



TESTIMONY IN OPPOSITION TO HB 537
Senate Judicial Proceedings Committee, February 25, 2025

Submitted by:

Joanna Silver

Silver Spring Justice Coalition

Silver Spring, Maryland

My name is Joanna Silver, I am a resident of District 18. I am submitting testimony on behalf of the Silver Spring Justice Coalition in opposition to HB 537.

The Silver Spring Justice Coalition (SSJC) is a coalition of community members, faith groups, and civil and human rights organizations from throughout Montgomery County committed to eliminating harm caused by law enforcement officers, establishing transparency and accountability for officer conduct, and redirecting public funds toward community needs. We have been one of the moving forces in the creation of the PAB, ACC, and trial boards in Montgomery County. In furtherance of our work, we oppose HB537 because it will confuse and complicate the administrative disciplinary process by which ACCs and trial boards decide whether a law enforcement officer should be disciplined.

Yet again proponents have introduced this bill, and since they first introduced this bill none of the parade of horrors described by proponents have come to pass. In fact, our review of a number of PAB annual reports demonstrate that the MPAA's disciplinary structure is working as intended. It would be unjustified and premature to make structural changes without much more research and input

◆ silverspringjustice.wordpress.com ◆ Facebook: ssjusticecoalition ◆ Twitter: @SilverCoalition ◆
◆ silverspringjustice@gmail.com ◆

from all stakeholders, including ACCs, PABs, and advocates from around the state.

By analogy to the union-management arbitration of discipline cases, an employee cannot interrupt that process to complain to a court that some right of the employee has been violated. It is generally recognized that the arbitrator is well equipped to determine if the discipline is warranted under the totality of circumstances, including taking into account all of the employee's defenses, including whether the rights of the employee have been violated that would negate or alter the arbitration of the proposed discipline or the process that leads to arbitration.

The same is true for the process established under state statute, including the trial board process where law enforcement officers/employees have the freedom to present their defenses without resorting to court, which would delay and frustrate the statutory justice system created by this Legislature.

Giving an officer special access to the courts before the conclusion of the trial board process is the opposite of judicial economy – it wastes the court's time, while the officer tries to derail the statutory process. Show cause orders can become protracted processes, in some cases taking more than a year to resolve. This bill is simply another device seeking to restore aspects of the LEOBR that the Legislature rejected because it failed to deliver transparency and accountability.

If officers and their union representatives think that the discipline imposed by the ACC is unjustified because of a special defense such as whistleblowing protections, it's a simple process for the officer to raise that defense to the trial board. A show cause order is not the appropriate remedy.

We also fear that a show cause order may result in exhausting the one year and one day statute of limitations for the ACC's decision in cases where the officer could seek a show cause order before the ACC issues its decision. If the officer were to seek a show cause order before the law enforcement agency sends its

report to the ACC, it may have the practical effect of stopping the work of the law enforcement agency and the ACC to the point of preventing the ACC from completing its decision-making process within the statute of limitations. A prolonged show-case process could jeopardize access to timely evidence and witness statements, potentially undermining the expeditious process established by the General Assembly.

If enacted, this bill would frustrate the disciplinary process created by the General Assembly and unfairly and wrongly prevent the officer from being subject to a decision by the ACC or a trial board. Surely, that is not what the General Assembly intended when it created this disciplinary process.

We ask that the Committee issue an unfavorable report on this bill.