

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

To Chair Clippinger, Vice-Chair Atterbeary and Members of the Committee:

My name is John A Spillane and I live in Hyattsville Maryland where I serve on the Steering Committee of Our Revolution Prince George’s, a chapter of Our Revolution 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.

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 officers should have the same rights and not be treated differently than any other person, especially since officers have so much power in the community – literally making life or death decisions. They should not be given special rights.

Maryland must ensure that when LEOBR is repealed, local jurisdictions cannot just recreate LEOBR at the local level.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. Case in point: HB1016-passed in the 2016 Legislative Session which empowered Chiefs of Police to appoint Citizens to internal Police Trial Boards has yet to actually be implemented within Prince George’s County. This is due in large measure to the collective bargaining agreements advocated by the Fraternal Order of Police (FOP) which has effectively nullified state law-a moral and ethical disgrace.

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,
John A. Spillane
Our Revolution Prince George’s