

**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 **Tracy Shand** and I live in **Montgomery County**, 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.

My brother Leonard Shand a black man was killed on September 26, 2019, at the intersection of Belcrest and Toledo Road, Hyattsville MD. My brother was killed by the Prince Georges County, Hyattsville, and Mount Rainer Police Officers without justification. The officers created a dangerous situation by throwing an unauthorized flash bang grenade, within sec after firing a bean bags at Leonard, and when he reacted by moving away from the blast, they shot him over 44 times. Then create a false narrative stating that he was in the process of attacking an officer. Prior to engaging in a prolonged pattern of physical violence against Mr. Shand, that includes kicking him and trying to hit him with a car. At no time did the officers seek assistance from the Medical Unit, Crisis Center, or any intervention resources unit that specialize in mental illness.

These officers used excessive force in continuously escalating a situation that could have deescalated by calling any form of a medical unit, talking Mr. Shand down, and employing dangerous measures like flash bangs when the situation did not call for it. The use of the flash bang was excessive force when Mr. Shand did not pose an imminent threat to anyone at the time it was used. Once used, Mr. Shand reacted by moving away from it, and was shot to death under circumstances where he did not pose a threat of harming anyone. These officers were protected by the Law Enforcement Bill of Rights, and they were not charged with any of the crimes they committed or received any form of discipline.

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. If the officer commits the crime discipline should be giving, and not debated about within a committee that doesn’t have any real authority. 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 another way out for the chiefs of police to continue to follow a corrupt system. 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. If this continues to take place, then more people in the community will continue to be affected by this unjust system.

I believe that officers should have the same accountability as any other citizen 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 and/or special rights where they can escape proper assessment of their actions.

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,
Tracy Shand