



**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Maryland must also ensure that when LEOBR is repealed, local jurisdictions cannot just recreate LEOBR at the local level.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