

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 Rev. Marguerite Morris and I live in Odenton, Maryland. I’m formally submitting my written testimony 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.

I am the founder of For Kathy’s Sake, Community Actively Seeking Transparency (C.A.S.T.), and the mother of a deceased young woman named Katherine Sarah Morris. I have been in an eight year legal battle with police calling for greater transparency and accountability in matters related to her death. While I support all five of the ACLU’s policing priorities, this testimony is provided **in support of HB 151-Law Enforcement Officers’ Bill of Rights –Repeal.**

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.

My organization is in part made up of persons impacted by bad policing. So I know first the behind the scenes traumatization that occurs when those that have harmed others go unpunished. I know firsthand the tears of mothers that felt they couldn’t protect their children from the abuse of a bad police officer. They made their complaints, they followed the process, they’ve written their letters, cried their tears and carried their protest signs. But after all of that there comes a form letter that doesn’t even give them the dignity of saying you have been heard or someone, any one has been held accountable for their actions against you, and/or your loved one. You are a victim with a faceless perpetrator.

My organization recently met with the Internal Affairs Department of the Anne Arundel County Police Department about how their Internal Affairs handles incoming complaints. They did not even have in place a written form that recorded what a complainant had complained about, or who they had complained on, that was given to the complainant at the time of their complaint.

That police department was founded in 1937. How is it that in 2020 that police were not even acknowledging, in writing to the complainant, this information? It is completely left up to them how they categorized the incoming complaints on an officer. That is too much internal control. Too much internal decisions making shielded from the public's eyes. The complaining person never sees how their complaint was categorized, labeled, filed, addressed or even tracked. No external record of how many times the offender has offended.

Your honors, there are impacted hurting persons behind these decisions and I see firsthand the persons that just want someone to give them the dignity of knowing that whatever they went through, it mattered to somebody, somebody was held accountable, and somebody was listening. Can Maryland stop facilitating the re-traumatization of persons by denying them at least knowing that someone's been held accountable. At least acknowledging that what happened to them is of importance to somebody. These old laws that are in the old books need repealing. Is it not time that we as a community and collective group of leaders start allowing transparency which will bring greater accountability by taking a law off the books that may have been intended for good but is now being used as a weapon of abuse.

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.

We must stop continuing to empower abusers to abuse. Police, policing themselves continue to give rise to conflicts of interest that have become a barrier to oversight in my own county. We as a Nation must rise up and do better. I charge you that as this country continues to cry out for justice for the unjust killing, or beating, or knee necking of our children, that you rise to the occasion and allow this bill to go forward and be enacted into law.

As an impacted voter and community leader, I urge a favorable vote on HB 151.

Thank you,

**The Mother of Katherine Sarah Morris,
Marguerite Morris and the Friends of "For Kathy's Sake"**