

**MTA Favorable SB 752 3-14-2023.pdf**

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Position: FAV



# M a r y l a n d Troopers Association



INCORPORATED 1979

March 14, 2023

The Honorable Will Smith, Chair and Members of the Judicial Proceedings Committee

**RE: SB 752- Police Discipline - Order to Show Cause**

**POSITION:            SUPPORT**

The Maryland Troopers Association (MTA) has a membership strength of approximately 2,629 members of which 1,120 are active sworn Troopers involved in traffic and criminal enforcement throughout the State of Maryland.

We support Senate Bill 752 because we believe it would ensure that law enforcement agencies remain accountable, without encroaching on the rights of law enforcement officers. If a case is dismissed, there is a possibility that the parties involved would not be held accountable for misconduct. We believe this bill benefits everyone as it makes certain that both the agency and officers remain accountable.

Therefore, the Maryland Troopers Association supports SB 752 and requests a favorable report.

Brian Blubaugh  
President  
Maryland Troopers Association

# **3\_14\_23 SB752 Police Discipline - Order to Show Ca**

Uploaded by: Ericka McDonald

Position: UNF



## Testimony to the Senate Judicial Proceedings Committee

### SB752 - Police Discipline - Order to Show Cause

#### Position- Oppose

By: Nancy Soreng

Date: 3/14/2023

The League of Women Voters is a nonpartisan organization that works to influence public policy through education and advocacy. The League advocates against systemic racism in the justice system and, at a minimum, for preventing excessive force and brutality by law enforcement. **The League supports a criminal justice system that is just, effective, equitable, transparent, and that fosters public trust at all stages.**

The League supported the repeal of the Law Enforcement Officers Bill of Rights (LEOBR), which was enacted into law as part of the Maryland Police Accountability Act of 2021. LEOBR granted protections to law enforcement officers that no other public employee enjoyed. Additionally, LEOBR limited investigations of misconduct, leading to only a very small percentage of complaints actually resulting in discipline.

#### **The repeal of LEOBR is crucial to holding police accountable for misconduct.**

Senate Bill 752 would roll back this accountability. The bill would allow police officers to interrupt disciplinary proceedings by going to court to argue that their procedural rights have been violated. This is unnecessary as there is nothing currently hindering them from appealing their discipline to the Circuit Court.

**This bill is an attempt to disrupt the police accountability process.** Holding law enforcement officers accountable for their actions is essential to create the trust between communities of color and police. That trust is necessary for law enforcement's ability to keep communities safe.

The League of Women Voters, Maryland, representing 1500+ concerned citizens throughout Maryland, **strongly urges an unfavorable report on Senate Bill 752.**

**sb752.pdf**

Uploaded by: Matthew Pipkin

Position: UNF

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Matthew J. Fader  
Chief Justice

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 752  
Police Discipline – Order to Show Cause  
**DATE:** February 15, 2023  
(3/14)  
**POSITION:** Oppose, as drafted

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The Maryland Judiciary opposes Senate Bill 752, as drafted.

The Judiciary has no position on the policy aims of this legislation or the bill's overall intent. We write to make the Committee aware of an inherent statutory conflict. Public Safety § 3-106(k) allows appeals of trial board decisions to be taken in the circuit court for the county where the incident giving rise to the disciplinary proceeding occurred. However, this bill would require officers of statewide or bi-county agencies to file these particularized show causes in the Circuit Court for Anne Arundel County only. That provision, on page 2, lines 4-6, causes conflict and is the drafting issue about which we note our opposition.

cc. Hon. William Folden  
Judicial Council  
Legislative Committee  
Kelley O'Connor

**CASA\_UNF\_SB752.pdf**

Uploaded by: Ninfa Amador

Position: UNF



**UNFAVORABLE Testimony of SB 752**  
Police Discipline - Order to Show Cause

Senate Judicial Proceedings Committee

March 14, 2023

Dear Honorable Chair Smith and Members of the Committee,

CASA is the largest immigrant services and advocacy organization in Maryland, and in the Mid-Atlantic region, with a membership of over 120,000 Black and Latino immigrants and working families. Our mission is to create a more just society by building power and improving the quality of life in working-class and immigrant communities. We envision a future where our members stand in their own power, our families live free from discrimination and fear, and our diverse communities thrive as we work with our partners to achieve full human rights for all.

