



LAW ENFORCEMENT ACTION PARTNERSHIP

ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

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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