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Toby Ditz
Baltimore, MD 21217

TESTIMONY IN SUPPORT OF SB627

Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Toby Ditz

My name is Toby Ditz and I live in Baltimore City in District 40. This testimony is in support of SB627, Law Enforcement Officers' Bill of Rights - Repeal and Procedures for Discipline.

My Jewish tradition teaches me that “a person who says to themselves, ‘why should I trouble myself? Let my soul dwell in peace’ helps destroy the world.” (Midrash Tanhuma, Mishpatim 2). We have an ethical duty as Jews to act publicly in the face of racial injustice.

The nationwide protests that followed the killings of Breonna Taylor and George Floyd have generated tremendous popular momentum for bold rethinking of policing and public safety, and we must act. The Maryland Coalition for Justice and Police Accountability (MCJPA), has issued a call for statewide, comprehensive police reform. MCJPA and the people of Maryland challenge the General Assembly to seize this moment of opportunity: make real change! Recent polls show that Marylanders expect the legislature to take decisive action and support it.¹

The repeal of the Law Enforcement Officers’ Bill of Rights (LEOBR) is a legislative “must”, and is a prerequisite for making progress toward the main goals we share: stopping the racial harms of police violence; achieving real police accountability; and reducing the scope of policing so that

¹ Wiggins, Ovetta. “Majority of Marylanders support major police overhaul, poll finds.” *The Washington Post*. October 12, 2020.

https://www.washingtonpost.com/local/md-politics/maryland-police-reform-poll/2020/10/11/5c913e46-0a55-11eb-859b-f9c27abe638d_story.html.

we can make serious headway on alternative solutions to public safety. LEOBR provides police with “special protections against punishment for misconduct” enjoyed by no other civil servants in Maryland (except corrections officers).² Maryland was the first state to carve out such special rights in the 1970s: only 14 other states have followed its lead.³ LEOBR in effect allows the police to police themselves. It does its damage primarily by awarding heightened protections for officers in disciplinary proceedings, and then shielding those procedures from public scrutiny. Only sworn officers can investigate misconduct under LEOBR, and civilians are permitted a small role on disciplinary hearing boards, but only Baltimore City is currently including them at all. These self-insulating mechanisms drag out disciplinary processes and create loopholes, so that officers rarely face serious penalties for egregious behavior. They also render civilian review boards ineffective.

Officers deserve the same due process rights as other government employees, but they should not be insulated from prompt and fair discipline for serious misconduct. LEOBR helps to ensure that police violence against black Marylanders goes unpunished, and it is a fundamental obstacle to police accountability and community oversight. We call for its total repeal.

Bold reforms are the only way to lift the unequal burden of over-policing. This moment of opportunity may not come again. In the name of racial justice, now is the time to act. I respectfully urge a favorable report on SB627. Thank you.

² Balko, Radley. “The police officers’ bill of rights.” *The Washington Post*. April 24, 2015.
<https://www.washingtonpost.com/news/the-watch/wp/2015/04/24/the-police-officers-bill-of-rights/>.

³ Baltimore Sun Editorial Board. “Maryland Law Enforcement Officers’ Bill of Rights: an impediment to accountability.” *The Baltimore Sun*. October 22, 2020.
<https://www.baltimoresun.com/opinion/editorial/bs-ed-1023-leobr-repeal-20201022-kwcpst5abne4lezpoto76r77e-story.html>.