

**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.ypforprogress.org/demands>

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