state. LEOBR gives special rights to police officers that ordinary people, including other state employees, do not get. It also prevents communities from investigating misconduct that could lead to discipline. For example, under the LEOBR, police abuse can only be investigated by sworn law enforcement. This creates a conflict of interest and raises concerns about transparency.

LEOBR also reduces or eliminates police accountability to the public they are supposed to serve. Because disciplinary procedures are enshrined in LEOBR, civilians have no input into this procedure. Strict time limits on filing complaints mean some investigations are prevented by technicalities. Investigations conducted by civilians cannot result in discipline.

Accountability cannot even be enforced by elected officials. As quoted in the Baltimore Sun, Police Commissioner Michael Harrison has asked that LEOBR be changed to allow him to fire officers after a criminal incident without waiting for a conviction. He noted that the current policy leads to cases such as that of Baltimore Officer Wesley Cagle, who was convicted on first-degree assault charges for shooting an unarmed man, but served on the police force for a further two years between the shooting and his conviction.

In order to respond to protect the public from police misconduct and to address concerns about transparency and accountability, small changes are no longer enough. A complete repeal of LEOBR is urgently needed so the public can know that law enforcement agencies are taking police discipline seriously, and not protecting officers who engage in misconduct.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 627**.

Thank you for your time, service, and consideration.

Sincerely,
Benjamin Fertig
2722 Quarry Heights Way, Baltimore, MD 21209
Showing Up for Racial Justice Baltimore

NFranklin SB627 FAV.pdf

Uploaded by: Franklin, Neill

Position: FAV



LAW ENFORCEMENT ACTION PARTNERSHIP

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To: Senator William C. Smith, Chair
Senator Jeff Waldstreicher, Vice Chair, and
Judicial Proceedings Committee Members

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

Favorable - Senate Bill 627

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

Hearing: Thursday, February 4, 2021, 11:00 a.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 Senate Bill 627.

The Law Enforcement Action Partnership's mission is to unite and mobilize the voice of law enforcement in support of drug policy and criminal justice reforms that will make communities safer by focusing law enforcement resources on the greatest threats to public safety, promoting alternatives to arrest and incarceration, addressing the root causes of crime, and working toward healing police-community relations.

Police reform is a very important part of our mission, which includes ensuring that there are processes of transparency and accountability within our police organizations. Passing SB627 will send a clear message to the people that our law makers believe in processes that hold our police officials accountable and that the rights of police officers are on par with the rights of citizens.

The current Law Enforcement Officers' Bill of Rights (LEOBR) was ratified in 1974, almost fifty years ago. It was developed during a time when police disciplinary systems and processes were haphazard, lacking consistency and plagued with a serious imbalance in how cases were investigated and how levels of discipline were decided upon and administered.

Today, Maryland is only one of sixteen states with such a policy. Most of the states in the Union have reasonable disciplinary processes in place that do not place the rights of police officers above that of the people. In many states across this country the police chief (policing CEO) has the authority to decide discipline and is accountable to his/her department and the people for proper management.

LawEnforcementActionPartnership.org

Formerly known as Law Enforcement Against Prohibition

I served more than three decades in policing with the Maryland State Police (MSP), Baltimore Police Department (BPD) and the Maryland Transit Administration Police Force. During the latter parts of my career I commanded Planning and Research writing police policy, I oversaw the BPD's Human Resources Division, which involved employee discipline and hearing boards, and I managed Internal Affairs for Maryland Transit. Not only is the current LEOBR unfair to the people of Maryland, it severely retards the disciplinary process, causing cases to drag on for months and years. SB627 would dramatically speed up the overall process, which is beneficial to police officers and the people of Maryland.

SB627 also places accountability exactly where it should be, into the hands of the police CEO (chief, sheriff, commissioner, etc.). The people need to have someone they can hold accountable for system and process failures, and currently the police CEO is not that person.

Commissioner Michael Harrison of the BPD is on record for saying that he could not have terminated Officer Chauvin, the Minneapolis police officer charged in the death of Mr. George Floyd, if that event had occurred in Baltimore City. Other police CEOs complain about the loss of administrative and operational control over their departments due to such policies.

The main concern, as with any other government employee accused of violating policy or the law, is due process. Police officers will maintain their right to due process. They will be heard, the facts will be considered, and appropriate decisions will be made by the responsible party, the police CEO.

Over the past few decades, police departments have constructed disciplinary matrixes to ensure that discipline remains consistent and fair from one case to the next. Police CEOs will undoubtedly continue using this tool when deciding upon the appropriate level of discipline once a case has been sustained.

LEOBR has not only outlived its intended purpose, but it has morphed into something detrimental to the people of Maryland. It has caused tremendous frustration and distrust of the police by the people. Today we have an opportunity to not only repeal an outdated law, but the opportunity to establish a more appropriate police disciplinary policy.

It is for these reasons that we, members of the Law Enforcement Action Partnership, support SB627 and ask that you, the members of this committee, give SB627 a favorable report.

Sincerely,



Major Neil Franklin, Ret.
Treasurer

*Formerly with the Maryland State Police and Baltimore Police Departments

SB 627 PJC favorable testimony.pdf

Uploaded by: Gardner, Debra

Position: FAV



Debra Gardner, Legal Director
Public Justice Center
201 North Charles Street, Suite 1200
Baltimore, Maryland 21201
410-625-9409, ext 228
gardnerd@publicjustice.org

SB 627

Law Enforcement Officers' Bill of Rights – Repeal and Procedures for Discipline Hearing before the Senate Judicial Proceedings Committee, February 4, 2021 **Position: SUPPORT**

The Public Justice Center (PJC) supports the repeal of the Law Enforcement Officers' Bill of Rights (LEOBR) as a critical component of police accountability, transparency, and reform that is long overdue.

True police reform, the need for which can no longer be denied, cannot be accomplished without repeal of LEOBR, which came into existence as a reaction to calls for greater police accountability a half century ago. There is no reason for police to have greater rights to keep their jobs than other public employees. And the artificial procedural barriers with which LEOBR is laden have destroyed public confidence in the police to discipline their own.

The Maryland Coalition for Justice and Police Accountability has long sought the repeal of LEOBR, during which time the need for transparency and accountability in policing has only been demonstrated to be more and more critical. During recent years in which the over-policing of Black and brown communities and the unjustified killings of countless individuals in Maryland and across the nation have been exposed by heinous example after horrid tragedy, many police officers accused of serious misconduct have shown again and again that they can and will hide behind LEOBR procedures, delay investigation, use its mechanisms to get their stories straight before questioning, rely on fellow officers to come down on their side in investigations, and avoid justice altogether. Without repeal of this obstructive law that puts police above the law that is adequate to protect the rights of all other government employees, there can be no rebuilding of trust and cooperation between the public and those sworn to protect and serve. Other states with LEOBRs are recognizing this and getting rid of this obstacle to sound policing. Maryland must also.

The PJC is a non-profit legal advocacy organization dedicated to racial equity and ending poverty. Its Prisoners Rights Project seeks basic justice through reform in our criminal justice system and an end to all unnecessary detention and incarceration. Real police reform is critical to achieving those goals.

The PJC urges a FAVORABLE REPORT on SB 627. If you have any questions, please feel free to contact Debra Gardner, Legal Director, at gardnerd@publicjustice.org or 410 625 9409 ext 228.

loebrtestimony_senate.pdf

Uploaded by: Gray, Chelsea

Position: FAV

Chelsea Gray
3974 Edgehill Ave Apt C9, Baltimore, MD 21211
District 40

TESTIMONY IN SUPPORT OF SB0627 - Law Enforcement Officers' Bill of Rights - Repeal
and Procedures for Discipline
February 3, 2021
TO: Chair Smith
FROM: Chelsea Gray

Members of the Judicial Proceedings Committee, my name is Chelsea Gray. I live in Baltimore City, Maryland, and I am writing to support SB0627 - Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline.

Repealing the Law Enforcement Officers' Bill of Rights is the first step of many reforms needed to address the damaged relationship between the population of Maryland and the police officers who are meant to protect and serve them. Most states in the country do not have similar LEOBR laws, and the special rights afforded to officers go far beyond the standard in other places. The limits placed on the potential for discipline against officers who abuse their power only perpetuates the cycle of police brutality faced disproportionately by Black Marylanders. The inability to hold police officers accountable for their misconduct has been evidenced in a recent report by the ACLU of Maryland that detailed complaints against 1,800 officers in the Baltimore Police Department, many whom are still on the force and will most certainly continue to receive complaints. These complaints made by citizens of Maryland deserve to be heard and addressed, and police officers who abuse their power, break the law, and damage peoples' lives, deserve to be held accountable. The Baltimore Police Department has been under state control for 150 years, and has been under a federal consent decree since the death of Freddie Gray in 2015. When will we begin making the reforms that might actually result in change?

I urge you to support SB0627 to help ensure that Maryland's law enforcement is being held accountable to the public.

SB 627 FAV Baltimore Harm Reduction Coalition.pdf

Uploaded by: Gudlavalleti, Rajani

Position: FAV



February 4, 2021

The Honorable William C. Smith, Jr.
Chairman, Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

Senate Bill 627 - Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline - FAVORABLE

Dear Chairman Smith and Senate Judicial Proceedings Committee members,

Baltimore Harm Reduction Coalition (BHRC) is an advocacy organization that mobilizes community members for the health, dignity, and safety of people targeted by the war on drugs and anti-sex worker policies. As a certified Overdose Response Program, Naloxone distributor, and syringe service program, we have provided essential health care services across the state for years. **BHRC supports Senate Bill 627 (Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline) because this bill will increase community health and well-being.**

Maryland's Law Enforcement Officers Bill of Rights (LEOBoR) was enacted in 1974, adding to then-President Nixon's "War on Drugs" which continues to devastate communities of color. LEOBoR is part of a dynamic series of early 1970s oppressive drug policies that empowered law enforcement to target, harass, and violate communities of color unchecked. During this time, the United States passed the Comprehensive Drug Abuse Prevention and Control Act allowing law enforcement to make "no-knock" raids on private residences. The Act gave precedence to legally protecting Louisville Metro police officers after they raided the home of Breonna Taylor last summer on the false claims that she possessed drugs in her residence, and further protected the officers who murdered Ms. Taylor on site. Drug war policies have resulted in special protections for hyper-militarized law enforcement; violence and mass incarceration against Black communities; and marked increases in overdose fatalities that continue to rise through today.¹

BHRC is dedicated to ending drug war policies, including unchecked law enforcement authority, if for any reason as a means of ending overdose. The Law Enforcement Bill of Rights protects officers without community oversight, maintaining an environment of fear that results in people isolating themselves from loved ones, use drugs alone, and not reach out to emergency services. For years, BHRC has provided educational workshops to hundreds of Marylanders about overdose prevention, drug policies, and racial justice advocacy. In these workshops, participants -- harm reduction service providers, peer outreach workers, and other community members -- have shared countless stories about experiences of harassment, misconduct, and lack of accountability from police in the midst of an overdose epidemic that is killing our loved ones. To advance the impact of life-saving harm reduction strategies that are proven to increase community health and

¹ Source: Centers for Disease Control and Prevention.

safety, Maryland must repeal all drug war policies including the Law Enforcement Officers Bill of Rights.

As we navigate multiple intersecting public health crises and after decades of unchecked police interactions, **Marylanders deserve this one step towards systemic community healing. BHRC supports SB627 and broader efforts to gain community reparation. We ask that the Judicial Proceedings Committee give SB627 a favorable report.**

For more information about Baltimore Harm Reduction Coalition or our position, please contact our Director of Mobilization, Rajani Gudlavalleti at rajani@baltimoreharmreduction.org

Favorable-SB627-Hamlett.pdf

Uploaded by: Hamlett, Erica

Position: FAV

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 members of the Committee,

My name is Erica Hamlett and I live in Baltimore County, Maryland. I am testifying in support of SB 627 to repeal the Law Enforcement Officers’ Bill of Rights (“LEOBR”) and create a streamlined system without the procedural barriers that prevent discipline. 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.

In November 2017 my son was approached by a stranger near our home in Howard county. It was around 3:45 in the afternoon. The man was wearing a black hoodie and blue jeans. My son’s van pick-up was late so he and a friend stopped to wait. The stranger asked my son and his friend “What they were doing in the area because they didn’t look like they lived around there”, they responded that they were just about to finish walking home from school and had stop to wait to be picked up. The person kept asking them to justify their presence in their own neighborhood. Finally, my son asked to be left alone after the stranger said someone was going to call the police on them, my son’s response was “Go ahead and call the police, you are harassing us”. Other people were outside getting their children off school buses coming in and out of their homes and no one thought the teens, wearing bookbags, only a few blocks from school looked out of place. After a few more questions the unidentified man pulled a gun on him! It was revealed that he was an off-duty Baltimore City Police Officer who lived across the street and assumed the kids didn’t live in the area.

Before and during our internal affairs interview I asked and they did not share if the officer had been suspended or where he was working. This officer admittedly pulled his service weapon on a 16-year-old child. He had an open peace order against him for doing so, made false statements to Howard county police and in court, but was still permitted to continue to work and carry is service weapon. It was through a Baltimore Sun article that we learned the same officer broke a suspect’s jaw and that there were broader litigations against him for fraud and theft.

Once the Internal Affairs’ investigation was completed, I received a call stating the officer would be charged departmentally and a letter would be sent via certified mail. After I gave the sergeant my correct address, a letter was forwarded from an old address and read, “That there was enough evidence to sustain the allegations” thanking me for my time and voicing my concerns. But the letter had no indication of what, if any, punishment or disciplinary action would been taken then or in the future. My family and I didn’t know if the officer was still working, on the street, has a gun, or is on desk duty. We lived in constant fear that we could encounter him while he’s on duty. We moved from Howard County to Baltimore County, because living near him was too much for my family. We travel to Baltimore city often and whenever we do the uneasiness

lingers because my son and family have no idea if this officer is still on duty. Using Case Search we found out that he was still on active duty at least until September, 2018 at which point, I could not find any further information on his activities.

What happens next has my son and family terrified! Even if he's terminated will he still be permitted to carry a weapon? Will he be allowed to work in law enforcement somewhere else? What background information would be accessible to future employers? Who protects victims? We need more transparency!

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 escape accountability because they can say that it was the hearing board that made the decision, not them so their "hands are tied". This is why it is so important to have a transparent and streamlined discipline process that allows for us to know exactly who is responsible for holding officers accountable.

I believe that officers should have the same 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 due process rights and procedures laid out 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,
Erica Hamlett

Jeffrey_Harrison_FAV_SB627.pdf

Uploaded by: Harrison, Jeffrey

Position: FAV

Jeffrey A. Harrison

Date: February 2, 2021

Position: **Favorable**

Sponsor: Senator Carter

Bill Number: **SB 627**

Senate Committee: Judicial Proceedings

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

Dear Committee Chair Smith, Committee Vice Chair Waldstreicher, and
Committee Members:

I am a Marylander, and I strongly support SB 627.

The bill replaces LEOBR with statewide procedures that make accountability possible while also providing due process for law-enforcement officers. For consistency, fairness, and justice across Maryland, SB 627 fortunately preempts local laws and collective bargaining agreements that are inconsistent with the bill.

SB 627 is about racial justice and holding officers accountable for the violence, abuse, and trauma they inflict on the community, mostly Black and Brown residents. Because of LEOBR, friends who sought justice after being traumatized by police brutality and police corruption were unable to obtain that justice. And those same brutal and corrupt police officers are still employed by police departments in Maryland today. SB 627 reimagines the discipline process and provides the potential for justice and accountability.

