



**TESTIMONY IN OPPOSITION TO HB 31  
Police Discipline – Order to Show Cause  
Before the House Judiciary Committee, Submitted February 20, 2026**

**Submitted by:**

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**My name is Robert Landau, I am a resident of District 17. I am submitting this testimony on behalf of the Silver Spring Justice Coalition in opposition to HB 31.**

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 HB 31 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.

**Trial Boards are fully capable of considering whether a law enforcement officer's rights have been violated in the course of hearing an officer's appeal of a disciplinary hearing**

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

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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 as 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.

**The bill is the opposite of providing judicial economy - it protracts the disciplinary process, and could give an officer a second right of appeal**

Giving a law enforcement 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. And let's make no mistake about it: this bill is nothing more than an effort to derail the disciplinary process the Legislature created by the MPAA. 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.

Even assuming an officer obtains a show cause order which allows the ACC or Trial Board to proceed, the officer could then get a second appeal to a circuit court once a Trial Board has acted. That is the very opposite of judicial economy.

### **The bill risks exhausting the one year and one day statute of limitations for the ACC to decide complaints filed against an officer**

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 ACC decides a complaint, the bill would effectively suspend all work on the complaint – whether by the law enforcement agency or by the ACC – which could result in the case being dismissed because it was not decided by the ACC within the one year and one day statute of limitations.

### **The bill may jeopardize access to pertinent evidence**

Any show-cause process could jeopardize the LEA's, the ACC's and the trial board's access to timely evidence and witness statements, potentially undermining the expeditious process established by the General Assembly and potentially resulting in a travesty of justice.

### **Proponents conflate disciplinary actions involving members of the public and all other disciplinary actions**

During oral testimony before the Senate Judicial Proceedings Committee (JPR) on January 27, 2026, bill proponents conflated several situations to wrongly suggest that the ACC and trial board process is illegally harming law enforcement officers. We clarify matters here.

The bill proponents argue that the bill is needed because the ACC and trial board process, as set forth in the MPAA, do not address instances when an officer is disciplined for alleged violations of the law enforcement agency's secondary employment rules, whistleblowing rules, use of police vehicles, or other actions by a police officer that do NOT involve members of the public (whether initiated by a member of the public or brought internally from within the law enforcement agency).<sup>1</sup> These types of situations – in which a member of the public is not

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<sup>1</sup> In the JPR hearing for companion bill SB 202 on 1/27/26, the bill's proponent also said that an officer had been disciplined prior to a trial board hearing. But it was unclear from what was said whether a complaint involving a member of the public was at issue and whether a trial board was an appropriate venue for the officer's appeal. Nor was it clear from the proponent's comments whether the police chief

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involved – do not go through the ACC or the trial board process set forth in the MPAA. Support for our position is set forth in the Maryland Police Training and Standards Commission’s Q&As on police reform found at: <https://mpctc.dpscs.maryland.gov/pdf/PoliceReformFAQs.pdf>. Specifically, the Commission’s Q&As state:

**DO ACCS HANDLE ALL POLICE OFFICER MISCONDUCT CASES?**

No. ACCs will only handle complaints of police misconduct involving members of the public. Administrative cases that do not involve the public will be handled through the law enforcement agency’s administrative process. (Examples include: uniform dress and grooming standards, equipment violations, and vehicle operations not involving the public). (Public Safety Article, §3-104)

The bill’s proponent’s examples, on their face, have nothing to do with the ACC or trial board process, which only applies to complaints involving members of the public. Therefore the bill wrongly conflates situations that do go through the ACC and are subject to the trial board process and all other types of police discipline. As stated in the MPTSC’s Q&A, the General Assembly left to each law enforcement agency’s chief how to handle officer discipline for cases not involving a member of the public.

Thus the bill seeks a remedy for a problem that does not apply to the ACC and trial board process set forth in the MPAA. In fact, the proponents seek a statutory correction to a problem that is not even covered by statute or, or specifically, the MPAA. This bill would do violence to, and disrupt, the entire structure enacted in the MPAA.

In short, the bill is a misguided mischaracterization of the MPAA and applicable law.

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had exercised their power under the MPAA to impose an emergency suspension, with or without pay, for up to 30 days.

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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.