



Unitarian Universalist Legislative Ministry of Maryland

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Testimony in Support of HB 151 - Law Enforcement Officers' Bill of Rights - Repeal

TO: Chairman Clippinger and Members of the House Judiciary Committee

FROM: Stephen C. Buckingham, Chair, Unitarian Universalist Legislative Ministry of Maryland.

DATE: February 9, 2021

Unitarian Universalists affirm the inherent worth and dignity of every person, promote justice, equity and compassion in human relations, and seek a world community with peace, liberty, and justice for all. It is "justice for all," the equal protection of the law that is at issue here.

First of all, we must affirm that the protections of the law must apply to everyone, including those accused of crimes and law enforcement officers alike. This was the basis of the holding of the U.S. Supreme Court in *Garrity v. New Jersey*, 385 U.S. 493 (1967), which applied the right to be free from compulsory self-incrimination to police officers suspected of criminal wrongdoing in internal and administrative investigations. It was this ruling that led ultimately to the adoption of Maryland's Law Enforcement Officers' Bill of Rights (LEOBOR).

Maryland's LEOBOR goes beyond protecting officers' right against self-incrimination and includes such matters as: (1) the right to engage in political activity, (2) the regulation of secondary employment, (3) withholding disclosure of property, income, and other information unless necessary to investigate a possible conflict of interest with respect to the performance of an officer's official duties, and (4) protection from retaliation for exercising his or her rights, and (5) the right to bring suit that arises out of the law enforcement officer's duties. (Public Safety Article, 3-103). We have no argument with these statutory rights, and we do not ask that they be repealed.

It is in the subsequent statutes that the LEOBOR goes far beyond the *Garrity* ruling by establishing strict procedures for interrogation of officers (3-104), time limitations on administrative charges (3-106), detailed procedures for administrative hearings (3-107), and requirements for administrative actions under 3-108 which are shielded from disclosure under the Maryland Public Information Act as confidential personnel decisions. The result of these provisions is to make it extraordinarily difficult to hold police accountable for misconduct and even criminal acts, even those committed while exercising the great power entrusted to them in performing their duties to serve and protect the public.

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We contend that most of the provisions relating to interrogation of police officers are unnecessary and hamper prompt investigation of incidents. For example, no other person suspected of wrongdoing is allowed to delay interrogation for up to five days if they cannot get a lawyer. This does not protect police from self-incrimination; it impedes investigation. These statutes should be repealed.

Should a law enforcement agency's attempt to pressure an officer to make disclosures that would tend to incriminate him or her, the holding in *Garrity* would come into play to prohibit such agency actions. We see no need to elaborate in Maryland statute any additional procedures to govern interrogation, much less hearings and administrative actions after investigation is completed.

House Bill 151 is a step towards the equal protection of all those suspected of wrongdoing by removing unnecessary and counterproductive impediments to holding all accountable for their actions. For these reasons, we ask the Committee for a favorable report.

Thank you.

Stephen C. Buckingham

Lay Community Minister and Chair
Unitarian Universalist Legislative Ministry of Maryland