

TESTIMONY FOR

SB0166: Criminal Procedure – Police Officers – Duty to Report Misconduct (Maryland Police Accountability Act of 2021)

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I am honored to testify regarding SB0166: Criminal Procedure – Police Officers – Duty to Report Misconduct (Maryland Police Accountability Act of 2021). I am a David M. Rubenstein Fellow at The Brookings Institution. I am also a Professor of Sociology at the University of Maryland and the Executive Director of the Lab for Applied Social Science Research (LASSR). LASSR is a research center that regularly partners with government agencies, organizations, and corporations to conduct objective research evaluations and develop innovative research products such as our virtual reality decision-making program for police officers and incarcerated people.

I have researched policing for a decade, conducted implicit bias trainings with thousands of officers, including in Maryland and with the Department of Homeland Security, and consulting with cities and counties on police reform across the country. I also regularly testify at the federal level and within cities and states (e.g., Maryland, Virginia, Pennsylvania) on law enforcement. In addition to my research, I should note that I come from a law enforcement and military family. My great-uncle was the first Black Chief of Police of my hometown of Murfreesboro, TN and I have other relatives who are police officers as well. My grandfather served in two wars and was awarded a Purple Heart and Bronze Star for his service. My mother was admitted to West Point in the late 1970s. Though my family lineage did not influence my research on policing, it definitely shapes my level of empathy and understanding for the hard work and dedication of law enforcement. It also helps me to know what equitable policing looks like.

This legislation aims to establish a state-wide database for law enforcement officer misconduct and mandates that officers report bad behavior. This is an important piece of legislation and will situate the state of Maryland as being in line with best practices to create equity, transparency, and accountability in policing. It aligns most closely with The George Floyd Justice in Policing Act that passed the House of Representatives in June 2020 on what would have been Tamir Rice's 18th year-old birthday. Rice would be a freshman in college right now.

On November 22, 2014, 12-year-old Tamir Rice was shot and killed by police in Cleveland, Ohio. While playing with a toy gun in a park, 26-year old officer Timothy Loehmann shot Rice within seconds of arriving at the park. In 2016, the city of Cleveland settled with the Rice family for \$6 million. Loehmann was ultimately fired from the police department in 2017 for failing to

conceal information from a previous job with Independence Police Department. Rather than be fired from Independence, Loehmann resigned after he was evaluated as not being able to follow basic commands, losing composure easily, and being easily distracted. In 2018, Loehmann was hired by Bellaire Police Department, but he decided to resign after petitions for his firing. Frank Garmback, the officer with Loehmann when he killed Rice, had a \$100,000 excessive force lawsuit settled in 2014. A woman who called police about a car blocking her driveway ended up being put in a chokehold and beaten by Garmback. This incident does not appear in his personnel file.

But Maryland has its own example. In September 2018, 19-year-old Anton Black was killed by Greensboro Police officer Thomas Webster. Webster previously worked as an officer in Dover, Delaware and left that department after a dash camera showed him kicking an unarmed Black man on the ground and breaking his jaw. Webster was acquitted of assault but left the department. After a settlement, Webster was banned from seeking employment in the city of Dover. He went across state lines and started working in Greensboro, MD. This is where he killed Black. If this database existed, Greensboro Police Department might have made a different decision about hiring Webster and Black would still be alive.

Collectively, my research indicates that many people may still be alive if they did not encounter the officers who killed them. Tamir Rice in Ohio should still be alive. Antwon Rose in Pennsylvania should still be above. George Floyd in Minnesota should still be alive. And, Anton in Maryland should still be alive. All of these officers would be on a misconduct list established by this legislation.

The Duty to Report Misconduct Bill will ensure that officers who engage in misconduct cannot simply resign or be fired and go work for another law enforcement agency. This is how bad apples rotten the tree of policing. When people apply to be an officer, part of their background check should be ensuring they are not on this list.

My research further shows this bill will protect good police officers who are often times forced to continue working with officers they know are not suitable for the profession. Protecting good police so they can protect and serve their communities should be the focus. This legislation gets the state of Maryland closer to this goal.

Reporting at the state level is central to having additional accountability beyond what happens within departments or local municipalities. State oversight protects officers who report bad behavior. Officers who wish to report bad behavior should not face internal stigma and sanctions for doing what cops should do—monitor bad behavior and ensure that wrongdoers, whether inside a police department or not, are held accountable. My research shows that officers who report bad behavior are less likely to be promoted, more likely to be transferred, and more likely to face internal stigma and sanctions. This is the case with the group of officers in Prince George's County who bravely spoke up about racial and gender discrimination within the department.

Maryland can be a leader in establishing state-wide databases for misconduct and mandating reporting by law enforcement. Eventually, this will become common practice at the federal level and Senator Sydnor's legislation places Maryland as a national leader in this space.

References

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