I am glad that SB 627 is a strong and well-thought-out bill with clear provisions. I ask the Senate to pass the bill with its effective provisions as introduced. Please don't water the bill down with amendments that weaken the bill.

For those reasons, please support SB 627 and report it as Favorable from the committee.

Thank you.

Jeffrey A. Harrison
(a member of Greenbelt People Power and of Community Justice Coalition)
6835 Damsel Ct, Greenbelt MD 20770 (District 22)
Jeff6836@gmail.com

SB 627 - Repeal LEOBR BH.pdf

Uploaded by: Hauck, Barbara

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 43. I am also a longtime member of Baltimore's vibrant theatre community, and the Artistic Director at the Fells Point Corner Theatre. I am testifying in **support of Senate Bill 627**.



Senate Bill 627 would repeal the Law Enforcement Officers' Bill of Rights (LEOBR), a law that makes it more difficult to investigate and discipline police misconduct in Maryland than in almost any other state. LEOBR gives special rights to police officers that ordinary people, including other state employees, do not get. It also prevents communities from investigating misconduct that could lead to discipline. For example, under the LEOBR, police abuse can only be investigated by sworn law enforcement. This creates a conflict of interest and raises concerns about transparency.

LEOBR also reduces or eliminates police accountability to the public they are obligated to serve. Because disciplinary procedures are enshrined in LEOBR, civilians have **zero** input into this process. Strict time limits on filing complaints mean some investigations are prevented by technicalities. Investigations conducted by civilians cannot result in discipline.

Accountability cannot even be enforced by elected officials. As quoted in the Baltimore Sun, Police Commissioner Michael Harrison has asked that LEOBR be changed to allow him to fire officers after a criminal incident without waiting for a conviction. He noted that the current policy leads to cases such as that of Baltimore Officer Wesley Cagle, who was convicted on first-degree assault charges for shooting an unarmed man but served on the police force for **two more years** between the shooting and his conviction.

In order to protect the public from police misconduct and address concerns about transparency and accountability, small changes are no longer enough. A complete repeal of LEOBR is urgently needed so the public can know that law enforcement agencies are taking police discipline seriously, and not continuing to protect officers who engage in misconduct.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 627**.

Thank you for your time, service, and consideration.

Sincerely,
Barbara Hauck (she/her)
3420 Harford Road
Baltimore, MD 21218
Showing Up for Racial Justice Baltimore

DUE 2_2 - SENATE SB 0627 - LEOBR Repeal Testimony.

Uploaded by: Hurley, Ayla

Position: FAV

Ayla Hurley
7001 Cradlerock Farm Court
Columbia, Maryland 21045
District 13

TESTIMONY IN SUPPORT OF SB 0627, Law Enforcement Officers' Bill of Rights - Repeal
and Procedures for Discipline

2/4/2021

TO: Chair Smith and members of the Senate Judicial Proceedings Committee

FROM: Ayla Hurley

Chair Smith and members of the Senate Judicial Proceedings Committee, my name is Ayla Hurley, I live in Columbia, Maryland, and I am writing to support SB 0627, the repeal of the Law Enforcement Officers' Bill of Rights.

Maryland law enforcement officers should not be protected against consequences simply because they are law enforcement officers. If anything, they should be held to much more stringent rules of conduct than the average citizen. Law enforcement officers are meant to prevent violent crime, not perpetrate it, and if any are allowed to do so without repercussions, as the LEOBR grants them the ability to do, then those agents have failed in their duties and those "rights" are unjustly granted. Even a department chief who wants to hold their officers accountable is unable to do so due to the LEOBR. Repealing it is just one step towards rebuilding the respect and trust that law enforcement must re-earn in Maryland communities in 2021.

I urge you to support the repeal of the LEOBR and help ensure that Maryland's law enforcement is being held to the highest standards of conduct. This includes being able to hold officers accountable for their actions without such blatant protections against repercussions of violent behavior.

LEOBR Testimony-2021-Hutto.pdf

Uploaded by: Hutto, Jonathan

Position: FAV

**Testimony for the Senate Judicial Proceedings Committee
February 4, 2021**

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

FAVORABLE

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

My name is Jonathan W. Hutto, Sr. and I live in Suitland Maryland where I coordinate a Voluntary-Cooperative-Collective group of Organizations and laypersons concerned known as the Prince George’s People’s Coalition. I am testifying in support of SB 627 to repeal the Law Enforcement Officers’ Bill of Rights (“LEOBR”) and create a streamlined system without the procedural barriers that prevent discipline. 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.

In January 2001, as a young Membership Program Coordinator for Amnesty International USA’s Mid-Atlantic Regional Office, I along with activists from Southern Prince George’s County travelled to Annapolis advocating for much needed reforms to LEOBR-a bill proposed by then House Delegate Rushern Baker. The bill never made it out of the House Judiciary Committee. This was at a time when Prince George’s County’s Police Department was deemed to have been the most murderous out of the top 50 Departments in the country-an analysis done by the Washington Post in the Summer of 2001. Stolen Lives such as Archie Elliott, Gary Hopkins and Prince Jones, taken from us during this period now serve as celebrated and eternally uplifted martyrs for us today. In subsequent years we consistently came back to Annapolis advocating for much needed reforms. Sadly and disgracefully it took a People’s Rebellion in Baltimore in the aftermath of Freddie Gray’s horrendous death at the hands of Police in the Spring of 2015 to force legislators in Annapolis to finally consider any modicum measures of Police Reform. In the 2016 Legislative Session, we had 25 Police Reform measures introduced with two pieces of legislation actually passing-one which reduced the 10 Day Waiting Period within LEOBR to a 5-Day Waiting Period. Needless to say, the Culture of State Sanctioned Violence upon the masses of a disproportionate Black Citizenry is deeper and more profound than Waiting Periods for Police to be questioned after an act of excessive force. Our collective Lived Experience in the State of Maryland demonstrates LEOBR to be the codification of the Blue Wall of Silence within the Law. We applaud the House Speaker in calling for the Abolishment of this Law in Solidarity with the many Families who have lost loved ones to State Sanctioned Police Murder-Violence and with a National-Localized Movement fighting for the Survival and Forward Progress of all Black Lives.

I believe officers should have the same rights and not be treated differently than any other layperson concerned especially since officers have so much power in the community – literally making life or death decisions. They should not be given special rights. Maryland must 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 due process rights and procedures laid out in the bill. Case in point: HB1016-passed in the 2016 Legislative Session which empowered Chiefs of Police to appoint Citizens to internal Police Trial Boards has yet to actually be implemented within Prince George's County. This is due in large measure to the collective bargaining agreements advocated by the Fraternal Order of Police (FOP) which has effectively nullified state law-a moral and ethical disgrace.

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,

Jonathan W. Hutto, Sr.
Prince George's People's Coalition

LEOBoR - Testimony for the Senate Judicial Proceed

Uploaded by: John, Beverly

Position: FAV

**Testimony for the Senate Judicial Proceedings Committee
February 4, 2021**

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

FAVORABLE

To Chairman Smith, Vice-Chair Waldstreicher, and members of the Committee,

My name is Beverly John, a concerned citizen and community activists who supports SB 627 that would repeal the Law Enforcement Officers’ Bill of Rights (“LEOBR”) and create a streamlined system without the procedural barriers that prevent discipline. 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.

Maryland’s LEOBR is considered to be the most extreme in the country and allows law enforcement officers special due process rights that go beyond what is required under the Constitution. Officers should have the same rights as 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.

In Prince George’s County, we are painfully aware of situations where officers who used excessive and lethal force against civilians. These officers have multiple instances of alleged use of excessive force and misconduct issues in their files that ultimately ended with their involvement in the deaths of civilians. Cpl. Michael Owen shot William Green on January 27, 2020 while Mr. Green was hand-cuffed and seat belted in a police cruiser. Previous instances of misconduct were covered by Law Enforcement Officers’ Bill of Rights, as well as Maryland Public Information Act provisions. We can only wonder if things would have turned out differently if these barriers were not in place.

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 due process rights and procedures laid out 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,

Beverly John

SB0627-Leobor Repeal.pdf

Uploaded by: Jones, Tawanda

Position: FAV

SB0627 Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline

Testimony: My name is Tawanda Jones and I reside in the 45th Legislative District of Baltimore City. I am writing to offer my support for SB0627 for the repeal of LEOBR and enhancing the procedures of discipline for Law Enforcement Officers. For the last 393 weeks, I have been fighting for justice for my Brother, Tyrone West. Tyrone was brutally murdered by 11-15 officers in broad daylight in a residential neighborhood in my district. For the last 7 and a half years, my family has endured corruption that should be considered criminal, as well as every form of road block you can imagine on our journey to accountability and justice. From a biased and corrupted Medical Examiner's autopsy findings, to corrupted and biased State's Attorneys that refuse to perform the duties they are assigned when they are elected into office. My family has jumped through every hoop placed in front of us, and to no avail. One of the things hindering any kind of justice and accountability is the LEOBR. The LEOBR offers up protections to the police that gives them an unlimited license to assault, beat, maim, and even kill our citizens. It allows for repeat offenders with badges to permeate the police force, obtain promotions, and corrupt all of their fellow officers around them. Since they are shielded from any kind of repercussions or accountability, they are literally Above the Law and participate in crime and killing sprees all across our City and State.

This needs to stop. The only way to stop this madness is to completely repeal the LEOBR and have a disciplinary procedure that is more like it is for regular folks. Police officers who break the law should be investigated, arrested, charged, and tried just like the rest of us. The shield of silence and allowance for chronic abuses at the hands of police officers needs to be removed by fully repealing the LEOBR. This being in place has made the Police so cozy with the State's Attorney's office because they know that they are shielded. The State's Attorney uses the LEOBR as an excuse to not perform a proper investigation or prosecution of police officers. In fact, the State's Attorney goes so far as to put the onus of finding "more evidence" onto the families of the victims. Marilyn Mosby directed ME to provide more evidence in order for her to reopen my brother's case! How is that My responsibility? Isn't that part of her investigative powers?

There are countless families in Baltimore City, the State of MD, in fact across the country who wait in vain for accountability and justice. This needs to stop. Repeal the LEOBR and open up the opportunity for all of the cases of Police involved Murders to be investigated and prosecuted thoroughly and properly. Without any obstacles or excuses from those with the power to perform these duties. Enough is enough! There is no statute of limitations on murder. No one that participates in a murder should be shielded from accountability because of what their occupation is. No One! That includes police officers. They wield so much power, and weapons that they should be held to a higher standard of conduct, not shielded from responsibility for their actions of brutality against citizens. Tyrone deserves Justice. All victims of police brutality do, please repeal the LEOBR and pass this bill on to the full Senate and House for passage into Law.

Thank you.

Tawanda Jones

3706 Hamilton Ave

Baltimore, MD 21206

MDU LEOBR testimony - letterhead (1).pdf

Uploaded by: Joseph, Stephanie

Position: FAV



**MARYLAND
DEFENDERS
UNION** Local
423



**Testimony for the Senate Judicial Proceedings Committee
February 4, 2021**

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

FAVORABLE

To Chair Smith, Vice Chair Waldstreicher, and members of the Committee,

We are writing in support of SB 627 to repeal the Law Enforcement Officers’ Bill of Rights (“LEOBR”) and create a streamlined system without the procedural barriers that prevent discipline. 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 members of the Maryland Defenders Union - core staff, social workers and attorneys at the Office of the Public Defender - we work directly with clients harmed by police harassment and violence. We know firsthand that Maryland needs police accountability now. Our clients frequently share stories of unlawful police conduct but have no faith in the current complaint and disciplinary process. Sometimes we are able to prevail in hearings or trials due to police abuses, but police officers rarely face any consequences from the police department for their transgressions, and are often reluctant to initiate that process for fear of retaliation. Tragically, some of our clients have even been killed by officers in incidents that were not adequately investigated or addressed due to LEOBR.

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 escape accountability because they can say that it was the hearing board that made the decision, not them so their “hands are tied”. This is why it is so important to have a transparent and streamlined discipline process that allows for us to know exactly who is responsible for holding officers accountable.

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 due process rights and procedures laid out in the bill.

SB 627 is a necessary bill so that Maryland can have police accountability. Now is the time for a full repeal of LEOBR. We urge a favorable vote on SB 627.

Sincerely,
Maryland Defenders Union

SB0627 Written Testimony A Juberg.pdf

Uploaded by: Juberg, Arielle

Position: FAV

Arielle Juberg
Baltimore, Maryland
District 8

Testimony in Support of Bill SB0627, Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline

To: Chair Smith and members of the Senate Judicial Proceedings Committee

From: Arielle Juberg

My name is Arielle Juberg. I am a resident of Baltimore County in District 8. I belong to Showing Up for Racial Justice in Baltimore. I am testifying in support of SB0627, Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline. I am joining thousands of Marylanders and over 75 organizations in the state calling for this repeal.

The matters you consider here in the Judicial Proceedings Committee are often zero-sum; if one party gains, another party loses. If someone commits theft, a store owner loses property. In this case, when police officers gain special rights, communities lose knowledge, accountability, and trust. Every day, as a result of the Law Enforcement Officers' Bill of Rights (LEOBR), communities lose:

- Information about misconduct investigations
- The ability to hold a law enforcement officer accountable for misconduct
- Trust that law enforcement officers will uphold the law and carry out responsibilities with respect for the community

It is worth repeating that LEOBR gives law enforcement officers special rights that ordinary Marylanders do not have. Repealing LEOBR would provide officers with the same workplace rights as every state and local government employee.

The consequences of LEOBR are visible throughout Maryland where trust and communication between law enforcement and communities is fraying. In Baltimore, LEOBR contributed to the case of Baltimore Officer Wesley Cagle, who was convicted on first-degree assault charges for shooting an unarmed man but served on the police force for a further two years between the shooting and his conviction. When you are considering SB0627, I ask you to think about the zero-sum bargain in LEOBR and what Maryland communities lose when law enforcement officers receive special rights.

A complete repeal of LEOBR is urgently needed so Marylanders can know that law enforcement agencies are taking police discipline seriously and not protecting officers who engage in misconduct. I respectfully urge a favorable report for Bill SB0627.

SB 627 - Repeal LEOBR.pdf

Uploaded by: Keipper, Lindsay

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District **46**. My name is Lindsay Keipper and I am a barred attorney with 13 years of experience in the Baltimore City criminal justice system. I am testifying in **support of Senate Bill 627**.



Senate Bill 627 would repeal the Law Enforcement Officers' Bill of Rights (LEOBR), a law that makes it more difficult to investigate and discipline police misconduct in Maryland than in almost any other state. It has become clear over the past decade that this law is a large and consistent roadblock in the way of both police reform, and holding individual officers accountable for their misconduct. Not only does it inexplicably provide law enforcement officers who are suspected of criminal conduct with special, additional rights that ordinary citizens do not possess, it contributes to a situation in Maryland law enforcement where it is virtually impossible to fire an officer even for good cause unless the department perfectly navigates a needlessly complex procedure. Conversely, I am not aware of any data suggesting that the ills the LEOBR was designed to combat are or will be a serious problem. Indeed, I'm sure we all recall that the Correctional Officers' Bill of Rights, a near-duplicate of the LEOBR, was passed in 2010 in response to incidents of COs supposedly being victimized by unfair disciplinary policy, only to have those same COs end up under federal indictment for the very misconduct in question.

