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**Testimony for the Senate Judicial Proceedings Committee  
January 27, 2026**

**SB 202 Police Discipline – Order to Show Cause**

**UNFAVORABLE**

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The ACLU of Maryland urges an unfavorable report on SB 202, which seeks to authorize a police officer who is being investigated for misconduct to interrupt those investigative proceedings by filing a claim in the state circuit court that certain rights are being violated. In so doing, the proponents seek to bring back an unnecessary and harmful provision of the Law Enforcement Officers Bill of Rights (LEOBR).

Through the Maryland Police Accountability Act of 2021 (MPAA), the Maryland General Assembly repealed the LEOBR and thus removed most of the special rights that police officers previously had in connection with the disciplinary process, including a waiting period before they had to cooperate with internal investigations, and limits on who could conduct them. But almost all those special procedural rights, which applied prior to a trial board hearing, have now been repealed. And those that remain are generally straightforward, such as:

- the requirement that Administrative Charging Committees (ACCs) approve disciplinary charges following a time-limited internal investigation of a complaint brought by a member of the public;
- the reinstated one-year deadline for investigating misconduct that does not involve a member of the public; and
- the recently-implemented pause on internal investigation while a related criminal investigation is underway.

As to these remaining procedural rights, as well as the substantive protections for whistleblowing, political activity, and secondary employment that could offer substantive defenses to discipline, officers should be treated the same as all other public employees, who have no right to interrupt administrative investigations with interlocutory appeals prior to a final judgment, as this legislation would provide. *See, e.g., Manger v. Fraternal Order of Police, Mont. Co. Lodge No. 35, Inc.*, 239 Md. App. 282, 293 (Ct. Spec. App. 2018) (characterizing LEOBR's order to show cause process as "a powerful and unusual exception [to the usual rule requiring an appeal only after a final judgment]—when else can a party seek an interlocutory, preemptive, *in limine* ruling from a *superior* tribunal before his rights are even violated?"); *Mass Transit Admin. v. Hayden*, 141 Md. App. 100, 111 (Ct. Spec.

App. 2001) (calling the show cause order process in LEOBR “unusual.”); *Cochran v. Anderson*, 73 Md. App. 604, 613 (Ct. Spec. App. 1988) (calling show cause order process “a very special provision.”).

Rather, an officer can raise any relevant provision in the MPAA as a defense to any disciplinary charge if it is ultimately brought. And if the defense is rejected, it can be raised on a circuit court appeal of any discipline imposed, just as is true for other public employees. In short, there is no reason to depart from the usual rule applicable in all other judicial and administrative cases that disallows piecemeal appeals prior to a final judgment except in extraordinary cases. Such a rule promotes the efficient resolution of cases, because it ensures that issues are not unnecessarily addressed by appellate courts when they are not ultimately necessary to the resolution of the case, and ensures that appellate courts have a full factual record when they resolve appeals.

If this bill is adopted, it could allow police officers to effectively prevent employing departments from being able to discipline them. An officer could file a show cause proceeding in the circuit court, claiming that a right had been violated, and the resolution of that claim would interrupt the investigation and adjudication of that charge. This could (and easily would) run out the time limits for completing the internal investigation provided under Pub. Safety § 3-113, making it impossible for the officer to be charged, even if the court ruled no violation of the officer’s rights had occurred. SB 202 would thus be a way for guilty officers to escape discipline and accountability.

Even if the courts determined that the investigative deadline should be suspended during the pendency of the show cause proceeding and any appeals, the delay would likely make any disciplinary proceeding more difficult by delaying interviewing witnesses, and delaying any necessary evidentiary hearing in a trial board proceeding. The more time passes, the more memories fade, and the more testimony becomes unreliable. Just like other public employees (and just as is generally true in our court system), officers can and should be required to raise any defenses in the administrative proceeding, and appeal any erroneous judgments that they think have occurred. Giving them a special right to interrupt the investigation, and delay the administrative proceeding, is unnecessary and unwarranted.

For the foregoing reasons, the ACLU of Maryland urges an unfavorable report on SB 202.

**SB202 2026 Testimony Unfavorable MOPD.docx.pdf**

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Position: UNF



**NATASHA DARTIGUE**  
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DIRECTOR OF GOVERNMENT RELATIONS

## 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.**

Authored by: Deborah Katz Levi, Chief of Strategic Litigation - Baltimore City  
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**MCPA-MSA\_ SB202-Police Discipline-Show Cause - OPP**

Uploaded by: Samira Jackson

Position: UNF



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

**TO:** The Honorable William C. Smith, Jr., Chair and  
Members of the Senate Judicial Proceedings 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:** January 27, 2026

**RE:** **SB 202 – Police Discipline – Order to Show Cause**

**POSITION:** **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE** SB 202.

The MCPA and MSA strongly support due process for officers and deputies; however, believe this information about the potential delays and impact on the police disciplinary reforms under the Police Accountability Act of 2021 should be seriously considered in evaluating SB 202.

Under the proposed Md. Code, Public Safety Article, §3-113.1, a police officer who is the subject of a disciplinary complaint or administrative investigation would be exempt from the usual “exhaustion of administrative remedies” legal doctrine and could go to Circuit Court and challenge unspecified aspects of an incipient investigative or disciplinary process “at any time before a hearing is held...” under the Police Accountability Act.

Prior court cases demonstrate that the disruptive effects of allowing initiation of preliminary “show cause” court challenges to police discipline suggest that investigation and processing of police misconduct complaints may typically be delayed by up to one or two years. (e.g. Gindlesperger v. Popkin, 426 Md. 1, 43 A.3d 347 (2012), pre-hearing comparative discipline discovery dispute, two-year delay caused by Circuit Court show cause and appellate review).

Further, disciplinary matters have begun working their way through the administrative charging committee and trial board process. Making changes that would restore certain provisions of the prior disciplinary process seem premature when we do not yet have a great deal of experience under the new disciplinary process.

For these reasons, MCPA and MSA urge an **UNFAVORABLE** report on SB 202.

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**sb202.pdf**

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## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

### MEMORANDUM

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 202  
Police Discipline – Order to Show Cause  
**DATE:** January 14, 2026

### INFORMATIONAL COMMENT PAPER

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The Judiciary respects the separation of powers doctrine and acknowledges that the legislature is the policy-making branch. As such, the Judiciary has no position on the policy aims of this legislation and defers to the legislative branch on such matters.

The Judiciary writes to make the Committee aware of an inherent statutory conflict. Public Safety § 3-106(k) allows appeals of trial board decisions from a **bi-county law enforcement agency** to be taken in the circuit court for the county where the incident giving rise to the disciplinary proceeding occurred. However, this bill would require officers of statewide or **bi-county agencies** to file these particularized show causes in the Circuit Court for Anne Arundel County only. That provision causes conflict and is the issue about which the Judiciary comments.

cc. Hon. William Folden  
Judicial Council  
Legislative Committee  
Kelley O'Connor