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## POSITION ON PROPOSED LEGISLATION

**BILL: Senate Bill 202 - Police Discipline - Order to Show Cause**

**FROM: Maryland Office of the Public Defender**

**POSITION: UNFAVORABLE**

**DATE: January 23, 2026**

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**The Maryland Office of the Public Defender respectfully requests that this Committee issue an unfavorable report on Senate Bill 202.**

The Baltimore Police Department (BPD) is currently grappling with a severe backlog of over 500 discipline cases, many of which have taken more than a year to reach a trial board. *See* Dan Belson, Baltimore Police officers wait months, years to face discipline amid backlog of trial board cases, Balt. Sun, Dec. 5, 2025. In a public consent decree hearing in December 2025, Federal District Judge James K. Bredar publicly criticized the BPD for this failure. The Department's excuse was woefully inadequate: that it is still experiencing "growing pains" in staffing, training, and implementing the Police Accountability Act of 2021. This situation highlights a critical failure: one of Maryland's largest departments—which remains under a federal consent decree due to a pattern of unconstitutional policing—has yet to implement key changes enacted by the legislature to bring Marylanders closer to true accountability and transparency.

As Judge Bredar clearly exclaimed on the record, the BPD's excuse is inadequate: "Justice delayed is justice denied." *Id.* Instead of allowing departments to prolong the disciplinary process, Judge Bredar urged them to prioritize efficiency—specifically, by increasing staffing and training to close cases more quickly and meet accountability and transparency standards. This backlog problem is not unique to Baltimore, as jurisdictions throughout Maryland face significant challenges related to closing disciplinary cases.

If enacted, SB202 would critically undermine the existing disciplinary process for officers and cause even more delay. More specifically, the bill's most concerning effect is its potential to allow officers to indefinitely delay proceedings. By introducing an "order to show cause" procedure, officers could stall the disciplinary process almost indefinitely. This mechanism, whether by design or consequence, would effectively lead to the dismissal of complaints without a disciplinary finding.

Equally, if not more important, SB202 is wholly unnecessary. Law enforcement officers already have a clearly established pathway to raise critical issues throughout the original disciplinary process; through a trial board hearing with judicial oversight and civilian participation; and through the appellate process, at the circuit court and appellate court levels. Law enforcement officers are not in need of a special proceeding beyond those afforded to all litigants in Maryland to challenge the application of the law to the facts of their case. That procedure already exists.

Ultimately, SB202 is an unnecessary piece of legislation that would impede fairness and judicial economy, frustrate accountability, and interrupt justice. Maryland litigants already have existing procedures to address the issues contemplated in the bill. They should be encouraged to exercise those rights within Maryland's current framework, rather than creating a new procedure that has skirts the accountability protections implemented in the Police Accountability Act of 2021 and undermines its intent.

**For the foregoing reasons, the Office of the Public Defender urges an unfavorable report on SB202.**

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