LEOBR also reduces or eliminates police accountability to the public they are supposed to serve. Because disciplinary procedures are enshrined in LEOBR, civilians have no input into this procedure. Investigations conducted by civilians cannot result in discipline; nor can civilians be involved in internal investigations, which must be conducted by sworn officers. This is an obvious conflict of interest. Strict time limits on filing complaints mean some investigations are prevented by technicalities; I have read far too many appellate court opinions where the reinstatement of an officer whose incompetent, corruption, or criminality has been proven, because a single step was missed in the involved legal dance mandated by the LEOBR. It goes well beyond protecting the rights of officers against unfairness, into the realm of enabling bad behavior by officers who know it is near-impossible to discipline or fire them.

Accountability cannot even be enforced by elected officials, or by their appointees. As quoted in the Baltimore Sun, Baltimore City Police Commissioner Michael Harrison has asked that LEOBR be changed to allow him to fire officers after a criminal incident without waiting for a conviction. He noted that the current policy leads to cases such as that of Baltimore Officer Wesley Cagle, who was convicted on first-degree assault charges for shooting an unarmed man, but served on the police force for a further two years between the shooting and his conviction.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 627**.

Thank you for your time, service, and consideration.

Sincerely,
Lindsay Keipper

2425 Fleet St.
Baltimore, MD 21224
Showing Up for Racial Justice Baltimore

SURJ LEOBR 2021 2 1.pdf

Uploaded by: Kleinman, Jan

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 43. Having just moved to Baltimore from Minneapolis, I arrived keenly aware of the growing call for police accountability. I am testifying in **support of Senate Bill 627**.



Senate Bill 627 would repeal the Law Enforcement Officers' Bill of Rights (LEOBR), a law that makes it more difficult to investigate and discipline police misconduct in Maryland than in almost any other state. LEOBR gives special rights to police officers that ordinary people, including other state employees, do not get. It also prevents communities from investigating misconduct that could lead to discipline. For example, under the LEOBR, police abuse can only be investigated by sworn law enforcement. This creates a conflict of interest and raises concerns about transparency.

LEOBR also reduces or eliminates police accountability to the public they are supposed to serve. Because disciplinary procedures are enshrined in LEOBR, civilians have no input into this procedure. Strict time limits on filing complaints mean some investigations are prevented by technicalities. Investigations conducted by civilians cannot result in discipline.

Accountability cannot even be enforced by elected officials. As quoted in the Baltimore Sun, Police Commissioner Michael Harrison has asked that LEOBR be changed to allow him to fire officers after a criminal incident without waiting for a conviction. He noted that the current policy leads to cases such as that of Baltimore Officer Wesley Cagle, who was convicted on first-degree assault charges for shooting an unarmed man, but served on the police force for a further two years between the shooting and his conviction.

In order to protect the public from police misconduct and to address concerns about transparency and accountability, small changes are no longer enough. A complete repeal of LEOBR is urgently needed so the public can know that law enforcement agencies are taking police discipline seriously, and not protecting officers who engage in misconduct.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 627**.

Thank you for your time, service, and consideration.

Sincerely,
Jan Kleinman
2700 Remington Avenue, Apt 504
Baltimore, MD 21211
Showing Up for Racial Justice Baltimore

SB627 - - FAV - Melissa Goemann.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

February 4, 2021

Melissa Coretz Goemann
Silver Spring, MD 20901

TESTIMONY IN SUPPORT OF SB627

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

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Melissa Coretz Goemann

My name is Melissa Coretz Goemann and I live in District 20 in Silver Spring, Maryland. I am writing this testimony in support of SB627, Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline.

Jewish text teaches us that in all we do, we must work towards justice: *“Tzedek, tzedek tirdof - Justice, justice shall you pursue.”* It is imperative that we pass SB627 to begin the work of righting the injustice that has been perpetuated on Maryland residents through the Law Enforcement Officers’ Bill of Rights (LEOBR). Because of LEOBR, there can be no real transparency and accountability in policing in Maryland – leading to police officers acting with impunity and further entrenching community distrust.

As a Montgomery County resident, I know that the greatest harm from issues with policing falls on the backs of people of color, as there are wide racial disparities in police stops in our county. A July 21, 2020 report from the Montgomery County Office of Legislative Oversight showed that Black residents comprise 18 percent of our County’s population but were subject to 32% of all traffic stops and 55% of cases in which police used force in 2018.

I have also personally witnessed the frustration and anger of not being able to hold police accountable for misconduct. As a Silver Spring resident, I was deeply saddened when Robert White, a Black man who was out for a walk in his neighborhood near where I live, was shot and killed by a police officer in 2018 after being stopped for looking “suspicious” because he had a torn jacket and had put his hand in his pocket. The killing was ruled “justified” by the police, after they investigated it themselves. The community felt differently and many do not feel safe knowing that this officer continues to patrol our streets. LEOBR severely limited the community’s involvement in the process and the information accessible by the public on how

this decision was reached. Under LEOBR we are not allowed to have a true citizens' advisory board, we are not allowed independent investigations, and officers are given generous protections during investigations of misconduct. Since Robert White's killing, there have, sadly, been several other police killings of Black men in Montgomery County and there has been a similar lack of transparency and accountability.

We need to repeal LEOBR so that it is easier to hold police officers accountable for their misconduct that harms communities and creates distrust. SB627 will repeal LEOBR and, importantly, also ensure that local jurisdictions do not simply recreate LEOBR. While we need to do more, repealing LEOBR is a necessary step toward accountability by making sure that officers facing discipline do not get extra rights that are not afforded to other state government and civilian employees. I respectfully urge this committee for a favorable report on SB627.

Respectfully submitted,
Melissa Coretz Goemann

SB627 - FAV - Ellie Meyerstein, Bonimot Tzedek.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

February 4, 2021

Ellie Meyerstein
Rockville, MD 20852

TESTIMONY IN SUPPORT OF SB627

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

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Ellie Meyerstein

My name is Ellie Meyerstein and I am a first year student at Walter Johnson High School. I live in Rockville, District 17, and I am a member of Bonimot Tzedek, a social justice organization for Jewish teens. I am submitting this testimony in favor of SB627, Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline.

Growing up Jewish and going to a Jewish camp has taught me that helping others is a clear expression of Jewish values. One of the most important things I've learned is that when you see injustice in the world, you have to do something about it. Remaining silent is the same as allowing the injustice to continue. Several years ago at my camp, Habonim Dror Camp Moshava, we played a game that really taught me about the discrimination that people of color face every day. We were split into a few different groups, each with their own color. Everyone put on a shirt with their group's color and the game was to try and get from one end of the camp to the other. The counselors had flashlights and if they caught you with their flashlight, you had to start over. As we played, it was clear that the counselors were discriminating against a certain group and completely ignoring the other campers. The whole point of the game was to show us how police target people of color, just because they're not white. After the game was over we had a discussion about who was getting sent back over and over again and why. It was because of the color of their t-shirt. This was the first time I was really aware of the racial discrimination that people of color constantly face just because of their skin color. And unlike a t-shirt, that's not something they can change.

LEOBR is allowing police officers in Maryland to continue their race-based discrimination by not holding them accountable for misconduct and brutality. This law is considered one of the most extreme Law Enforcement Officers' Bill of Rights in the country and it's time that we did something about it.¹ Even though I am white and therefore am not as impacted by this law as people of color, one of the most important Jewish values that I've learned is to act to protect those who are most mistreated in society.

The Maryland General Assembly must repeal LEOBR in order to rebuild a justice system that is not systemically racist. Black people and people of color are unfairly targeted by police, and police officers rarely face consequences or adequate misconduct investigations because of LEOBR. **I respectfully urge a favorable report on SB627. It is time to repeal LEOBR.**

¹ Amanuel, Yanet. "Opinion: One step Maryland can take to improve policing." *The Washington Post*. September 11, 2020.

https://www.washingtonpost.com/opinions/local-opinions/one-step-maryland-can-take-to-improve-policing/2020/09/10/ea34e002-ed33-11ea-99a1-71343d03bc29_story.html.

SB627 - FAV - Emily Blank.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

February 4, 2021

Emily Blank
Brentwood, MD 20722

TESTIMONY IN SUPPORT OF SB627

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

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Emily Blank

“Do not pervert justice; do not show partiality to the poor or favoritism to the great, but judge your neighbor fairly.” - Leviticus 19:15

My name is Emily Blank. I live in Brentwood, in District 47A. This testimony is in support of SB627, Law Enforcement Officers’ Bill of Rights - Repeal and Procedures for Discipline.

The Law Enforcement Officers’ Bill of Rights (LEOBR) often makes it extremely difficult to hold police accountable for acts of violence and other abuses. Decisions about guilt are made by uniformed police officers, colleagues of the accused, who no doubt have a professional bias (and an incentive to be lenient lest they be judged harshly for similar misdeeds). Although we hope the police, as carriers of public trust, would have a higher standard of ethics than the average person, there is no reason to expect that this is true. Like all employees, police require oversight.

LEOBR also discourages transparency. According to the Baltimore Sun Editorial Board, LEOBR “requires that other officers conduct investigations, rather than independent actors (unless the governor calls for it); bans interview techniques police routinely use on average citizens, including having more than one questioner.”¹

Finally, police officers are given a grace period of five days before they need to explain their actions to their supervisors, a courtesy not extended to other citizens accused of crimes.²

While it is true that police officers sometimes have to make split second decisions, it is possible to disable a suspect without killing him or her, which seems to happen too frequently.

Therefore, we must repeal LEOBR in the name of justice. **I respectfully urge a favorable report on SB627.**

¹ Baltimore Sun Editorial Board. “Maryland Law Enforcement Officers’ Bill of Rights: an impediment to accountability.” *The Baltimore Sun*. October 22, 2020.
<https://www.baltimoresun.com/opinion/editorial/bs-ed-1023-leobr-repeal-20201022-kwcpst5abne4lezpoto76r77e-story.html>.

² Ibid.

"Justice, justice, shall you pursue." Deuteronomy 16:20

SB627 - FAV - Tali Goelman, Bonimot Tzedek.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

February 4, 2021

Tali Goelman
Bethesda, MD 20815

TESTIMONY IN SUPPORT OF SB627

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

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Tali Goelman

My name is Tali Goelman, and I am a sophomore living in Bethesda, in District 16. I am a member of Bonimot Tzedek, a Jewish youth activist organization that has been advocating for racial equity. The organization represents the views of approximately thirty individuals and I urge this committee to support SB627, Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline.

I believe that LEOBR should be repealed because it gives police officers unnecessary and unjust protections, especially when they have enough privilege and power to cause harm to BIPOC communities. The Jewish value of tzedek has influenced my perspective on this issue. Tzedek translates to “justice” in Hebrew, and LEOBR is law with unjust consequences. Individuals must be held accountable for their actions, regardless of their job title, and police officers should most certainly not be exempt from accountability and transparency.. It is evident that Maryland's police departments are in dire need of reform, and repealing LEOBR would be a great and just place to begin this much-needed process. Police should have the same due process rights as every other public employee.

As a white person, I have never directly encountered a dangerous situation with a police officer. However, I have witnessed the implicit biases within police departments firsthand. Over the summer, I enrolled in a Driver's Ed class, which I soon found out was to be taught by police officers. Most of the time, nothing problematic occurred, and I was simply taught the curriculum. However, one officer proved to be an exception. As he (an older white male officer) spoke to us, he mentioned that he drove in certain Washington D.C. neighborhoods with his windows up so as to “not be shot.” Then, he mentioned that we would probably be practicing driving in Bethesda neighborhoods, so we would be “safe.” For some context, Bethesda neighborhoods are wealthier socioeconomically compared to D.C., and they are predominantly white. Through this commentary, it was clear that the police officer had not-so-subtle racist views stemming from implicit biases. I believe this is a problem within police

departments, and implicit biases combined with power give police opportunities to act in violent ways. Therefore, we must monitor the power that police officers have by repealing LEOBR as soon as possible. LEOBR is harmful towards people of color and BIPOC communities, and it is imperative that government officials ensure a full repeal.

LEOBR gives special protections to police officers, which essentially disregards the principle of equal treatment under the law. Police officers are humans too, just like all of us. They should be held accountable for their actions just like the rest of us are. Repealing LEOBR would simply ease the process of holding officers accountable, and hence it could make Maryland police departments more just in their policing. I respectfully urge this committee for a favorable report on SB627.

Thank you for your time.

SB627 - FAV - Toby Ditz.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

February 4, 2021

Toby Ditz
Baltimore, MD 21217

TESTIMONY IN SUPPORT OF SB627

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

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Toby Ditz

My name is Toby Ditz and I live in Baltimore City in District 40. This testimony is in support of SB627, Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline.

My Jewish tradition teaches me that “a person who says to themselves, ‘why should I trouble myself? Let my soul dwell in peace’ helps destroy the world.” (Midrash Tanhuma, Mishpatim 2). We have an ethical duty as Jews to act publicly in the face of racial injustice.

The nationwide protests that followed the killings of Breonna Taylor and George Floyd have generated tremendous popular momentum for bold rethinking of policing and public safety, and we must act. The Maryland Coalition for Justice and Police Accountability (MCJPA), has issued a call for statewide, comprehensive police reform. MCJPA and the people of Maryland challenge the General Assembly to seize this moment of opportunity: make real change! Recent polls show that Marylanders expect the legislature to take decisive action and support it.¹

The repeal of the Law Enforcement Officers’ Bill of Rights (LEOBR) is a legislative “must”, and is a prerequisite for making progress toward the main goals we share: stopping the racial harms of police violence; achieving real police accountability; and reducing the scope of policing so that

¹ Wiggins, Ovetta. “Majority of Marylanders support major police overhaul, poll finds.” *The Washington Post*. October 12, 2020.

https://www.washingtonpost.com/local/md-politics/maryland-police-reform-poll/2020/10/11/5c913e46-0a55-11eb-859b-f9c27abe638d_story.html.

we can make serious headway on alternative solutions to public safety. LEOBR provides police with “special protections against punishment for misconduct” enjoyed by no other civil servants in Maryland (except corrections officers).² Maryland was the first state to carve out such special rights in the 1970s: only 14 other states have followed its lead.³ LEOBR in effect allows the police to police themselves. It does its damage primarily by awarding heightened protections for officers in disciplinary proceedings, and then shielding those procedures from public scrutiny. Only sworn officers can investigate misconduct under LEOBR, and civilians are permitted a small role on disciplinary hearing boards, but only Baltimore City is currently including them at all. These self-insulating mechanisms drag out disciplinary processes and create loopholes, so that officers rarely face serious penalties for egregious behavior. They also render civilian review boards ineffective.

Officers deserve the same due process rights as other government employees, but they should not be insulated from prompt and fair discipline for serious misconduct. LEOBR helps to ensure that police violence against black Marylanders goes unpunished, and it is a fundamental obstacle to police accountability and community oversight. We call for its total repeal.

Bold reforms are the only way to lift the unequal burden of over-policing. This moment of opportunity may not come again. In the name of racial justice, now is the time to act. I respectfully urge a favorable report on SB627. Thank you.

² Balko, Radley. “The police officers’ bill of rights.” *The Washington Post*. April 24, 2015.
<https://www.washingtonpost.com/news/the-watch/wp/2015/04/24/the-police-officers-bill-of-rights/>.

³ Baltimore Sun Editorial Board. “Maryland Law Enforcement Officers’ Bill of Rights: an impediment to accountability.” *The Baltimore Sun*. October 22, 2020.
<https://www.baltimoresun.com/opinion/editorial/bs-ed-1023-leobr-repeal-20201022-kwcpst5abne4lezpoto76r77e-story.html>.

