

HB0537_RichardKaplowitz_UNF

02/25/2025

Richard Keith Kaplowitz
Frederick, MD 21703-7134

TESTIMONY ON HB#0537 - POSITION: UNFAVORABLE
Police Discipline - Order to Show Cause

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee
FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony opposing HB#/0537, Police Discipline - Order to Show Cause

This bill appears to extend a form of qualified immunity to a police officer under investigation in a way that permits delays in a hearing on alleged misconduct by an officer. It slows down any application of justice or resolution for a victim of misconduct. It assumes that if a right is allegedly denied a police officer that no correction of that possible right denial can or will be applied as any case is processed or prosecuted. It places the right of appeal before there is any adjudication of the charges for which an appeal could be filed.

This bill could result in the denial of equal justice under law by giving appeal rights before disposition of any case of police misconduct. It seems to create a new qualified immunity for officers. This has pernicious effects on both victims and the police involved.¹

This bill authorizes a police officer who is denied a certain right to apply to the circuit court at any time before a hearing is held by the hearing board for an order that directs the law enforcement agency to show cause why the right should not be granted. That “any time” could be the day before a hearing allowing an officer to drag out resolution of any charges costing the individual(s) harmed by the conduct being examined to endure further trauma and costs to achieve justice. Any conviction can always be overturned on appeal and the alleged denial of rights can be part of that appeal. This bill puts the appeal before the trial or hearing even begins.

I respectfully urge this committee to return an unfavorable report on HB0537.

¹ <https://eji.org/issues/qualified-immunity/#:~:text=Qualified%20immunity%20shields%20police%20officers,get%20their%20day%20in%20court>.