

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.