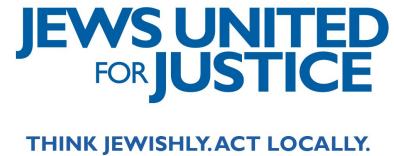
SB627 - FAV -Carol Stern - JUFJ.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

February 4, 2021

Carol Stern
Chevy Chase, MD 20815



TESTIMONY IN SUPPORT OF SB627

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

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Carol Stern on behalf of Jews United for Justice (JUFJ)

My name is Carol Stern and I am from Chevy Chase in District 16, and I am co-chair of the Justice System Reform & Immigrant Rights team of Jews United for Justice (JUFJ). JUFJ organizes more than 5,500 Jewish Marylanders and allies in support of local campaigns for social, racial, and economic justice. I am providing this testimony on behalf of JUFJ in support of SB627, Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline.

Jewish tradition teaches us that destroying one life is akin to destroying the entire world. In a world already filled with so much violence, we must move to end police violence and change Maryland laws that prevent us from holding police accountable. JUFJ has joined more than 90 other organizations across Maryland calling on the General Assembly to pass five specific and impactful reforms. One of these is the repeal of the Law Enforcement Officers' Bill of Rights (LEOBR).

Repeal of LEOBR is absolutely necessary to end the racist, corrupt, and inequitable policing that has been taking place in Maryland for far too long. LEOBR provides special protections for police, unlike any other public employee, cannot be disciplined until they are found guilty in a mini-trial, no matter how clear the evidence, or how egregious the misconduct. Police should not have special rights that no other public employee has to avoid discipline. LEOBR also permits non-transparent self-investigations by police departments, creating a culture of impunity that is compounded by the fact that the Maryland Public Information Act (MPIA) denies the public access to critical information about police misconduct. For example, look at the 2018 police killing of a Silver Spring man, Robert White z'l, who was walking while Black, unarmed

through his neighborhood. To this day, White's community has never learned the details of the investigation, except that the officer still serves on the police force. It is unconscionable that a man has been killed by a public employee, and the public has no oversight over the person who killed him or the process for holding that person accountable.

Jewish tradition says that we are called to be partners in the creation of a more perfect world — in this time, that call is louder than ever. Repealing LEOBR is a step toward that more perfect world we must create together.

JUFJ respectfully urges a favorable report on SB627.

SB627 - FAV -Noa Meyerstein, Bonimot Tzedek.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

February 4, 2021

Noa Meyerstein
Rockville, MD 20852

TESTIMONY IN SUPPORT OF SB627

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

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Noa Meyerstein

My name is Noa Meyerstein, and I am a first year student at Walter Johnson High School. I am part of Bonimot Tzedek, a Jewish youth group of Camp Moshava Habonim Dror dedicated to social justice. I am providing this written testimony to the Maryland General Assembly in favor of SB627, which calls for the full repeal of the Law Enforcement Officers Bill Of Rights (LEOBR).

The Jewish values I've learned from my community and education include being kind above all else, to help others whenever I can, and to speak up when something isn't right. There are two Jewish values in particular that I would like to share. B'tzelem Elohim is the value of every individual reflecting God's image. It's important to recognize that each and every one of us is unique and reflects God's image, regardless of race, sex, color, or religion. Another Jewish value I respect is Pikuach Nefesh, which emphasizes the importance of saving and protecting a life above all else.

The current Law Enforcement Officers Bill Of Rights allows for discrimination and police violence to continue without any accountability. LEOBR is one of the most extreme officers' bill of rights in the country and contributes to the large amount of police brutality in our state. LEOBR allows five days before an officer can be questioned after an incident. When they are judged for misconduct, it's other police officers that determine the appropriateness of their behavior. This perpetuates bias, lack of transparency and accountability, and a culture of protecting bad actors.

I refuse to stand by and allow innocent lives to be taken and watch police officers who have abused their authority be let off the hook. Staying quiet about the issue is only allowing more people to get hurt, and fewer police officers to be held accountable. Police officers are supposed to protect us, not pose another threat to thousands upon thousands of members in our community. When the people who are supposed to protect us are killing many of us for no reason and not being held accountable, something needs to be done. LEOBR allows discrimination to continue with no accountability. We must repeal LEOBR in order to work toward a just system. **I urge this committee to issue a favorable report on SB627.**

SB627- FAV - Jody Harburger.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

February 4, 2021

Jordan Harburger
Owings Mills, MD 21117

TESTIMONY IN SUPPORT OF SB627

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

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Jordan Harburger

My name is Jordan S. Harburger. I live in Owings Mills in District 11. This testimony is in support of SB627, Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline.

I know that police are given extraordinary authority under our laws: the power to stop members of the public, to search them, to arrest them and charge them with crimes, use force and even kill them. These extraordinary powers must be accompanied by extraordinary accountability to the public they serve to assure that these powers are only exercised within the limits of the law. When police abuse their authority they can, and do, cause harm. I have seen this power abused with impunity in our communities and it makes me and my neighbors fear and doubt whether we can trust our police to assure equal justice in our communities.

The Law Enforcement Officers' Bill of Rights (LEOBR) in the State of Maryland must be repealed. A new system of accountability to the public must be instituted in order to reassure the public that police in this state will be held accountable for complaints regarding their actions in a timely, equal, transparent and democratic process. The new process must include non-law enforcement citizenry in the review and evaluation of accusations of abuse of authority and violation of law and policy.

The Law Enforcement Officers' Bill of Rights effectively excludes the public for any oversight role, allows the overwhelming majority of complaints against officer conduct to be considered only internally by law enforcement personnel, with no permanent record or transparency as to who are the officers who have repeated accusations of abuse of their authority. Officers dismissed or who voluntarily leave one jurisdiction following complaints can be hired in another jurisdiction and their complaint history is unavailable to the next hiring jurisdiction or the public. None of these provisions serve the public interest. The Maryland Law Enforcement Officers' Bill of Rights operates as a systematic barrier to oversight of policing by residents and to effective discipline in Maryland police organizations.

Therefore, I respectfully urge a favorable report on SB627 to fully repeal the LEOBR and establish a system for effective accountability and transparency.

SB 627 - Repeal LEOBR.pdf

Uploaded by: McDonald, Ericka

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 12. I am also on the Board of Directors for the League of Women Voters, Baltimore County. I am testifying in **support of Senate Bill 627**.

Senate Bill 627 would repeal the Law Enforcement Officers' Bill of Rights (LEOBR), a law that makes it more difficult to investigate and discipline police misconduct in Maryland than in almost any other state. LEOBR gives special rights to police officers that ordinary people, including other state employees, do not get. It also prevents communities from investigating misconduct that could lead to discipline. For example, under the LEOBR, police abuse can only be investigated by sworn law enforcement. This creates a conflict of interest and raises concerns about transparency.

LEOBR also reduces or eliminates police accountability to the public they are supposed to serve. Because disciplinary procedures are enshrined in LEOBR, civilians have no input into this procedure. Strict time limits on filing complaints mean some investigations are prevented by technicalities. Investigations conducted by civilians cannot result in discipline.

Accountability cannot even be enforced by elected officials. As quoted in the Baltimore Sun, Police Commissioner Michael Harrison has asked that LEOBR be changed to allow him to fire officers after a criminal incident without waiting for a conviction. He noted that the current policy leads to cases such as that of Baltimore Officer Wesley Cagle, who was convicted on first-degree assault charges for shooting an unarmed man, but served on the police force for a further two years between the shooting and his conviction.

In order to respond to protect the public from police misconduct and to address concerns about transparency and accountability, small changes are no longer enough. A complete repeal of LEOBR is urgently needed so the public can know that law enforcement agencies are taking police discipline seriously, and not protecting officers who engage in misconduct.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 627**.

Thank you for your time, service, and consideration.

Sincerely,

Ericka McDonald

418 Harwood Rd.
Catonsville, MD 21228
Showing Up for Racial Justice Baltimore
League of Women Voters, Baltimore County

SB 627 LEOBR Repeal_FAV_Morris.pdf

Uploaded by: Morris, Marguerite

Position: FAV

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 members of the Committee,

My name is Rev. Marguerite Morris and I live in Odenton, Maryland. I’m formally submitting my written testimony in support of SB 627 to repeal the Law Enforcement Officers’ Bill of Rights (“LEOBR”) and create a streamlined system without the procedural barriers that prevent discipline. 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.

I am the founder of For Kathy’s Sake, Community Actively Seeking Transparency (C.A.S.T.), and the mother of a deceased young woman named Katherine Sarah Morris. I have been in an eight year legal battle with police calling for greater transparency and accountability in matters related to her death. While I support all five of the ACLU’s policing priorities, this testimony is provided **in support of SB 627 - Law Enforcement Officers’ Bill of Rights – Repeal and Procedures for Discipline**

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 escape accountability because they can say that it was the hearing board that made the decision, not them so their “hands are tied”. This is why it is so important to have a transparent and streamlined discipline process that allows for us to know exactly who is responsible for holding officers accountable.

My organization is in part made up of persons impacted by bad policing. So I know first the behind the scenes traumatization that occurs when those that have harmed others go unpunished. I know firsthand the tears of mothers that felt they couldn’t protect their children from the abuse of a bad police officer. They made their complaints, they followed the process, they’ve written their letters, cried their tears and carried their protest signs. But after all of that there comes a form letter that doesn’t even give them the dignity of saying you have been heard or someone, any one has been held accountable for their actions against you, and/or your loved one. You are a victim with a faceless perpetrator.

My organization recently met with the Internal Affairs Department of the Anne Arundel County Police Department about how their Internal Affairs handles incoming complaints. They did not even have in place a written form that recorded what a complainant had complained about, or who

they had complained on, that was given to the complainant at the time of their complaint. That police department was founded in 1937. How is it that in 2020 that police were not even acknowledging, in writing to the complainant, this information? It is completely left up to them how they categorized the incoming complaints on an officer. That is too much internal control. Too much internal decisions making shielded from the public's eyes. The complaining person never sees how their complaint was categorized, labeled, filed, addressed or even tracked. No external record of how many times the offender has offended.

Your honors, there are impacted hurting persons behind these decisions and I see firsthand the persons that just want someone to give them the dignity of knowing that whatever they went through, it mattered to somebody, somebody was held accountable, and somebody was listening. Can Maryland stop facilitating the re-traumatization of persons by denying them at least knowing that someone's been held accountable. At least acknowledging that what happened to them is of importance to somebody. These old laws that are in the old books need repealing. Is it not time that we as a community and collective group of leaders start allowing transparency which will bring greater accountability by taking a law off the books that may have been intended for good but is now being used as a weapon of abuse.

I believe that officers should have the same 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 due process rights and procedures laid out in the bill.

We must stop continuing to empower abusers to abuse. Police, policing themselves continue to give rise to conflicts of interest that have become a barrier to oversight in my own county. We as a Nation must rise up and do better. I charge you that as this country continues to cry out for justice for the unjust killing, or beating, or knee necking of our children, that you rise to the occasion and allow this bill to go forward and be enacted into law.

As an impacted voter and community leader, I urge a favorable vote on SB 626.

Thank you,

**The Mother of Katherine Sarah Morris,
Marguerite Morris and the Friends of “For Kathy’s Sake”**

Testimony SB 627.pdf

Uploaded by: Novak, Natalie

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 41. I am testifying in **support of Senate Bill 627**.



Senate Bill 627 would repeal the Law Enforcement Officers' Bill of Rights (LEOBR), a law that makes it more difficult to investigate and discipline police misconduct in Maryland than in almost any other state. LEOBR gives special rights to police officers that ordinary people, including other state employees, do not get. It also prevents communities from investigating misconduct that could lead to discipline. For example, under the LEOBR, police abuse can only be investigated by sworn law enforcement. This creates a conflict of interest and raises concerns about transparency.

LEOBR also reduces or eliminates police accountability to the public they are supposed to serve. Because disciplinary procedures are enshrined in LEOBR, civilians have no input into this procedure. Strict time limits on filing complaints mean some investigations are prevented by technicalities. Investigations conducted by civilians cannot result in discipline.

Accountability cannot even be enforced by elected officials. As quoted in the Baltimore Sun, Police Commissioner Michael Harrison has asked that LEOBR be changed to allow him to fire officers after a criminal incident without waiting for a conviction. He noted that the current policy leads to cases such as that of Baltimore Officer Wesley Cagle, who was convicted on first-degree assault charges for shooting an unarmed man, but served on the police force for a further two years between the shooting and his conviction.

In order to respond to protect the public from police misconduct and to address concerns about transparency and accountability, small changes are no longer enough. A complete repeal of LEOBR is urgently needed so the public can know that law enforcement agencies are taking police discipline seriously, and not protecting officers who engage in misconduct.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 627**.

Thank you for your time, service, and consideration.

Sincerely,

Natalie Novak
1206 W. Northern Parkway, Baltimore MD 21209

Testimony on SB 627, Repeal of LEOBR_Emil Parker_T

Uploaded by: Parker, Emil

Position: FAV



SB 627 – SUPPORT

Emil Parker

Takoma Park Mobilization

parker_emil@yahoo.com; 443-627-0368

SB 627 – SUPPORT

REPEAL OF LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

Senate Judicial Proceedings Committee

February 4, 2021

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Emil Parker. I am testifying on Senate Bill 627, on behalf of Takoma Park Mobilization. Takoma Park Mobilization, with over 2,300 members, is committed to ensuring that the General Assembly takes advantage of this unprecedented opportunity to enact meaningful policing reform legislation.

Accordingly, I am expressing our strong support for 627, which would repeal the Maryland Law Enforcement Officers' Bill of Rights (LEOBR).

Due largely to LEOBR, police officers in Maryland effectively operate under rules they make themselves. They enjoy special rights – in particular, a pre-disciplinary hearing before a board where their fellow law enforcement officers are in the majority – which are not available to other public sector employees. If this majority police officer board finds the officer not guilty – i.e., they side with their fellow officer – the chief of police is barred from imposing any discipline, no matter how clear and grave the offense.

As a result, it is exceedingly difficult to hold police officers in the state accountable for excessive use of force, violating the civil rights of Maryland residents, and otherwise breaking the law or egregiously failing to comply with departmental procedures.

In addition, complaints can be expunged within three years, at the request of the officer if, for example, the majority law enforcement officer board ruled in favor of the officer. The expungement of past complaints can make it impossible to identify officers with a long record of such complaints, even allowing them to claim a clean record when yet another complaint is filed.

LEOBR, regardless of the historical intent, has the effect of shielding problem officers from accountability, allowing them to remain on the job and continue committing similar offenses. This erodes community trust in the police and tarnishes other officers, making their jobs much harder.



For all of these reasons, LEOBR must be fully repealed. Some maintain that the General Assembly can't repeal LEOBR without replacing it with ostensibly better legislation. This is a puzzling argument, since 34 states and DC do not have a LEOBR or a comparable statute. Simple repeal would put Maryland in line with the majority of states.

After repeal, police officers would still have due process rights, of course – the same rights as their fellow state and local employees, as well as any other collectively bargained rights. They would, however, no longer have special rights, foremost among them protection from accountability, conferred by the state.

Maryland was the first state in the country to put a Law Enforcement Officers' Bill of Rights in place, in 1972. Unfortunately, 15 states have followed in our footsteps since then, so we have a special responsibility to set a positive example by repealing LEOBR. Perhaps some of those states will again follow our lead, in the right direction this time.

