LAW ENFORCEMENT ACTION PARTNERSHIP

ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

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To: Delegate Luke Clippinger, Chair
Delegate David Moon, Vice Chair, and
Judiciary Committee

From: Major Neill Franklin, Ret., on behalf of the
Law Enforcement Action Partnership (LEAP)

Support – House Bill 0123

Pensions & Retirement – Forfeiture of Benefits – Law Enforcement Officers

Hearing: Tuesday, March 1, 2022

Distinguished members of the Committee, thank you very much for the opportunity to present the views of the Law Enforcement Action Partnership (LEAP) in support of House Bill (HB) 0123.

The Law Enforcement Action Partnership's mission is to unite and mobilize the voice of law enforcement in support of drug policy and criminal justice reforms that will make communities safer by focusing law enforcement resources on the greatest threats to public safety, promoting alternatives to arrest and incarceration, addressing the root causes of crime, and working toward healing police-community relations.

I have served in three Maryland police agencies as a commander, the Maryland State Police as the head of training and Criminal Investigations, the Baltimore Police Department as the Chief of Human Resources and head of training, and the Maryland Transit Administration as the head of Internal Affairs and the Office of Professional Standards. We train our police officers to be accountable servants to the community and upon leaving the academy; this is who they believe they are. But because of the problematic policing culture of misconduct cover-ups and <u>lack of accountability</u>, many potentially good police officers are quickly influenced by those we fail to hold accountable, and that accountability comes in many forms.

I'll begin with addressing accountability in the form of consequences. Consequences for police misdeeds begin with administrative sanctions (reprimands to employment terminations). In rare cases, consequences rise to the level of criminal prosecution and convictions, but we know these are far and few between, even when we know laws have been broken. There needs to be another potential consequence for the most serious misdeeds and that is the loss of government paid pensions.

HB0123 addresses the necessity of losing government paid pensions (benefits) when law enforcement officers violate their oaths and betray the public's trust. It should be clear that when a trusted employee fails to abide by their contract (oath of office), any and all employee benefits should be immediately and permanently revoked.

You may receive and hear testimony from others that this proposed legislation is unfair to the police officers who have devoted their lives to protecting and serving the public, even to the extent of placing their lives on the line. Understand that this legislation applies only to criminal acts, not administrative violations.
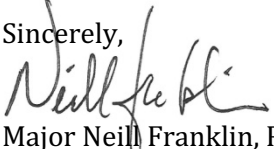
Police officers and policy makers, such as you, tend to believe that crime should never pay. When the average citizen breaks the law, is prosecuted and convicted, we ensure that he/she never profits from their criminal behavior. We even go to the extent of seizing monies and property of the convicted, and many times we pursue restitution for the state and victims. We also believe in deterrents for reducing crime and bad behavior. Believe me when I tell you, this would be a very powerful deterrent for criminal police behavior.

The law enforcement members of LEAP were disappointed in learning that the Fraternal Order of Police opposed this legislation. Support for this legislation will bolster police recruitment efforts because many young people have chosen not to become part of what many believe to be a corrupt profession. HB0123 brings a strong sense of integrity into the policing profession. Not supporting this legislation is rewarding criminal behavior and demonstrates an unwillingness to hold corrupt police officials accountable.

It is also important to point out that there are many remedies to ensure a level of fairness for those potentially impacted, including the officer. HB0123 establishes an avenue for only a partial loss of benefits. It also takes into account financial situations of spouses and children.

In closing, it is important that we have consequences for all who commit crimes, but understand that it is more important that we have appropriate consequences for those committing crimes who have betrayed the public's trust. Citizens should not be compelled to pay benefits to those who violated their trust and oath of office.

It is for these reasons that we, members of the Law Enforcement Action Partnership, support HB0123 and ask that you, the members of this committee, give HB0123 a favorable report.

Sincerely,

Major Neill Franklin, Ret.
Treasurer
*Formerly with the Maryland State Police, Baltimore Police Department and Maryland Transit Police Force