



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chairman, and
Members of the Judiciary 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: February 23, 2023

RE: **HB 663 – 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 HB 663.

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 HB 663.

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.