We urge a favorable report on SB 627. Thank you for your consideration.

CASA_FAV_SB627.pdf

Uploaded by: Paul, Cathryn

Position: FAV



Testimony in SUPPORT of SB627

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

Lydia Walther-Rodriguez, On Behalf of CASA

Senate Judicial Proceedings Committee

February 3, 2021

Dear Honorable Chairman Smith, Honorable Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee:

CASA is pleased to provide favorable testimony in support of **SB627, Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline**. CASA is the largest immigrant advocacy and services organization in the state of Maryland and in the Mid-Atlantic region, representing over 100,000 Black and Brown immigrants and working families. Our offices provide a variety of different services including ESOL classes, citizenship preparation, tax preparations, health navigation and education, workforce development, legal services and more. Our membership, who is disproportionately impacted in comparison to their white counterparts, has consistently been before the committee testifying to their personal accounts of police misconduct, abuse, and brutality. Many of the interactions that our membership have with the police far too often go unaccounted for.

Consider Ms. Ana Garcia - member for CASA and resident of Montgomery County. Her and her son have directly been impacted by the excessive force that police officers have used in her county. Ms. Garcia was pulled out of her car and thrown to the ground after a traffic stop. During a separate incident, her son was brutalized by multiple officers last November in Germantown - while doing nothing but walking home. Neither Ms. Garcia or her son felt safe reporting their cases to the department as they feared exposing themselves to retaliation, as they felt their cases would be dismissed due to the special privileges given to officers.

We strongly believe that SB627 would be a significant step forward in building transparency and accessing justice for victims of police misconduct - consequently encouraging many communities to regain trust in the system and report the brutality they have undergone.

CASA is also an active member of the Maryland Coalition for Justice and Police Accountability (MCJPA), a statewide coalition of over 90 organizations united to achieve meaningful police reform in Maryland - and includes individuals and family members who have been impacted by police violence, civil rights activists, religious leaders, legal experts advocacy groups, and more. Our organizations are united behind five critical police reforms, including the complete repeal of LEOBR.

Now is the time for Maryland legislators to begin reimagining what discipline of police officers should look like - beginning with the repeal of LEOBR. SB627 minimizes the extent to which law enforcement officers have extra due process rights in disciplinary proceedings that do not apply to other government employees and creates a streamlined system that focuses on the substantive question of guilt or innocence, without

unnecessary procedural barriers that prevent or delay discipline. Extra rights such as the right to delay questions, limits on who can question an officer and right to trial by other officers before an officer can be disciplined are unacceptable and only disrupt and alter the normal process that one should have to endure in seeking justice.

The Maryland LEOBR places Maryland far behind the rest of the nation in police reform efforts, it must be repealed to allow a semblance of accountability for police misconduct. Officers have extreme power in our communities, everyday making life or death decisions. SB627 is critical to ensuring that Maryland stops shielding officers from accountability, when misconduct is committed.

CASA strongly urges a favorable report on SB 627.

Lydia Walther-Rodriguez
Baltimore & central Maryland Region Director, CASA

Law Enforcement Officer Bill of Rights MD SB 627 -

Uploaded by: Petty , Agbeko

Position: FAV



February 2, 2021

Via Electronic Delivery

William C. Smith, Jr., Chair
Jeffrey D. Waldstreicher, Vice-Chair
Maryland Senate Judicial Proceedings Committee
11 Bladen St.
Annapolis, MD 21401

RE: Senate Bill 627: Law Enforcement Officers' Bill of Rights – Repeal and
Procedures for Discipline —**Favorable**

Dear Chairperson Smith and Vice Chairperson Waldstreicher:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF),¹ we appreciate the opportunity to provide written testimony for the Senate Judicial Proceedings Committee hearing regarding Senate Bill (SB) 627—Law Enforcement Officers' Bill of Rights – Repeal and Procedures for Discipline. SB 627 repeals and replaces the Maryland Law Enforcement Officers' Bill of Rights (LEOBR), which provides special rights to officers that are not extended to most public employees.² LDF supports the demand of people impacted by police misconduct, activists and advocates,³ and Maryland legislators to repeal the LEOBR, as proposed in SB 627, and provide for a disciplinary process that removes many of the impediments to accountability in the current LEOBR. The bill also creates a disciplinary procedure that is more aligned with the due process afforded to other public employees. SB 627 is a step in the right direction toward the goal of holding law enforcement officers accountable for misconduct.

Last summer, the public killing of George Floyd, a Black man, by a Minneapolis police officer who forced his knee into Mr. Floyd's neck for almost eight minutes until he took his last

¹ Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in the areas of education, economic justice, political participation, and criminal justice. It has been a separate organization from the NAACP since 1957. LDF's work to address racially biased police violence and misconduct dates back to its inception. *See, e.g., Shepherd v. Florida*, 341 U.S. 50 (1951) (reversing the convictions of Black men accused of raping a white woman in 1949; the men were brutally beaten by sheriff's deputies to force confessions). Today, LDF's Justice in Public Safety Project uses litigation, policy advocacy, research, community organizing, and strategic communications to: (1) ensure accountability for police brutality and misconduct through community oversight and changes to laws and policies; (2) promote policing and public safety practices that eliminate the pernicious influence of racial and other biases; and (3) support a new paradigm of public safety that drastically reduces the presence of armed law enforcement in communities of color. For the past six years, we have partnered with advocates, activists, and attorneys to reform unlawful policing practices in Baltimore City by supporting [community demands for federal investigation](#) of the police department, advocating for [fair provisions](#) in the police union contract, and calling for more transparency regarding police misconduct complaints.

² *See* Md. Code Ann., Pub. Safety §3-101 to §3-113.

³ *See* Maryland Coalition for Justice and Police Accountability, <https://www.mcjpa.org/who-we-are>.

breath, sparked worldwide demonstrations during which protesters demanded police accountability and an end to racially biased policing.⁴ Marylanders joined these protests because they knew too well the problem of police violence in communities of color, as we saw in the police-involved killings of Freddie Gray (2015), Korryn Gaines (2016) and Anton Black (2018), and the need for greater accountability for officers' actions in these and similar cases.⁵ And beyond these well-known cases, there are many victims of law enforcement misconduct whose names we will never know because law enforcement activity is often undocumented, many victims of misconduct fear retaliation and thus, do not file complaints, and investigations of misconduct are kept hidden from public view.⁶

Law enforcement officers exercise enormous powers to stop, search, arrest, and use force—sometimes fatally—and do so disproportionately in communities of color.⁷ When officers are found to have committed misconduct following a full and fair investigation, they must be held accountable in an efficient manner. Members of communities that are overpoliced have a strong interest in ensuring that officers who commit misconduct in their communities are held accountable for their actions to deter future misconduct. Likewise, law enforcement agencies have an interest in an effective disciplinary system that promotes a culture of accountability. LDF supports SB 267 because it moves the state of Maryland closer to the goal of an effective disciplinary system for officers who commit misconduct.

1. SB 627 Removes Special Protections that are Barriers to Accountability for Officers who Commit Misconduct.

Maryland's LEOBR, which is among the most restrictive in the nation, grants police officers special rights and protections that are not afforded to ordinary citizens or other civil servants. The provisions in Maryland's current LEOBR limit the ability of agencies to hold officers accountable by enacting strict procedures for administrative investigations and discipline for officer misconduct. This includes, but is not limited to: (1) requiring complaints against officers alleging brutality to be sworn attestations;⁸ (2) providing officers at least 5 days to obtain counsel or other representation before an interrogation may commence;⁹ (3) requiring that an

⁴ See, e.g., Anne-Christine Poujoulat, *Protests Across The Globe After George Floyd's Death*, CNN (June 13, 2020), <https://www.cnn.com/2020/06/06/world/gallery/intl-george-floyd-protests/index.html>.

⁵ See, e.g., Tim Prudente, *With Prosecutions Over, Six Baltimore Officers Back at Work After Death of Freddie Gray*, Baltimore Sun (Nov. 30, 2017), <https://www.baltimoresun.com/news/crime/bs-md-ci-officers-back-to-work-20171128-story.html>; Rick Ritter, *Officer Who Fired Shot That Killed Korryn Gaines: 'I Had No Choice'*, CBS Baltimore (Feb. 12, 2018), <https://baltimore.cbslocal.com/2018/02/12/officer-kills-korryn-gaines/>; Rose Velazquez, *'I've never seen anything so brutal': Anton Black's Family Files Use of Force Suit in Death*, Salisbury Daily Times (Dec. 17, 2020), <https://www.delmarvanow.com/story/news/local/maryland/2020/12/17/eastern-shore-police-death-anton-black-lawsuit-caroline-county/3938744001/>.

⁶ LDF has submitted testimony in support of [Senate Bill 178: Public Information Act-Personnel Records](#) – Investigations of Law Enforcement Officers, to provide access to documents related to administrative investigations and decisions for misconduct committed by law enforcement officers.

⁷ See, e.g., U.S. Department of Justice (DOJ), *Investigation of the Baltimore City Police Department*, 47 (Aug. 10, 2016), hereinafter “DOJ Report” (“Statistical evidence shows that the Department intrudes disproportionately upon the lives of African Americans at every stage of its enforcement activities.”), <https://www.justice.gov/crt/file/883296/download>.

⁸ See Md. Code Ann., Pub. Safety §3-104(c)(1).

⁹ See §3-104(j).

investigation or interrogation of a law enforcement officer be done by a sworn law enforcement officer or the Attorney General's office;¹⁰ (4) requiring a hearing board of mostly law enforcement officers, including one officer of the same rank as the accused officer before any discipline is imposed;¹¹ and (5) allowing the expungement of misconduct records.¹² By repealing the current LEOBR, SB 627 removes many of these impediments that insulate officers from accountability, while still protecting the due process rights of officers.¹³

Maryland's current LEOBR causes extensive delays in implementing discipline which is corrosive to accountability and creates a culture of impunity.¹⁴ When officers who are found to have violated policy cannot efficiently be disciplined, it sends a signal that the department will not or cannot enforce its own policies, and can lead to criminal conduct and corruption.¹⁵ For example, former Baltimore Police Department (BPD) officer Wayne Jenkins, who was finally arrested in 2017 for his criminal conduct involving the BPD Gun Trace Task Force, was the subject of an alarming 227 complaints in the four years preceding his arrest.¹⁶ According to a recent study, in a six-year period, law enforcement officers in Maryland were charged with 271 crimes, including 138 crimes of violence.¹⁷

When officers are not held accountable for their violations of policy or law, we must not lose sight of who is most harmed. Officers' misconduct has devastating consequences for people subjected to their law enforcement activity, particularly communities of color that are over-policed and disproportionately subjected to stops, searches, arrests, and uses of force.¹⁸ While Black residents comprise 31 percent of the Maryland population, they make up 63 percent of

¹⁰ See §3-104(b).

¹¹ See §3-107(c)(1)(2).

¹² See §3-110.

¹³ SB 627 removes or limits each of the above-mentioned barriers in whole or in part; *see also*, *See Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 533, 546-47 (1985) ("...all the process that is due is provided by a pretermination opportunity to respond, coupled with post-termination administrative procedures...").

¹⁴ Baltimore's police "union contract and statutory [LEOBR] provisions discussed in this report create a police culture of impunity, a collective sense among officers that they do not have to be held fully accountable for misconduct." Samuel Walker, *The Baltimore Police Union Contract and the Law Enforcement Officers' Bill of Rights: Impediments to Accountability*, 8 (May 2015), <https://samuelwalker.net/wp-content/uploads/2015/06/BALTIMORE-POLICE-UNION-CONTRACTFinal.pdf>; *see* DOJ Report at 146 ("Delays of this magnitude send a message to officers that misconduct is tolerated, frustrating officers and supervisors who are trying to follow and implement Department policies and procedures.")

¹⁵ *See* Jessica Anderson, *Gun Trace Task Force Overview*, Baltimore Sun, <http://data.baltimoresun.com/news/gun-trace-overview/>.

¹⁶ Joe Spielberger, *Chasing Justice: Addressing Police Violence and Corruption in Maryland*, ACLU, 19 (Jan. 2021), https://www.aclu-md.org/sites/default/files/field_documents/chasing_justice_report_2021_final.pdf; Jessica Lussenhop, *Rogue Baltimore Police Unit Ringleader Wayne Jenkins Sentenced*, BBC News (June 7 2018), <https://www.bbc.com/news/world-us-canada-44402948>; U.S. Attorney's Office, District of Maryland Press Statement, *Former GTTF Baltimore City Sergeant Sentenced To 25 Years In Prison For Racketeering, Robberies, Overtime Fraud And Planting Evidence* (June 7, 2018), <https://www.justice.gov/usao-md/pr/former-gttf-baltimore-city-sergeant-sentenced-25-years-prison-racketeering-robberies>.

¹⁷ *See* Spielberger, *supra* n. 16 at 13; Philip Matthew Stinson, Henry A. Wallace *Police Crime Database*, Bowling Green State University, <https://policecrime.bgsu.edu/Home/Map>.

¹⁸ *See* Spielberger, *supra* n. 16 at 9-11; Vera Institute of Justice, *Incarceration trends in Maryland*, (Dec. 2019), <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-maryland.pdf>; DOJ Report, *supra* n.7 at 47-48, 53.

those killed by law enforcement in Maryland.¹⁹ In Baltimore, between 2015-2019, 91 percent of officers' uses of force were against Black residents²⁰ although they comprised only 63 percent of City's population.²¹ Thus, SB 627's repeal of the current LEOBR, which removes impediments to the investigation and discipline of officers who have been found to have committed misconduct, is critical to promoting the safety of communities of color.

2. SB 627 Moves Maryland Closer to Aligning with Other States and Jurisdictions that Recognize the Need for Fair Timely Investigations and Discipline of Law Enforcement Officers Accused of Misconduct.

A number of departments, large and small, throughout the United States, have developed disciplinary systems which follow the procedures required to protect officers' federal due process rights, without excessive additional processes.²² Before an officer may be terminated, due process requires only that an officer be given: (1) proper notice and an explanation of the agency's evidence against the officer, and (2) an opportunity to respond to the charges presented by the law enforcement agency.²³ SB 627 provides that after a full and fair investigation, officers are given notice of the charges and evidence against them and an opportunity to respond, as well as a hearing before a hearing officer (instead of the current hearing board comprised primarily of law enforcement officers) during which they may confront witnesses against them.²⁴ The provisions embodied in SB 627 remove the barriers to accountability found in the current LEOBR, yet they continue to protect the due process rights of officers.

Other states that have LEOBRs are also working to remove the barriers to accountability imposed within them. In Illinois, for example, a sweeping police reform bill, championed by the Illinois Legislative Black Caucus passed the House and Senate, included changes to that states LEOBR, such as eliminating the requirement that complainants sign sworn affidavits.²⁵ The bill is currently awaiting the signature of Governor J.B. Pritzker who has indicated he is "very pleased with [it]."²⁶ And in Rhode Island, the legislature passed a [measure](#) to establish the [State Senate Task Force on the Law Enforcement Officer's Bill of Rights](#), which convened and

¹⁹ Spielberger, *supra* n.16 at 11.

²⁰ *Id.* at 5, 15.

²¹ U.S. Census Bureau, Quick Facts,

<https://www.census.gov/quickfacts/fact/table/baltimorecitymarylandcounty/AGE295219>.

