
February 9, 2021

The Honorable Luke Clippinger
Chair, House Judiciary Committee
101 House Office Building
Annapolis MD 21401

***RE: Letter of Information – House Bill 151 – Law Enforcement Officers’ Bill of Rights -
Repeal***

Dear Chair Clippinger and Committee Members:

The Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) and the Maryland Transportation Authority (MDTA) Police Forces take no position on House Bill 151 but offers the following information for the Committee’s consideration.

As proposed, House Bill 151 would repeal, without replacement, the Law Enforcement Officers’ Bill of Rights (LEOBR), eliminating the administrative protections of law enforcement officers afforded by the LEOBR. Currently, the LEOBR ensures that officers cannot be impulsively disciplined without evidence of wrongdoing. The LEOBR has no bearing on criminal investigations and conveys no additional rights than those already held by any other citizen and apply only in the unique context of policing. Nothing in the LEOBR prevents unprincipled officers from being terminated for just cause; on the contrary, the repeal of the LEOBR will ultimately create uncertainty for our officers, who regularly make split-second decisions in the line of duty, if their actions become subject to disciplinary review.

Repeal of the LEOBR will also potentially expose the disciplinary process to unaccountable interference by internal and external forces. Furthermore, the removal of the LEOBR would lead to significant associated costs, as the discipline of officers would revert from the initial hearing process with appeal statutes of the Circuit Court, to our respective Unions’ Collective Bargaining Agreements (CBAs) which guarantees binding arbitration. As such, each disciplinary action may lead to an arbitration hearing which will cost the MDOT MTA and MDTA legal fees to defend its position of discipline. Lastly, there may be unforeseen associated (liability) costs with the retaining of officers, who should have otherwise been terminated due to losing a binding arbitration hearing.

While the MDOT MTA and MDTA Police Force appreciate the intentions of the bill sponsor, enacting the broad repeal of the LEOBR without supporting evidence justifying its removal and without prescribing alternative policies and procedures, will neither improve public safety nor increase accountability. The repeal of the LEOBR would allow undo political and union influence in the discipline of officers, would erode the Chief of Police’s authority to maintain

good order and discipline of the department, and the potential for binding arbitration of discipline matters will expose law enforcement agencies to the negligent retention of officers.

Since its inception, the LEOBR was designed to protect good officers from the potential harms of unreasonable investigations and maltreatment during the discipline process. These long codified constitutional due process rights remain necessary now more than ever, particularly given the current public climate towards law enforcement.

For these reasons, the Maryland Department of Transportation Maryland Transit Administration and the Maryland Transportation Authority Police Forces respectfully request that the Committee consider this information when deliberating House Bill 151.

Respectfully submitted,

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