



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.

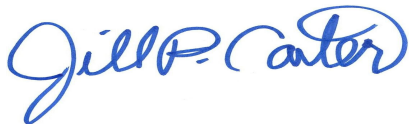
Senate Bill 627 strives to fix this broken system by repealing the current LEOBR and implementing a system that results in better accountability. Specifically, the system under this bill ensures that investigations of police misconduct are more in line with investigations that an ordinary citizen would 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 style with a large, looping initial "J".

Jill P. Carter