



HB 151 – SUPPORT

Emil Parker

Takoma Park Mobilization

parker_emil@yahoo.com; 443-627-0368

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REPEAL OF LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

House Judiciary Committee

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Dear Chair Clippinger and Members of the House Judiciary Committee:

My name is Emil Parker. I am testifying on House Bill 151, on behalf of Takoma Park Mobilization. Takoma Park Mobilization, with over 2,300 members, is committed to ensuring that the General Assembly takes advantage of this unprecedented opportunity to enact meaningful policing reform legislation.

Accordingly, I am expressing our strong support for HB 151, which would repeal the Maryland Law Enforcement Officers' Bill of Rights (LEOBR).

Due largely to LEOBR, police officers in Maryland effectively operate under rules they make themselves. They enjoy special rights – in particular, a pre-disciplinary hearing before a board where their fellow law enforcement officers are in the majority – which are not available to other public sector employees. If this majority police officer board finds the officer not guilty – i.e., they side with their fellow officer – the chief of police is barred from imposing any discipline, no matter how clear and grave the offense.

As a result, it is exceedingly difficult to hold police officers in the state accountable for excessive use of force, violating the civil rights of Maryland residents, and otherwise breaking the law or egregiously failing to comply with departmental procedures.

In addition, complaints can be expunged within three years, at the request of the officer if, for example, the majority law enforcement officer board ruled in favor of the officer. The expungement of past complaints can make it impossible to identify officers with a long record of such complaints, even allowing them to claim a clean record when yet another complaint is filed.

LEOBR, regardless of the historical intent, has the effect of shielding problem officers from accountability, allowing them to remain on the job and continue committing similar offenses. This erodes community trust in the police and tarnishes other officers, making their jobs much harder.

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For all of these reasons, LEOBR must be fully repealed. Some maintain that the General Assembly can't repeal LEOBR without replacing it with ostensibly better legislation. This is a puzzling argument, since 34 states and DC do not have a LEOBR or a comparable statute. Simple repeal would put Maryland in line with the majority of states.

After repeal, police officers would still have due process rights, of course – the same rights as their fellow state and local employees, as well as any other collectively bargained rights. They would, however, no longer have special rights, foremost among them protection from accountability, conferred by the state.

Maryland was the first state in the country to put a Law Enforcement Officers' Bill of Rights in place, in 1972. Unfortunately, 15 states have followed in our footsteps since then, so we have a special responsibility to set a positive example by repealing LEOBR. Perhaps some of those states will again follow our lead, in the right direction this time.

We urge a favorable report on HB 151. Thank you for your consideration.