²² See e.g. [Alexandria Police Department](#), Virginia; [City of Chino Police Department](#), California; [Metropolitan Nashville Police Department](#), Tennessee; [Seattle Police Department](#), Washington; [Virginia State Police](#); [Virginia Beach Police](#); see also Or. Rev. Stat. Ann. § 236.360(5); Tex. Loc. Gov't Code Ann. § 143.052(b)-(d).

²³ See *Loudermill*, 470 U.S. at 533, 546-47 (1985) ("...all the process that is due is provided by a pretermination opportunity to respond, coupled with post-termination administrative procedures...").

²⁴ See SB 627 §§ 3-104-06.

²⁵ Fran Spielman and Frank Main, *Criminal Justice Reform Bill Puts Chicago FOP On the Clock to Cut a Deal* (Jan. 13, 2021), <https://chicago.suntimes.com/2021/1/13/22229140/chicago-police-reform-bill-union-collective-bargaining-anonymous-complaints-cash-bail>, See 50 Ill. Comp. Stat. Ann. 725/3.8 ("Anyone filing a complaint against a sworn peace officer must have the complaint supported by a sworn affidavit.").

²⁶ Raymon Troncoso, *Lame Duck Look Back: How the Black Caucus Passed Criminal Justice Reform*, The Pantagraph (Jan 21, 2021), https://www.pantagraph.com/news/state-and-regional/govt-and-politics/lame-duck-look-back-how-the-black-caucus-passed-criminal-justice-reform/article_7695f80a-0f6b-522b-8ab0-46f4c2957fc4.html, see also Spielman, *supra* n. 25.

approved recommendations to amend its LEOBR.²⁷

SB 627 takes a critical step in removing the barriers to accountability in Maryland's current LEOBR that insulate officers who commit misconduct from discipline and harm communities in which law enforcement officers exercise their powers. SB 627 removes special protections in Maryland's current LEOBR that are unnecessary to protect officers' due process rights, are not in the interest of the public and counter to the interests of law enforcement agencies which seek to create cultures of accountability. We urge this Committee to vote favorably for SB 627.

Thank you for considering our testimony. If you have questions, please do not hesitate to contact us at 202-682-1300.

Sincerely yours,

Puneet Cheema

Puneet Cheema
Manager, Justice in Public Safety
Project

Lisa Cylar Barrett
Director of Policy

²⁷ See *Report of the Special Legislative Task Force to Review the Rhode Island Law Enforcement Officers' Bill of Rights*, 51 (Dec. 23, 2020), <https://content-prod-ripr.thepublicsradio.org/articles/d4e6ec7f-fb5d-460e-99d2-127a27588484/122320leoborcommissionreport.pdf> ("The Task Force endorses extending the maximum period for summary punishment from two days suspension without pay to 14 days.").

SB 627 - Repeal LEOBR.pdf

Uploaded by: Pham Linhoff, Christina

Position: FAV



Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. **We are constituents of District 46 testifying in support of Senate Bill 627.**

Senate Bill 627 would repeal the Law Enforcement Officers' Bill of Rights (LEOBR), a law that makes it more difficult to investigate and discipline police misconduct in Maryland than in almost any other state. LEOBR gives special rights to police officers that ordinary people, including other state employees, do not get. It also prevents communities from investigating misconduct that could lead to discipline. For example, under the LEOBR, police abuse can only be investigated by sworn law enforcement. This creates a conflict of interest and raises concerns about transparency.

LEOBR also reduces or eliminates police accountability to the public they are supposed to serve. Because disciplinary procedures are enshrined in LEOBR, civilians have no input into this procedure. Strict time limits on filing complaints mean some investigations are prevented by technicalities. Investigations conducted by civilians cannot result in discipline.

Accountability cannot even be enforced by elected officials. As quoted in the Baltimore Sun, Police Commissioner Michael Harrison has asked that LEOBR be changed to allow him to fire officers after a criminal incident without waiting for a conviction. He noted that the current policy leads to cases such as that of Baltimore Officer Wesley Cagle, who was convicted on first-degree assault charges for shooting an unarmed man, but served on the police force for a further two years between the shooting and his conviction.

In order to respond to protect the public from police misconduct and to address concerns about transparency and accountability, small changes are no longer enough. A complete repeal of LEOBR is urgently needed so the public can know that law enforcement agencies are taking police discipline seriously, and not protecting officers who engage in misconduct.

It is for these reasons that we are encouraging you to vote **in support of Senate Bill 627.**

Thank you for your time, service, and consideration.

Sincerely,
Showing Up for Racial Justice (SURJ) District 46 Team
Sarah Goldman, 1542 S Hanover Street, 21230
Mike Glenwick, 134 N Glover Street, 21224
Ben Goldberg, 1542 S Hanover Street, 21230
Christina Pham Linhoff, 46 E Randall St, 21230
Liz Simon-Higgs, 308 E Randall Street, 21230

Ltr to SJPC SB 627 2 1 21.pdf

Uploaded by: Plymyer, David

Position: FAV

David A. Plymyer
717 Maiden Choice Lane #207
Catonsville, MD 21228-6114
dplymyer@comcast.net
410-979-2505

February 1, 2021

Hon. William C. Smith, Jr., Chairman
Maryland State Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

SUBJECT: SB 627 – Favorable

Dear Senator Smith:

I urge favorable consideration of SB 627. The Maryland Law Enforcement Officers' Bill of Rights (LEOBR) is the single greatest impediment to reform of troubled police departments in Maryland. It has accomplished exactly what its proponents intended it to accomplish when enacted in 1974: Make getting rid of bad police officers as time-consuming and difficult as humanly possible.

The LEOBR is *not* about due process for civil servants. I retired as Anne Arundel County Attorney in 2014 after a long career in the county law office. I had extensive experience with both the LEOBR and the administrative due process afforded to other merit system employees.

The protections given to law enforcement officers are nothing like those enjoyed by ordinary civil servants. It is a difference of kind, not degree. Terminating a licensing clerk who is chronically rude to customers takes time and effort, as it should.

Terminating a police officer who has been physically abusive to citizens and poses a risk of greater harm, however, can be a nightmare. Ask a witness who opposes this bill to explain the public policy justification for making it much harder to get rid of a dangerous police officer than a rude clerk.

Police chiefs should be held directly accountable for the conduct of their officers, but that means that they must have the authority to administer discipline. The great "innovation" of the LEOBR was stripping police chiefs of the power to decide if the conduct of an officer warrants discipline and turning it over to administrative panels who cannot be held accountable for their decisions. It was a fundamental mistake that must be undone.

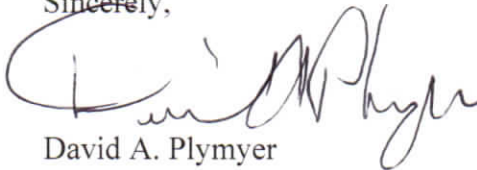
Do not expect many police chiefs or sheriffs to testify in support of this bill. Sadly, supporting the LEOBR has become a "loyalty test" for police chiefs and sheriffs among rank-and-file officers and their unions, and chiefs risk the antipathy of their employees if they fail the test.

There are other chiefs who simply do not want the disciplinary buck to stop on their desks. They need to find new jobs.

Finally, a word about the accusation that being in favor of repeal of the LEOBR is “anti-police.” I was an assistant state’s attorney for five years before joining the county office of law, and some of the finest public servants I ever worked with during my entire career in government were police officers. The idea that it is “anti-police” to want to make sure that police departments can eliminate corrupt and dangerous officers in a timely manner is patently absurd, and offensive.

Thank you very much for considering my written testimony in favor of SB 627.

Sincerely,

A handwritten signature in dark ink, appearing to read "David A. Plymyer". The signature is fluid and cursive, with a large initial "D" and "P".

David A. Plymyer

SB 627 - Repeal LEOBR.pdf

Uploaded by: Powell, Holly

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District **46**. I am testifying in **support of Senate Bill 627**.



Senate Bill 627 would repeal the Law Enforcement Officers' Bill of Rights (LEOBR), a law that makes it more difficult to investigate and discipline police misconduct in Maryland than in almost any other state. LEOBR gives special rights to police officers that ordinary people, including other state employees, do not get. It also prevents communities from investigating misconduct that could lead to discipline. For example, under the LEOBR, police abuse can only be investigated by sworn law enforcement. This creates a conflict of interest and raises concerns about transparency.

LEOBR also reduces or eliminates police accountability to the public they are supposed to serve. Because disciplinary procedures are enshrined in LEOBR, civilians have no input into this procedure. Strict time limits on filing complaints mean some investigations are prevented by technicalities. Investigations conducted by civilians cannot result in discipline.

Accountability cannot even be enforced by elected officials. As quoted in the Baltimore Sun, Police Commissioner Michael Harrison has asked that LEOBR be changed to allow him to fire officers after a criminal incident without waiting for a conviction. He noted that the current policy leads to cases such as that of Baltimore Officer Wesley Cagle, who was convicted on first-degree assault charges for shooting an unarmed man, but served on the police force for a further two years between the shooting and his conviction.

In order to respond to protect the public from police misconduct and to address concerns about transparency and accountability, small changes are no longer enough. A complete repeal of LEOBR is urgently needed so the public can know that law enforcement agencies are taking police discipline seriously, and not protecting officers who engage in misconduct.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 627**.

Thank you for your time, service, and consideration.

Sincerely,

Holly Powell
2308 Cambridge Street
Baltimore, MD 21224
Showing Up for Racial Justice Baltimore

SB 627 - Repeal LEOBR.pdf

Uploaded by: Rehr, Nathan

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District **45**. I am an active member of my community association

and a health professional who is interested in eliminating the health disparities that occur with racial discrimination in our society. I am testifying in **support of Senate Bill 627**.



Senate Bill 627 would repeal the Law Enforcement Officers' Bill of Rights (LEOBR), a law that makes it more difficult to investigate and discipline police misconduct in Maryland than in almost any other state. LEOBR gives special rights to police officers that ordinary people, including other state employees, do not get. It also prevents communities from investigating misconduct that could lead to discipline. For example, under the LEOBR, police abuse can only be investigated by sworn law enforcement. This creates a conflict of interest and raises concerns about transparency.

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Accountability cannot even be enforced by elected officials. As quoted in the Baltimore Sun, Police Commissioner Michael Harrison has asked that LEOBR be changed to allow him to fire officers after a criminal incident without waiting for a conviction. He noted that the current policy leads to cases such as that of Baltimore Officer Wesley Cagle, who was convicted on first-degree assault charges for shooting an unarmed man, but served on the police force for a further two years between the shooting and his conviction.

In order to respond to protect the public from police misconduct and to address concerns about transparency and accountability, small changes are no longer enough. A complete repeal of LEOBR is urgently needed so the public can know that law enforcement agencies are taking police discipline seriously, and not protecting officers who engage in misconduct.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 627**.

Thank you for your time, service, and consideration.

Sincerely,

Nathan Rehr

450 E. Federal Street Baltimore, MD 21202

Showing Up for Racial Justice Baltimore

SB 627 - Repeal LEOBR.pdf

Uploaded by: Rochkind, Jonathan

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 43. I am testifying in **support of Senate Bill 627**.



The residents of Maryland, especially Baltimore City where I live, have been waiting for years for desperately needed meaningful police reform. Every year, we hear from our legislators, sorry, we'd like to help, but we couldn't do it this year. **We are done taking excuses. Get it done.** This is not the first time LEOBR reform has been on the docket. It is in my opinion the most urgent needed legislative reform measure — although there are many. **Show your constituents that you care about the harm done to our communities by unaccountable and untransparent policing by getting this passed, or we will conclude that you do not.**

Senate Bill 627 would repeal the Law Enforcement Officers' Bill of Rights (LEOBR), a law that makes it more difficult to investigate and discipline police misconduct in Maryland than in almost any other state. LEOBR gives special rights to police officers that ordinary people, including other state employees, do not get. It also prevents communities from investigating misconduct that could lead to discipline. For example, under the LEOBR, police abuse can only be investigated by sworn law enforcement. This creates a conflict of interest and raises concerns about transparency.

LEOBR also reduces or eliminates police accountability to the public they are supposed to serve. Because disciplinary procedures are enshrined in LEOBR, civilians have no input into this procedure. Strict time limits on filing complaints mean some investigations are prevented by technicalities. Investigations conducted by civilians cannot result in discipline.

Accountability cannot even be enforced by elected officials. As quoted in the Baltimore Sun, Police Commissioner Michael Harrison has asked that LEOBR be changed to allow him to fire officers after a criminal incident without waiting for a conviction. He noted that the current policy leads to cases such as that of Baltimore Officer Wesley Cagle, who was convicted on first-degree assault charges for shooting an unarmed man, but served on the police force for a further two years between the shooting and his conviction.

In order to respond to protect the public from police misconduct and to address concerns about transparency and accountability, small changes are no longer enough. A complete repeal of LEOBR is urgently needed so the public can know that law enforcement agencies are taking police discipline seriously, and not protecting officers who engage in misconduct.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 627**.

Thank you for your time, service, and consideration.

Sincerely,

Jonathan Rochkind
755 Melville Ave
Baltimore MD 21218

Showing Up for Racial Justice Baltimore

SB0627 testimony.pdf

Uploaded by: Rock-Foster, Charlene

Position: FAV

I am testifying in favor of SB 627– Law Enforcement Officers’ Bill of Rights – Repeal and Procedures for Discipline

I currently have close associates who have been fighting for accountability for years. Had they not spoken out about their experiences with police brutality, police harassment, or police homicide, I would have believed there really is not an issue with the current policy that is the law of the state. In reviewing the Law Enforcement Officers’ Bill of Rights however, I am of the belief that law enforcement officers are being afforded special privileges and treatment that shields them from true accountability when crimes against the civilian community are committed. The repeat offenders within the force continue to serve in our communities due to the protections of the LEOBR. It is the protections that creates the public outcry, the communal trauma, and steep mistrust of the police. We were the first state that implemented this controversial bill in 1974; fifteen more states followed suit. Yet there are a large community that has been harmed by this bill that never really was created to protect the citizens the officers served. The families of Jamaal Taylor, Keith Davis Jr., Anthony Anderson, Anton Black, and Tyrone West have been very public and vocal in their fight for accountability, however there are a lot of families in the background that cannot publicly expressed their frustration and have been traumatized by the sanctioned police.

I am urging you not to get caught up in another tweaking of this bill but to do a full repeal. By doing so is the language spoken for true accountability of the officers to the civilians they serve. Thank you.

Sincerely,

Charlene Rock-Foster
Baltimore City Resident

SB 627 - Repeal LEOBR.pdf

Uploaded by: Rosenthal, Anne

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 40. I am testifying in support of Senate Bill 627.



Senate Bill 627 would repeal the Law Enforcement Officers' Bill of Rights (LEOBR), a law that makes it more difficult to investigate and discipline police misconduct in Maryland than in almost any other state. LEOBR gives special rights to police officers that ordinary people, including other state employees, do not get. It also prevents communities from investigating misconduct that could lead to discipline. For example, under the LEOBR, police abuse can only be investigated by sworn law enforcement. This creates a conflict of interest and raises concerns about transparency.

LEOBR also reduces or eliminates police accountability to the public they are supposed to serve. Because disciplinary procedures are enshrined in LEOBR, civilians have no input into this procedure. Strict time limits on filing complaints mean some investigations are prevented by technicalities. Investigations conducted by civilians cannot result in discipline.

