



HB151 – SUPPORT

Ilhan Cagri, Ph.D.

**Silver Spring Justice Coalition; Muslim Public Affairs Council; Muslim Voices Coalition
ilhancagri@gmail.com; 301-404-2247**

**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 Ilhan Cagri. I am testifying in support of HB 151 on behalf of the Silver Spring Justice Coalition. The Silver Spring Justice Coalition (SSJC) is a coalition of community members, faith groups, and civil and human rights organizations from throughout Montgomery County. We envision a state and county where community and individual needs for safety are met while harm by police is eliminated. I also represent the Muslim Public Affairs Council, a national public affairs nonprofit organization working to promote and strengthen American pluralism by increasing understanding and improving policies that impact American Muslims, and the Muslim Voices Coalition, a coalition of Maryland Muslims and allies promoting the rights of minorities in our state.

I write to express the views of the members of these organizations who all strongly support HB 151 to repeal the Law Enforcement Officers’ Bill of Rights (“LEOBR”) and create an equitable and efficient system removing the procedural barriers that prevent discipline for police misconduct. This bill is about racial justice and holding those officers who inflict violence, abuse, and trauma on the mostly Black and Brown residents of the community, accountable.

LEOBR provides police officers in Maryland special protection from accountability because the police effectively operate under self-rule, i.e. they have special privileges not available to any other public sector employee. For example, before any disciplinary action for misconduct can take place, Maryland police officers are provided a hearing before a board where their fellow law enforcement officers are in the majority, certainly not a disinterested or unbiased group. Furthermore, if this majority police officer board finds in favor of the offending officer, the chief of police is barred from imposing any discipline, no matter how clear and grave the offense. This

situation also compromises the police chief, as he too faces no accountability if he is lax with wayward officers who receive favorable outcomes from the not-impartial hearing board.

The consequence has been that in Maryland it is exceedingly difficult to hold police officers accountable for any transgressions including the excessive use of force, violating the civil rights of Maryland residents, or egregiously failing to comply with departmental procedures, not to mention other illegal acts.

The effect of LEOBR became personal for me when Robert White, who lived his entire life in my neighborhood, was killed by a Montgomery County police officer in June 2018. Mr. White was an unarmed Black man taking a walk in broad daylight in his own neighborhood as was his daily habit. The police officer who happened to be in the neighborhood, approached Mr. White because his ripped jacket made him appear “suspicious”. The officer escalated the encounter to such an extent that he ended up shooting and killing Mr. White. That officer is still on the police force.

Because of the combination of LEOBR and our restrictive Public Information Act, we know nothing about the officer who killed him. Was he someone with a history of bad interactions with the community, or with Black people in general? Was he someone the community had filed complaints about and who had gone before a board? There is no way to know. If the officer had a history of past complaints, LEOBR would permit him to expunge them. Thus, there is no way to identify officers with problematic records or a history of complaints from the communities they are supposed to serve and protect. We also know nothing about what, if any, disciplinary measures the MCPD imposed on the officer who killed Mr. White. Thus, not only did LEOBR fail to protect Mr. White, but it fails to protect other people of color from officers with a propensity to escalate encounters, and it deprives us of the opportunity to hold our own police force accountable for harming one of our community members.

LEOBR has effectively shielded problem officers, like the one who killed Mr. White, from accountability, allowing them to remain on the job and to potentially commit similar offenses. This erodes community trust in the police and tarnishes other officers, making their jobs much harder. LEOBR has eroded my trust such that I would definitely hesitate in calling the police if there were an non-violent incident involving a person of color.

Moreover, Robert White’s killing changed my view of the safety of my own neighborhood. I used to tutor high school students in my home. Some of those students would arrive by bus, and walk the few blocks from the bus stop to my home. After the killing of Mr. White I became terrified at the prospect that one of my Black students would also come to harm at the hands of “overzealous” police, particularly if the student came in the evening. I stopped tutoring out of an abundance of caution. I couldn’t very well say, “I’m afraid for your safety, so I’m not accepting students of color.”

It is clear that LEOBR must be fully repealed. The argument that LEOBR cannot be repealed without better legislation in its stead does not hold because 34 states and the District of Columbia do not have such a Law Enforcement Officers’ Bill of Rights or a comparable statute. Repeal of LEOBR would put Maryland in line with the majority of states.

No one is saying that police officers should not have due process rights, or any other collective bargaining rights. These would be the same as those enjoyed by all other state and local employees. The issue is to correct the imbalance of special rights conferred upon them by the state, which are made even more stark due to the power law enforcement holds over citizens. It is precisely because of this excess power that accountability must be made paramount, in order to prevent abuse, and in order to maintain the trust so necessary between the police and the citizens they serve.

Finally, it is most unfortunate that Maryland was the first state in the country to enact a Law Enforcement Officers' Bill of Rights. Since its enactment in 1972, fifteen states have followed our misguided example. Instead of leading in better, more transparent policing, we led in protecting malfeasant officers. It now behooves us to right that misdirection and to send a message: healthy community-police relationships and good police practice cannot be maintained with LEOBR.

We urge a favorable report on HB 151. Thank you for your consideration.