

**Testimony for the House Judiciary Committee
February 9, 2021**

HB 151– Law Enforcement Officers’ Bill of Rights – Repeal

FAVORABLE

To Chairman Clippinger, Vice Chair Atterbeary, and Committee members,

My name is Erica Hamlett and I live in Baltimore County, Maryland. I am testifying in support of HB 151 to repeal the Law Enforcement Officers’ Bill of Rights (“LEOBR”) and create a streamlined system without the procedural barriers that prevent discipline. This bill is about racial justice and holding officers accountable for the violence, abuse, and trauma they inflict on the community, mostly Black and Brown residents.

In November 2017 my son was approached by a stranger near our home in Howard county. It was around 3:45 in the afternoon. The man was wearing a black hoodie and blue jeans. My son’s van pick-up was late so he and a friend stopped to wait. The stranger asked my son and his friend “What they were doing in the area because they didn’t look like they lived around there”, they responded that they were just about to finish walking home from school and had stop to wait to be picked up. The person kept asking them to justify their presence in their own neighborhood. Finally, my son asked to be left alone after the stranger said someone was going to call the police on them, my son’s response was “Go ahead and call the police, you are harassing us”. Other people were outside getting their children off school buses coming in and out of their homes and no one thought the teens, wearing bookbags, only a few blocks from school looked out of place. After a few more questions the unidentified man pulled a gun on him! It was revealed that he was an off-duty Baltimore City Police Officer who lived across the street and assumed the kids didn’t live in the area.

Before and during our internal affairs interview I asked and they did not share if the officer had been suspended or where he was working. This officer admittedly pulled his service weapon on a 16-year-old child. He had an open peace order against him for doing so, made false statements to Howard county police and in court, but was still permitted to continue to work and carry is service weapon. It was through a Baltimore Sun article that we learned the same officer broke a suspect’s jaw and that there were broader litigations against him for fraud and theft.

Once the Internal Affairs’ investigation was completed, I received a call stating the officer would be charged departmentally and a letter would be sent via certified mail. After I gave the sergeant my correct address, a letter was forwarded from an old address and read, “That there was enough evidence to sustain the allegations” thanking me for my time and voicing my concerns. But the letter had no indication of what, if any, punishment or disciplinary action would be taken then or in the future. My family and I didn’t know if the officer was still working, on the street, has a gun, or is on desk duty. We lived in constant fear that we could encounter him while he’s on duty. We moved from Howard County to Baltimore County, because living near him was too much for my family. We travel to Baltimore city often and whenever we do the uneasiness

lingers because my son and family have no idea if this officer is still on duty. Using Case Search we found out that he was still on active duty at least until September, 2018 at which point, I could not find any further information on his activities.

What happens next has my son and family terrified! Even if he's terminated will he still be permitted to carry a weapon? Will he be allowed to work in law enforcement somewhere else? What background information would be accessible to future employers? Who protects victims? We need more transparency!

As you know, Maryland was the first state to create this type of law, and Maryland's LEOBR is considered to be the most extreme in the country. LEOBR protects officers from accountability by giving them special due process rights that go beyond what is required under the Constitution. For instance, there is no reason why complaints need to go through a hearing board process before officers can be disciplined. As a result of LEOBR's extra rights, only a few officers receive any discipline at all. In the vast majority of incidents of violence and misconduct, the officer receives no discipline and is not held accountable. LEOBR also allows police chiefs to escape accountability because they can say that it was the hearing board that made the decision, not them so their "hands are tied". This is why it is so important to have a transparent and streamlined discipline process that allows for us to know exactly who is responsible for holding officers accountable.

I believe that officers should have the same rights and not be treated differently than any other state or local employee, especially since officers have so much power in the community – literally making life or death decisions. They should not be given extra rights.

Maryland must also ensure that when LEOBR is repealed, local jurisdictions cannot just recreate LEOBR at the local level. That is why it is important that this bill prohibits local laws and collective bargaining agreements that conflict with the due process rights and procedures laid out in the bill.

HB 151 is a necessary bill so that Maryland finally stops shielding officers from accountability. Now is the time for a full repeal of LEOBR. I urge a favorable vote on HB 151.

Sincerely,
Erica Hamlett