CASA strongly urges an UNFAVORABLE report on SB 752. In 2021, the Maryland Coalition for Justice and Police Accountability (MCJPA), this committee, and the General Assembly worked tirelessly to bring justice to families and communities that have been egregiously wronged by our policing system by enacting landmark police accountability measures with the passage of the Maryland Police Accountability Act of 2021- Law Enforcement Officers' Bill of Rights (LEOBR)- Repeal and Procedures for Discipline. This legislation was brought forth by the movement for police accountability and reform spurred by the 2018 death of Anton Black, a 19-year-old Black teen who died in police custody after being restrained by three Greensboro police officers in Caroline County on Maryland's Eastern Shore. He was one of 31 people who died that year through the actions of police, according to the Governor's Office of Crime Control and Prevention.<sup>1</sup>

Black and Latino communities have been and continue to be disproportionately affected by police violence. Data from the Governor's Office of Crime Control and Prevention showcase the disparity that Black Marylanders face in their interaction with police, especially in deaths involving law enforcement officers. Our communities have lacked the necessary tools they need to keep individuals in positions of authority accountable, but recent policy changes have provided our communities with these tools to ensure that justice and accountability are taking place. However, these systems and tools have not been in place long enough for our communities to see change. Instead, there are policies that seek to undo the efforts of the Maryland Police Accountability Act of 2021. SB 752 brings back yet another feature of the LEOBR, allowing police officers to interrupt disciplinary proceedings against them by going to court to argue that

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<sup>1</sup> <http://goccp.maryland.gov/wp-content/uploads/Deaths-Involving-a-Law-Enforcement-Officer-2018.pdf>



their procedural rights have been violated. This is unnecessary as there is nothing hindering them from appealing their discipline to the Circuit Court.

**CASA, as a member of the Maryland Coalition for Justice and Police Accountability, respectfully requests that the committee offer an unfavorable report on SB 752.**

# **MCPA-MSA\_ SB 752-Police Discipline-Show Cause-Lett**

Uploaded by: Andrea Mansfield

Position: INFO



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

TO: The Honorable William Smith, Jr., Chair and  
Members of the Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee  
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 14, 2023

RE: **SB 752 – Police Discipline – Order to Show Cause**

POSITION: **Letter of Information**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) are providing this letter of information to the Judiciary Committee concerning SB 752.

The MCPA and MSA strongly support due process for officers and deputies; however, believe this information about the potential delays and impact on the police disciplinary reforms under the Police Accountability Act of 2021 should be seriously considered in evaluating SB 752.

Under the proposed Md. Code, Public Safety Article, §3-113.1, a police officer who is the subject of a disciplinary complaint or administrative investigation would be exempt from the usual “exhaustion of administrative remedies” legal doctrine and could go to Circuit Court and challenge unspecified aspects of an incipient investigative or disciplinary process “at any time before a hearing is held...” under the Police Accountability Act.

Prior court cases demonstrate that the disruptive effects of allowing initiation of preliminary “show cause” court challenges to police discipline suggest that investigation and processing of police misconduct complaints may typically be delayed by up to one or two years. (e.g. Gindlesperger v. Popkin, 426 Md. 1, 43 A.3d 347 (2012), pre-hearing comparative discipline discovery dispute, two year delay caused by Circuit Court show cause and appellate review).

Further, many jurisdictions recently established police accountability boards and administrative charging committees and no matters have been adjudicated through this process at this time. Making changes that would restore certain provisions of the prior disciplinary process seem premature when we do not yet have experience under the new disciplinary process.