

**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 Emma Buchman and I live in Severna Park, 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.

I have worked as a community organizer for over two years, currently serving as the deputy director of a local nonprofit (however, I am speaking as a private citizen). Racial justice is one of the principal spheres in which I work.

Time and again, I see the police department use their grossly extensive and unchecked powers to escape accountability.

I see the pain of the victims of police brutality and misconduct. I see the fear of Black and Brown parents who are terrified that their children will never return home to them because of the color of their skin. I see the hopelessness as impacted people and families try for years (and yes I do mean years) fighting for even a sliver of a chance of accountability for officers who abused their power and blatantly disregarded their oaths and abandoned those they are sworn to protect.

I work extensively with community leaders of color who have been fighting for police and justice reform for decades. I see time and again as impacted people bear their souls and share their pain in their efforts to hold the officers and departments that hurt them accountable, only for their experiences to be belittled or ignored. It is, frankly, appalling that their voices and experiences have been clearly ignored by this legislature for so long.

It is an established fact that white supremacist organizations have infiltrated police departments across the country. It is also an established fact that our entire justice system is corrupted by systemic racism and implicit bias. Maryland is no exception to this problem. This has been proven time and again and explained through research, books, scholarly articles, and, most importantly, the daily experiences of Black and Brown people across the country. Denying this problem will not make it go away. And ignoring the legitimate fears and experiences of Black and Brown people is not only unacceptable, but cruel. Upholding LEOBR only perpetuates this implicit bias and makes it nearly impossible to hold officers accountable.

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,
Emma Buchman