



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

TO: The Honorable Luke Clippinger, Chair and  
Members of the House Judiciary Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee  
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 25, 2025

RE: **HB 186 - Police Discipline - Trial Board Composition**

POSITION: **SUPPORT WITH AMENDMENTS**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT HB 186 with amendments.** Currently, the composition of the trial boards is a civilian appointed by a county police accountability board, an officer of equal rank to the officer accused of misconduct appointed by the head of the law enforcement agency, and either an administrative law judge (active or retired) or a retired judge from the District Court or a Circuit Court. That third member serves as chair, rules on motions, and prepares the board's written decision. Under HB 186 the requirement that the third trial board member be a judge as described above is removed and instead requires an attorney residing in the relevant jurisdiction to be the third member. While MCPA/MSA agree that adding attorneys may be helpful, the removal of judges entirely from the composition of the trial board seems unnecessary and unwarranted.

Beginning at the end of 2023 through the present day, police discipline trial boards have been chaired by administrative law judges or a retired judge.<sup>1</sup> As judges, they have brought both knowledge and experience of presiding over cases to each hearing and have benefited the other board members, the officers, the agencies, and the public. Because these judges may, and have, chaired trial boards across multiple jurisdictions, they are able to bring some measure of uniformity to the police discipline process.

MCPA and MSA are concerned that the effect of HB 186 will be to significantly reduce the pool of potential trial board chairs. The bill assumes that each County will have attorneys who are willing to sacrifice time from their practice to serve. Allowing the trial board composition to include both judges and attorneys helps ensure that there are enough legal representatives to fulfil the third seat on the trial board. Maintaining judges as a part of trial boards will also allow for a more seamless integration of attorneys over time.

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<sup>1</sup> On July 22, 2022, the Maryland Judicial Ethics Committee issued an opinion, 2022-26, concluding that the rules of judicial ethics prevent Senior Judges that are actively sitting in court from serving on a police discipline trial board. Currently, there is one retired District Court judge who has served on multiple police discipline boards in multiple jurisdictions.

Lastly, on pg. 3 lines 2 and 3 of the bill, a requirement for an attorney to be considered for appointment on a trial board states that the attorney must be “most distinguished for integrity, wisdom, and sound legal knowledge” in the eyes of a chief executive officer of a county. We feel this language is unclear, we would suggest replacing those lines and instead require the attorney to be “in good standing with the Maryland Bar”. For these reasons, MCPA and MSA **SUPPORT HB 186 WITH AMENDMENTS** and urge a **FAVORABLE** committee report.