

February 21, 2024



Joanna Silver
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TESTIMONY ON SB0606 - POSITION: UNFAVORABLE
POLICE DISCIPLINE - ORDER TO SHOW CAUSE

To: Chair Will Smith, Vice Chair Jeff Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Joanna Silver, on behalf of Jews United for Justice

My name is Joanna Silver. I live in District 18 and I am submitting this testimony in opposition to SB0606 on behalf of Jews United for Justice (JUF). JUF organizes more than 6,000 Maryland Jews and allies in support of efforts to advance social, racial, and economic justice.

In Leviticus 19:16, we are commanded to “not stand idly by while [our] neighbors' blood is shed.” Police misconduct, violence, and murder of our neighbors, especially those who are Black or brown must be addressed, which is why the police disciplinary process must be swift. Law enforcement officers, who are granted enormous power over the lives of Maryland residents, must be held accountable for any misconduct and must be stripped of this power where appropriate.

We oppose SB606 because it would allow law enforcement officers to disrupt, delay, and derail the disciplinary process that was carefully and thoughtfully established by the Maryland General Assembly in the Maryland Police Accountability Act of 2021 (MPAA). The bill does this by allowing an officer to file a show-cause complaint in circuit court at any time after the initiation of an investigation; it will delay and possibly deny justice, undermining the ability of our community to hold police accountable for harm.

The MPAA’s disciplinary system has been in force since July 2022, and none of the parade of horrors described by the proponents of last year’s version of this 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.

Contrary to claims by proponents of last year’s bill, SB606 will not promote judicial economy. Instead, it will complicate 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 and by returning Maryland to the Law Enforcement Officers Bill of Rights (LEOBR) system that failed to deliver transparency and accountability. The MPAA intentionally was structured so that an accused officer must go through the entire administrative process before appealing their decision to a court. There is no reason to change that now.

In addition, the MPAA was structured to avoid the delays that so often occurred under LEOBR. It set a one year and one day deadline for Administrative Charging Committees to issue their decisions. If SB0606 is passed, either that carefully chosen timeline would be significantly extended, or it would not be tolled at all and an officer could evade the disciplinary process completely simply by tying up their case in court for more than one year and one day.

In sum, this bill will delay justice and possibly deny it altogether. **For this reason we urge an unfavorable report on SB0606.**