Accountability cannot even be enforced by elected officials. As quoted in the Baltimore Sun, Police Commissioner Michael Harrison has asked that LEOBR be changed to allow him to fire officers after a criminal incident without waiting for a conviction. He noted that the current policy leads to cases such as that of Baltimore Officer Wesley Cagle, who was convicted on first-degree assault charges for shooting an unarmed man, but served on the police force for a further two years between the shooting and his conviction.

In order to respond to protect the public from police misconduct and to address concerns about transparency and accountability, small changes are no longer enough. A complete repeal of LEOBR is urgently needed so the public can know that law enforcement agencies are taking police discipline seriously, and not protecting officers who engage in misconduct.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 627**.

Thank you for your time, service, and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "ARALL", with a long horizontal stroke extending to the right.

Anne Rosenthal
810 Cathedral St. Baltimore, MD. 21201
Showing Up for Racial Justice Baltimore

Testimony SB627.pdf

Uploaded by: Schablein, Jared

Position: FAV

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.

SB0627- Testimony- Support- JS.pdf

Uploaded by: Sell, Jennifer

Position: FAV

Dear members of the Judicial Proceedings Committee,

I am a resident of District 33 and a member of Showing Up for Racial Justice Annapolis and Anne Arundel County. I am testifying in support of bill SB0627, which would repeal the Law Enforcement Officers' Bill of Rights (LEOBR), a law that makes it more difficult to investigate and discipline police misconduct in Maryland than in almost any other state.

LEOBR gives special rights to police officers that ordinary people, including other state employees, do not get. It also prevents communities from investigating misconduct that could lead to discipline. For example, under the LEOBR, police abuse can only be investigated by sworn law enforcement. This creates a conflict of interest and raises concerns about transparency.

LEOBR also reduces or eliminates police accountability to the public they are supposed to serve. Because disciplinary procedures are enshrined in LEOBR, civilians have no input into this procedure. Strict time limits on filing complaints mean some investigations are prevented by technicalities. Investigations conducted by civilians cannot result in discipline.

Accountability cannot even be enforced by elected officials. As quoted in the Baltimore Sun, Police Commissioner Michael Harrison has asked that LEOBR be changed to allow him to fire officers after a criminal incident without waiting for a conviction. He noted that the current policy leads to cases such as that of Baltimore Officer Wesley Cagle, who was convicted on first-degree assault charges for shooting an unarmed man, but served on the police force for a further two years between the shooting and his conviction.

In order to respond to protect the public from police misconduct and to address concerns about transparency and accountability, small changes are no longer enough. A complete repeal of LEOBR is urgently needed so the public can know that law enforcement agencies are taking police discipline seriously, and not protecting officers who engage in misconduct.

It is for these reasons that I am encouraging you to vote in support of SB0627.

Thank you for your time, service, and consideration.

Sincerely,
Jennifer Sell
444 Lynwood Dr
Severna Park, MD 21146

Testimony - SB 627– Law Enforcement Officers’ Bill

Uploaded by: Shand, Tracy

Position: FAV

SENATE VERSION

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 members of the Committee,

My name is **Tracy Shand** and I live in **Montgomery County**, Maryland. I am testifying in support of SB 627 to repeal the Law Enforcement Officers’ Bill of Rights (“LEOBR”) and create a streamlined system without the procedural barriers that prevent discipline. 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.

My brother Leonard Shand a black man was killed on September 26, 2019, at the intersection of Belcrest and Toledo Road, Hyattsville MD. My brother was killed by the Prince Georges County, Hyattsville, and Mount Rainer Police Officers without justification. The officers created a dangerous situation by throwing an unauthorized flash bang grenade, within sec after firing a bean bags at Leonard, and when he reacted by moving away from the blast, they shot him over 44 times. Then create a false narrative stating that he was in the process of attacking an officer. Prior to engaging in a prolonged pattern of physical violence against Mr. Shand, that includes kicking him and trying to hit him with a car. At no time did the officers seek assistance from the Medical Unit, Crisis Center, or any intervention resources unit that specialize in mental illness.

These officers used excessive force in continuously escalating a situation that could have deescalated by calling any form of a medical unit, talking Mr. Shand down, and employing dangerous measures like flash bangs when the situation did not call for it. The use of the flash bang was excessive force when Mr. Shand did not pose an imminent threat to anyone at the time it was used. Once used, Mr. Shand reacted by moving away from it, and was shot to death under circumstances where he did not pose a threat of harming anyone. These officers were protected by the Law Enforcement Bill of Rights, and they were not charged with any of the crimes they committed or received any form of discipline.

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. If officer’s commit a crime, discipline should be giving, and not debated about within a community that doesn’t have any real authority. 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 escape accountability because they can say that it was the hearing board that made the decision, not them so their “hands are tied”. This is why it is so important to have a transparency and streamlined discipline process that allows for us to know exactly who is responsible for holding officers accountable.

I believe that officers should be held at the same accountability as other citizens and not treated different 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 or special treatment where they can escape proper assessment of their actions.

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 due process rights and procedures laid out 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,

Tracy Shand

SB 627 - Repeal LEOBR.docx.pdf

Uploaded by: Simmons, Christina

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 42B, and I believe that LEOBR is dangerous to citizens everywhere and does not allow even “good cops” to act in their best character. I am testifying in **support of Senate Bill 627.**



Senate Bill 627 would repeal the Law Enforcement Officers’ Bill of Rights (LEOBR), a law that makes it more difficult to investigate and discipline police misconduct in Maryland than in almost any other state. LEOBR gives special rights to police officers that ordinary people, including other state employees, do not get. It also prevents communities from investigating misconduct that could lead to discipline. For example, under the LEOBR, police abuse can only be investigated by sworn law enforcement. This creates a conflict of interest and raises concerns about transparency.

LEOBR also reduces or eliminates police accountability to the public they are supposed to serve. Because disciplinary procedures are enshrined in LEOBR, civilians have no input into this procedure. Strict time limits on filing complaints mean some investigations are prevented by technicalities. Investigations conducted by civilians cannot result in discipline.

Accountability cannot even be enforced by elected officials. As quoted in the Baltimore Sun, Police Commissioner Michael Harrison has asked that LEOBR be changed to allow him to fire officers after a criminal incident without waiting for a conviction. He noted that the current policy leads to cases such as that of Baltimore Officer Wesley Cagle, who was convicted on first-degree assault charges for shooting an unarmed man, but served on the police force for a further two years between the shooting and his conviction.

In order to respond to protect the public from police misconduct and to address concerns about transparency and accountability, small changes are no longer enough. A complete repeal of LEOBR is urgently needed so the public can know that law enforcement agencies are taking police discipline seriously, and not protecting officers who engage in misconduct.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 627.**

Thank you for your time, service, and consideration.

Sincerely,
Christina Simmons
304 Stevenson Lane, APT B8
Towson, MD 21204
Showing Up for Racial Justice Baltimore

SB 627 - Repeal LEOBR.pdf

Uploaded by: Smeton, Jonathan

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 43. I am testifying in **support of Senate Bill 627**.



Senate Bill 627 would repeal the Law Enforcement Officers' Bill of Rights (LEOBR), a law that makes it more difficult to investigate and discipline police misconduct in Maryland than in almost any other state. LEOBR gives special rights to police officers that ordinary people, including other state employees, do not get. It also prevents communities from investigating misconduct that could lead to discipline. For example, under the LEOBR, police abuse can only be investigated by sworn law enforcement. This creates a conflict of interest and raises concerns about transparency.

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It is for these reasons that I am encouraging you to vote **in support of Senate Bill 627**.

Thank you for your time, service, and consideration.

Sincerely,
Jonathan Smeton
3140 Ellerslie Avenue, Baltimore, MD 21218
Showing Up for Racial Justice Baltimore

SB 627 Law Enforcement Officers' Bill of Rights -

Uploaded by: Soreng, Nancy

Position: FAV



TESTIMONY TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE

SB 627 - Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline

POSITION: Support

BY: Lois Hybl and Richard Willson – Co-Presidents

Date: February 3, 2021

On June 25, 2020 at the National Convention of the League of Women Voters of the United States the following resolution was adopted: The League of Women Voters shall advocate against systemic racism in the justice system and, at a minimum, for preventing excessive force and brutality by law enforcement. We also call for prompt actions by all League members to advocate within every level of government to eradicate systemic racism, and the harm that it causes.

Law Enforcement Officers' Bill of Rights (LEOBOR) grants protections to law enforcement officers that no other public employee is enjoys. Because of the provisions around investigations of misconduct, limits on discipline, time limits to lodge a complaint, and allowing law enforcement officers to investigate each when accused of misconduct, only a very small percentage of complaints actually result in discipline.

In addition to the nearly 100 organizations that endorsed repeal of LEOBOR the Workgroup to Address Police Reform and Accountability in Maryland chaired by Delegate Atterbeary also recognized that it is standing in the way of ever addressing our deeply rooted problems in policing. Until law enforcement officers can be held accountable for their actions, we will never be able create the trust between communities of color and police that is essential for doing the job that law enforcement should be doing, which is to keep communities safe.

We urge a favorable report on SB 627.

SB 627 - Repeal LEOBR.docx.pdf

Uploaded by: Todd, Tamara

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 10. I am testifying in **support of Senate Bill 627**.



Senate Bill 627 would repeal the Law Enforcement Officers' Bill of Rights (LEOBR), a law that makes it more difficult to investigate and discipline police misconduct in Maryland than in almost any other state. LEOBR gives special rights to police officers that ordinary people, including other state employees, do not get. It also prevents communities from investigating misconduct that could lead to discipline. For example, under the LEOBR, police abuse can only be investigated by sworn law enforcement. This creates a conflict of interest and raises concerns about transparency.

LEOBR also reduces or eliminates police accountability to the public they are supposed to serve. Because disciplinary procedures are enshrined in LEOBR, civilians have no input into this procedure. Strict time limits on filing complaints mean some investigations are prevented by technicalities. Investigations conducted by civilians cannot result in discipline.

Accountability cannot even be enforced by elected officials. As quoted in the Baltimore Sun, Police Commissioner Michael Harrison has asked that LEOBR be changed to allow him to fire officers after a criminal incident without waiting for a conviction. He noted that the current policy leads to cases such as that of Baltimore Officer Wesley Cagle, who was convicted on first-degree assault charges for shooting an unarmed man, but served on the police force for a further two years between the shooting and his conviction.

In order to respond to protect the public from police misconduct and to address concerns about transparency and accountability, small changes are no longer enough. A complete repeal of LEOBR is urgently needed so the public can know that law enforcement agencies are taking police discipline seriously, and not protecting officers who engage in misconduct.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 627**.

Thank you for your time, service, and consideration.

Sincerely,
Tamara Todd
221 Northway Rd, Reisterstown, MD 21136
Showing Up for Racial Justice Baltimore

SB 627 PDF of Written Testimony of Danielle Veith.

Uploaded by: Veith, Danielle

Position: FAV

Written Testimony of Danielle Veith

SUPPORT SB 627

TO: Chairman Smith, Vice-Chair Waldstreicher, and Members of the Senate Judicial Proceedings Committee

FROM: Danielle Veith, Kensington, MD (District 18)

DATE: February 2, 2021

Thank you, Chairman, Vice-Chair, and members of the Committee, for the opportunity to share my views with you. My name is Danielle Veith, and I reside in Kensington, in District 18.

On behalf of the Maryland Chapter of Moms Demand Action for Gun Sense in America, I would like to express our support for Senator Jill Carter's legislation, SB 627, Law Enforcement Officers' Bill of Rights – Repeal and Procedures for Discipline. This legislation makes many important changes to our state's current LEBOR law that will clear the way for greater officer accountability and civilian engagement in the investigation of misconduct, especially the creation of truly civilian-led and fully empowered Civilian Complaint Review Boards. Those are huge steps forward for justice and equity for all in Maryland.

The changes Senator Carter's bill makes that we think are most beneficial are: 1) allowing civilians to conduct investigations into allegations of misconduct, 2) removing restrictions on filing misconduct complaints, 3) removing a statute of limitation on filing police brutality complaints, 4) allowing all relevant evidence to be considered at misconduct hearings, 5) making it easier to suspend officers without pay for criminal conduct, and 6) making it easier to create local Civilian Complaint Review Boards.

These are important changes to our existing law, as follows:

- 1) Under Maryland's current LEBOR law, only law enforcement officers can serve an "investigating officer," or the person who investigates allegations of police misconduct. This bill would allow law enforcement agencies to appoint a civilian to serve in that important role.
- 2) Under current law, complaints alleging police brutality can only be filed, in writing and sworn under oath, by the victims of the abuse, their family members, or certain eyewitnesses. This bill would do away with those restrictions, allowing anyone with knowledge of an abuse to file a complaint and initiate an investigation.
- 3) Under current law, complaints alleging police brutality can only be filed with a law enforcement agency up to one year after the brutality occurred. After one year, there can be no investigation or punishment of the officers involved, an overly restrictive constraint that this legislation would rectify.
- 4) The current law imposes a number of restrictions on the types of evidence that could be considered at a misconduct hearing or used in any subsequent criminal investigation, including drug and alcohol screening and polygraph results. This bill makes a commonsense change to allow for full consideration of any evidence that's relevant to the allegations at hand.
- 5) Under current law, officers can only be suspended without pay for an abuse of force if they've been arrested and charged with a felony. This bill expands the law allowing agencies to suspend officer without pay if they've been charged with any crime, whether it's a misdemeanor or a felony.

- 6) Current law significantly limits local governments' ability to create civilian-led review boards that can investigate and discipline law enforcement officers. This bill would give cities and localities the authority to establish civilian review boards that have all powers the law grants to the chiefs of law enforcement agencies, including the authority to take complaints, conduct investigations and make binding disciplinary decisions for officer misconduct, as well as the power to issue subpoenas to further their investigations and access to all law enforcement records necessary to serve their function. Civilian Complaint Review Boards would have to be comprised entirely of civilians, meaning no current law enforcement officers would have a role in their investigations or decisions.

This legislation makes changes to current law that we believe are beneficial for protecting the safety of everyone in our communities.

SB 627 - Repeal LEOBR.docx.pdf

Uploaded by: Wilkins, Katherine

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 12. I am testifying in **support of Senate Bill 627**.



Senate Bill 627 would repeal the Law Enforcement Officers' Bill of Rights (LEOBR), a law that makes it more difficult to investigate and discipline police misconduct in Maryland than in almost any other state. LEOBR gives special rights to police officers that ordinary people, including other state employees, do not get. It also prevents communities from investigating misconduct that could lead to discipline. For example, under the LEOBR, police abuse can only be investigated by sworn law enforcement. This creates a conflict of interest and raises concerns about transparency.

LEOBR also reduces or eliminates police accountability to the public they are supposed to serve. Because disciplinary procedures are enshrined in LEOBR, civilians have no input into this procedure. Strict time limits on filing complaints mean some investigations are prevented by technicalities. Investigations conducted by civilians cannot result in discipline.

Accountability cannot even be enforced by elected officials. As quoted in the Baltimore Sun, Police Commissioner Michael Harrison has asked that LEOBR be changed to allow him to fire officers after a criminal incident without waiting for a conviction. He noted that the current policy leads to cases such as that of Baltimore Officer Wesley Cagle, who was convicted on first-degree assault charges for shooting an unarmed man, but served on the police force for a further two years between the shooting and his conviction.

In order to respond to protect the public from police misconduct and to address concerns about transparency and accountability, small changes are no longer enough. A complete repeal of LEOBR is urgently needed so the public can know that law enforcement agencies are taking police discipline seriously, and not protecting officers who engage in misconduct.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 627**.

Thank you for your time, service, and consideration.

