



**Testimony in Opposition to SB 606 (Police Discipline - Order to Show Cause)  
February 21, 2024**

Silver Spring Justice Coalition (SSJC) represents community members, faith groups, and civil and human rights organizations from throughout Montgomery County committed to eliminating harm caused by police and empowering those communities most affected by policing.

The MPAA's civilian disciplinary system has been in force since July 2022, and to our knowledge none of the parade of horrors described by last year's proponents of the same bill have come to pass. In fact, the MPAA's disciplinary structure seems to be working, and it is certainly premature to make structural changes without much more research and input from all stakeholders. Specifically, to our knowledge:

- No ACC has sought to impose discipline against an officer more than one year and one day after a civilian complaint has been filed against that officer.
- There have been no cases of a law enforcement agency claiming that a civilian complaint does not qualify for an ACC determination solely because the agency would have or had begun its own investigation of the officer's same conduct that was the subject of the civilian complaint.

In short, the specific fears and concerns last year's proponents used to justify the need for this bill have simply not materialized.

We examined the arguments presented in last year's testimony on the same bill, and we have the following comments and concerns:

- The proponents of last year's bill claimed that the bill promotes judicial economy. In fact, the bill complicates the disciplinary system in a way that is contrary to the process established in the MPAA, by giving officers two bites at the appeal apple. As with the MPAA's disciplinary process, in the overwhelming majority of administrative disciplinary procedures around the country, the accused must go through the entire administrative process before appealing their decision to a court. There is no need to create an additional statutory off-ramp for a system that has only been in place for two years and that appears by all measures to be working.

- The bill would jeopardize the disciplinary process because an officer seeking a show cause order could easily prolong the disciplinary process beyond the statutory deadline of one year and one day, which would prevent the ACC from issuing its disciplinary decision the prescribed deadline. It is unclear whether a circuit court judge could toll the one year and one day deadline for the ACC's decision. As it is, the Montgomery County Police Department takes, on average, over 200 days to issue a decision on a complaint. Even a speedy show cause process could void the ACC's duties if they must wait for the outcome of the show cause order. The bill will delay justice and in many cases deny it.

If the bill were enacted, not only could the officer seek a show cause order, but the officer could appeal that circuit court judge's decision, further delaying the disciplinary process set forth in the MPAA.

- Further delaying a final decision may result in the erosion of witness recollections, increases the risk that critical information could be lost, increases costs if the officer is on leave with pay, and most importantly delays justice for the complainant.
- At last year's hearing FOP President Boatwright described a situation where an officer was suspended without pay. He suggested the problem could have been prevented by this bill's show cause order. We disagree. Whether an officer is rightly or wrongly suspended without pay by a police chief or sheriff because of a felony indictment is not an issue that involves the ACC and trial board processes. Therefore, a show cause order should not interfere with their processes. The ACC and trial board decisions are based solely on whether the officer violated applicable policies that warrant administrative discipline. Mr. Boatwright's story has nothing to do with the bill, and it certainly does not justify the need for this bill.

We urge an unfavorable report.

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