



State of Maryland
Department of State Police
Government Affairs Section
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POSITION ON PROPOSED LEGISLATION

DATE: February 25, 2025

BILL NUMBER: House Bill 186 **Position: Oppose**

BILL TITLE: Police Discipline – Trial Board Composition

REVIEW AND ANALYSIS:

This legislation seeks to change the composition of trial boards responsible for the adjudication of police discipline. For the local or county boards, the bill replaces the required presence of a retired judge from the district or circuit court, or an administrative law judge and replaces them with an attorney appointed by the executive officer of the county. At the state level the Chief Judge of the Office of Administrative Hearings is required to appoint a private attorney as hearing board chairman rather than using an administrative law judge.

Under current law, state law enforcement and bi-county law enforcement agencies are required to use the Maryland Office of Administrative Hearings (OAH) to act as chair of the hearing boards as well as manage the caseload in every county of the state. Trial boards are required to have members from the county in which the complaint was made. OAH has a presence in every county and is able to provide an administrative law judge regardless of location.

Working with the legislature, the state was able to develop this process and ensure the membership of the hearing board included residents of the county where the complaint was made. The process also included the input from OAH to ensure the board had a judge familiar with the hearing board process and could be available to appear in any county. Accordingly, a billing process was also approved before moving forward. All of the OAH judges are trained by the Training and Standards Commission as well as experienced in managing trial boards, evidence review, and appropriately ruling on motions based on precedent and law.

House Bill 186 proposes to replace the OAH with a private attorney who may or may not know how to run an administrative trial board. State and bi-county hearing board cases are heard in the county or near the county where the complaint originated so that the civilian member of the board does not have to travel far to attend the hearing. The Chief judge will have to find a few private attorneys throughout the state to ensure that trial boards are not unnecessarily delayed. Each new attorney will have to be trained by the Commission which doesn't guarantee they'll know how to run a hearing and write the opinion as required. And most important, who pays the private attorney for their time and expenses?

The state has a competent process and is processing cases without difficulty. The judges from OAH are independent, fair, and competent. The police officers on trial can count on a fair process and do not have to worry about a private lawyer and the attorney's background.

For these reasons, the Department of State Police urges the Committee to give House Bill 186 an unfavorable report.