Sincerely,

Katherine Wilkins

10651 Gramercy Pl, Unit 257, Columbia, MD 21044

Showing Up for Racial Justice Baltimore

SB 627 - Repeal LEOBR.pdf

Uploaded by: Yoder, Daryl

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 12. I am testifying in **support of Senate Bill 627**.



Senate Bill 627 would repeal the Law Enforcement Officers' Bill of Rights (LEOBR), a law that makes it more difficult to investigate and discipline police misconduct in Maryland than in almost any other state. LEOBR gives special rights to police officers that ordinary people, including other state employees, do not get. It also prevents communities from investigating misconduct that could lead to discipline. For example, under the LEOBR, police abuse can only be investigated by sworn law enforcement. This creates a conflict of interest and raises concerns about transparency.

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In order to respond to protect the public from police misconduct and to address concerns about transparency and accountability, small changes are no longer enough. A complete repeal of LEOBR is urgently needed so the public can know that law enforcement agencies are taking police discipline seriously, and not protecting officers who engage in misconduct.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 627**.

Thank you for your time, service, and consideration.

Sincerely,
Daryl Yoder

309 Glenmore Ave.

Catonsville, MD 21228

Showing Up for Racial Justice Baltimore

WDC Testimony SB0627_FINAL.pdf

Uploaded by: Koravos, JoAnne

Position: FWA



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

**SB0627 – LAW ENFORCEMENT OFFICERS BILL OF RIGHTS –
REPEAL AND PROCEDURES FOR DISCIPLINE
JUDICIAL PROCEEDINGS COMMITTEE, FEBRUARY 4, 2021
SUPPORT WITH AMENDMENT**

Thank you for this opportunity to submit written testimony to the Senate Judicial Proceedings Committee concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)**. WDC is one of the largest and most active Democratic Clubs in our County, with hundreds of politically active women and men, including many elected officials.

WDC joins more than 70 Maryland organizations in seeking repeal of the Law Enforcement Officers' Bill of Rights (LEOBR), as called for in SB627. We thank the lead sponsor, Senator Jill P. Carter, for her courageous leadership on this issue.

Maryland has been in turmoil, and many Marylanders have been in despair, over the systemic racism in our public safety system – a system that fails to hold law enforcement personnel and their agencies accountable for the injury and death of Black people at the hands of law enforcement officers. This must stop. We call for a new, uniform, fair, and transparent law enforcement disciplinary process, to be adopted by all jurisdictions in the State. Such a process will begin to reestablish the trust that must exist in a democracy, between law enforcement and ALL residents. The very act of repealing the Bill of Rights that sets law enforcement officers apart from, and above, all other Maryland residents is in itself a first step on the road to rebuilding that trust.

By creating a new system of reporting, investigating, and acting on charges of police misconduct, the State would require that law enforcement officers have the same accountability as other civil servants. We believe, however, that the process proposed in SB627 would provide insufficient opportunity for citizen oversight. WDC members, like State Senators, have been in dozens of hearings and meetings on police reforms during the past nine months. The one thing that everyone in these meetings (except members of police unions and a few State's Attorneys) have agreed upon is the need for citizen involvement and oversight in addressing police misconduct and subsequent police disciplinary processes. This is where SB627 falls short. By merely allowing (rather than mandating) some form of citizen review at the local level, the bill fails to satisfy the expressed opinions and needs of citizens who spoke up in all those meetings. **We urge the members of the Judicial Proceedings Committee Carter to incorporate ways for citizens to be more engaged in reviewing perceived police misconduct.**

WDC congratulates the Chair and Committee members for their unflagging work and commitment to a new era in Maryland policing. We look forward to a favorable response to our concern.

Respectfully,

Diana Conway
President

Final BPD bill report for SB 627.pdf

Uploaded by: Wirzberger, Michelle

Position: FWA



BALTIMORE POLICE DEPARTMENT



Brandon M. Scott
Mayor

Michael S. Harrison
Police Commissioner

TO: The Honorable Members of the Senate Judicial Proceedings Committee

FROM: Michelle Wirzberger, Esq., Director of Government Affairs, Baltimore Police Dept.

RE: Senate Bill 627 Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline

DATE: February 4, 2021

POSITION: SUPPORT WITH AMENDMENTS

Chair Smith, Vice-Chair Waldstreicher, and members of the Judicial Proceedings Committee, please be advised that the Baltimore Police Department (BPD) **supports with amendments** Senate Bill 627.

Senate Bill 627 repeals the current version of the Law Enforcement Officers' Bill of Rights and replaces it with a universal system for discipline that ensures consistency amongst agencies across the state of Maryland.

The Baltimore Police Department strongly supports a system of discipline that is fair, provides for due process but also empowers the head of the law enforcement agency with the ability to take the swift disciplinary action that his/her constituents expect and deserve when an officer fails to act in accordance with policy, training and/or law. We believe that this bill, with the amendments discussed below, allows a Chief to take responsible action and ensures that agencies are not required to continue to break the public trust by continuing to pay and/or employ law enforcement officers who have demonstrated an extreme lack of respect for the sanctity of life and/or a flagrant failure to comply with law.

By in large, this bill has a number of important components that the Department strongly supports such as the following elements:

- It mandates that a collective bargaining agreement may not be inconsistent with the provisions of the bill. This ensures that discipline is consistent amongst all agencies which will ensure that agencies can hold officers accountable for any misdeeds;
- Provides that the Chief or his/her designee can take disciplinary action against an officer who has been convicted of a crime, or who receives probation before judgement for a criminal offense, without conducting an investigation or holding a hearing. Individuals who fail to follow the law

should not be permitted to serve as a law enforcement officer. This provision is vital for ensuring that departments are not forced to continue to employ officers who have disgraced the profession, who have credibility issues or who would otherwise be a detriment to their agency;

- The bill indicates that both law enforcement officers and civilians would be empowered to conduct misconduct investigations. This would allow the BPD to hire civilians, with proper training, to help address the Department's misconduct backlog;
- It allows a Chief or his/her designee to suspend an officer without pay and suspend his/her police powers if he/she is charged with a crime. While we wholeheartedly support this provision, we would ask that you go a step further by doing the following:
 - allowing the Chief or his/her designee to immediately terminate an officer once he has been charged; and
 - allowing the Chief or his/her designee to immediately terminate an officer *prior* to charging if the officer has committed a criminal offense that is so egregious and apparent as to shock the conscience and to terminate would be in the best interest of the public and the law enforcement agency.

As currently written, a Maryland Chief would not be permitted to fire Derek Chauvin, the officer who killed George Floyd by kneeling on his neck for a sustained amount of time, until he was charged with the killing. The bill does say that an officer could be suspended with pay on an emergency basis if the suspension "appears to be in the best interest of the public and the law enforcement agency." That incident was so heinous that the only appropriate course of action was to immediately fire Chauvin.

We respectfully request that you empower Maryland Chiefs with the ability to take that action by approving the following amendments:

- Adding the following language on page 15, line 20 after the word may: terminate or...
- Adding a section (D) on line 1 of page 16 which reads: A Chief may terminate a law enforcement officer, who has not yet been charged with a crime, when there is irrefutable evidence that the officer has committed a criminal offense that is so egregious and apparent as to shock the conscience and when termination would be in the best interest of the public and the law enforcement agency to do so.
- To provide law enforcement officers with a means of appeal under this section, we would suggest amending page 18, line 13 by deleting 3-106 and replacing it with section 3-107.

There are similarly a number of elements within the bill that we believe can be improved upon so as to ensure that the disciplinary process is fair yet free of bureaucratic red tape. To that end, we support the following amendments to eliminate some steps that are superfluous and reorder other steps:

- Delete lines 11 through 27 on page 10, all of page 11 and line 1 of page 12 and replace with the following language:
 - If the member does not accept the charges and discipline as explained in the letter provided by the Chief or the Chief's designee, the law enforcement officer may request a hearing within 15 days of receipt of the letter;
 - Within a reasonable amount of time upon receipt of the request for a hearing, the Chief or his designee shall provide notice to the law enforcement officer of:
 - The time and place of the hearing
 - The contested charges to be determined
 - The hearing shall be conducted by a board of 5 members which shall be determined by the Chief. The board shall have at least one Command member who shall serve as the hearing officer and may be made up of a combination of sworn members and up to 2 civilian members as determined by the Chief.
 - The hearing officer selected to preside over the hearing shall not have been involved in the investigation of the allegations of misconduct against the law enforcement officer.
- On page 14, line 10, add the words "or the Chief's designee" so that lines 9 and 10 read as follows: Within 60 days after receiving the proposed findings of fact, the Chief or the Chief's designee shall.
- The Baltimore Police Department fully embraces the goal of establishing oversight and accountability for all law enforcement agencies. Its leadership believes that citizens should play a part in imposing discipline which is why the BPD is the first agency in the state to have 2 voting members on their hearing boards. However, we do believe that Section 3-114, as written, provides circumstances through which the Chief would be completely removed from the disciplinary process. In no other profession is there a situation where the CEO is not empowered to hold their employees accountable for transgressions.

Rather than eliminate the Chief's ability to impose discipline, you should empower him to appropriately take action and then hold him/her accountable if he/she fails to do so. To support that point, in the US Conference of Mayors' report titled *Report on Police Reform and Racial Justice* released in August of 2020, they say, "if we want action, we need to empower the leadership of our police departments and hold those leaders accountable for delivering the results that our communities want and deserve."

What we propose is to repurpose the proposed oversight body so that rather than adjudicate disciplinary matters and impose discipline, they would be empowered to conduct audits on all complete disciplinary actions and then report out any deficiencies or anomalies such that the Chiefs could then be held accountable by the leadership of the county or political jurisdiction that had hired him/her. To support that change, we suggest the following amendments:

- On page 18, lines 18 through 20, strike “adjudicate disciplinary matters and impose disciplinary action for law enforcement officers under this subtitle” and replace with “conduct annual audits of finalized disciplinary cases including the investigative file, to determine the following:
 - that all cases reviewed were investigated fully; and
 - the disciplinary imposed was in line with the agency’s established disciplinary matrix.
- Add a section that states:
 - Annually, the board shall make widely available the following information:
 - number of audits conducted;
 - findings of conducted audits
 - If the oversight body finds any discrepancies, they shall immediately report that finding to the Maryland Police Training and Standards Commission and the Governor’s Office of Crime, Prevention, Youth, and Victim Services.
 - In executing its duties in accordance with this subsection, an oversight body may request additional information from the law enforcement agency that conducted the investigation.
 - Notwithstanding Title 3 of the General Provisions Article, the meetings of an oversight body are not subject to the requirements of the Open Meetings Act.
- On page 18, line 26 after the words subdivision, add the words: who have received training approved by the Maryland Police Training and Standards Commission, on police practices and policies; and...
- On page 19, line 1, strike the word no and add the word “One” so that sentence reads as follows: “One member of the oversight body may be a current law enforcement officer.”

The Baltimore Police Department firmly believes that the amendments proposed within the body of this letter will make the disciplinary system proposed by Senate Bill 627, fair, transparent and effective in rooting out those officers who engage in heinous incidents and thereby allowing all law enforcement agencies to strengthen their relationships with the residents they serve.

Therefore, the Baltimore Police Department respectfully requests a **favorable with amendments** report on Senate Bill 627. Thank you for allowing us to comment on this important piece of legislation. If you should have any questions, feel free to reach me at michelle.wirzberger@baltimorepolice.org or via telephone at 443-915-3155.

MD Judiciary - Testimony SB 627.pdf

Uploaded by: Elalamy, Sara

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 627
Law Enforcement Officers' Bill of Rights – Repeal and Procedures
for Discipline
DATE: January 29, 2021
POSITION: Oppose, as drafted

The Maryland Judiciary opposes Senate Bill 627, as drafted. This bill repeals the Law Enforcement Officers' Bill of Rights and makes other provisions related to the discipline of law enforcement officers.

The Judiciary has no position on the policy aims of this legislation but is concerned with the language on page eight, lines 21 through 24. This language provides that "if a person fails to comply with a subpoena issued under this subsection, **on petition to the State Court Administrator**, a circuit court of competent jurisdiction may compel compliance with the subpoena." This language is also contained on page 12, lines 11 through 14. This language is unusual and problematic as any petition would need to be filed directly with the circuit court regarding a subpoena and not the State Court Administrator. The State Court Administrator does not accept circuit court filings and petitions.

cc. Hon. Jill Carter
Judicial Council
Legislative Committee
Kelley O'Connor

MCPA-MSA_SB 627_Repeal and Replace LEOBR-SWA.pdf

Uploaded by: Mansfield, Andrea

Position: UNF



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith, Jr. Chairman and
Members of the Judicial Proceedings Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 4, 2021

RE: **SB 627 Law Enforcement Officers' Bill of Rights – Repeal and Procedures
for Discipline**

POSITION: **SUPPORT WITH AMENDMENTS**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 627 WITH AMENDMENTS**. Although this bill repeals the Law Enforcement Officer Bill of Rights (LEOBR), it proposes another process to ensure consistency with handling investigations, complaints, and disciplinary actions.

MCPA and MSA feel strongly that there needs to be a statewide uniform complaint and investigative process. Without that, law enforcement officers will be subject to a jurisdiction's general personnel rules resulting in disparate policies governing the actions of officers. Given the nature of the work, uniform processes are necessary to hold officers across the State accountable to the highest degree.

This bill proposes a process that offers to Chiefs and Sheriffs greater authority and flexibility to hold officers accountable for their actions. It is more efficient and stream-lined than the current process and, as a result, will be more effective. However, there are additional provisions that would enhance this authority even more, while still recognizing the due process to which officers are legally entitled. MCPA and MSA request that the Committee consider amending the bill to include the following corrections and enhancements:

- The following classifications should be added to subsection 3-101 (D) (2) as not included in definition of "law enforcement officer":
 - The chief or superintendent of a State law enforcement agency
 - The Sheriff of a county(This is a long-standing omission from the LEOBR that should be corrected)
- Eliminate option for a local jurisdiction to establish an oversight body to adjudicate disciplinary matters and impose disciplinary action (proposed section 3-114) – This

diminishes the role of the Chief or Sheriff in holding officers accountable and would undermine the uniformity that is necessary.

- The bill provides for an appeal to circuit court – MCPA and MSA suggest statutory clarification as to the scope and purpose of this appeal -- is it limited to whether or not the officer is entitled to an agency hearing?
- MCPA and MSA strongly support the bill's provision that authorizes investigative and hearing subpoenas but posit that some clarifying language be included, and that the enforcement process eliminate the State Court Administrator, which appears to be an unnecessary step.
- Section 3-107 warrants consideration and may need clarification concerning the open time limit on discipline based on criminal conduct – it would seem to be unreasonable to have no time limitation with respect to decades-old minor criminal transgressions that could be used to “railroad” an officer later in his career.
- Require that each party bear the costs of its own witness expenses instead of the agency bearing all costs.
- Require “reciprocal discovery” requiring the officer to produce to the agency his evidence in advance of the hearing – limited to the production of witness names, summaries of proposed expert witness testimony and copies of documents expected to be used as evidence in the contested hearing.
- Open Hearing provision should read “closed for good cause, for including *but not limited to...*”
- Include provisions similar to the existing LEOBR that authorize an agency to compel an officer to submit to an interrogation, forensic tests and polygraph examinations that relate to the subject matter of the investigation, including the required notice and use immunity provisions; add the authority to order the officer to produce documents related to the subject matter of the investigation, unless otherwise confidential by law.