

Testimony for the House Judiciary Committee
February 9, 2021
HB 151–Law Enforcement Officers’ Bill of Rights – Repeal
FAVORABLE

Dear Chairman Clippinger, Vice Chair Atterbeary, and members of the Committee,

My name is Darlene Cain and I live in Baltimore City, 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.

This means so much to me because I lost my son, Dale Graham on October 28, 2008 to a Baltimore City Police Officer. I never received information on the officer’s background or had my day in court. We cannot sit back and allow an officer to be the judge, jury and executioner while mothers and families are left voiceless. Instead of attending hearings for police accountability in a court room for wrongful actions, we are planning funerals and burials. If the roles were reversed, families of police officers would want justice for their loved one’s life that was taken unjustly. Dale’s dreams, like so many others, were stolen. Mothers, fathers, and families are left traumatized; visiting gravesites on birthdays and holidays while violent officers can continue their job and see their families. Dale has two daughters that are now fatherless. Sadly, our new normal is to mourn with unanswered questions. We demand accountability, starting now.

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,
Darlene Cain