



September 21, 2020

Via Electronic Mail

William C. Smith, Jr., Chair
Jeffrey D. Waldstreicher, Vice-Chair
Maryland Senate Judicial Proceedings Committee
11 Bladen St., Annapolis, MD 21401

Re: Senate Judicial Proceedings Committee Bills JPR 14 (Oppose) and JPR 15 (Support)

Dear Chairperson Smith and Vice Chairperson Waldstreicher:

On behalf of the NAACP Legal Defense and Educational Fund, Inc., we appreciate the opportunity to provide written testimony for the Senate Judicial Proceedings Committee hearing on police accountability and law enforcement reform. We support JPR Bill 15 – Law Enforcement Officers’ Bill of Rights (LEOBR) – Repeal and respectfully oppose JPR Bill 14 – Law Enforcement Accountability and Discipline Act of 2021 for the reasons stated below.

Maryland’s LEOBR provides law enforcement officers special rights and protections during administrative proceedings that no other public employee enjoys, except for correctional officers. *See*, MD Code, Correctional Services, § 10-901, *et. seq.* (2014). These rights include, but are not limited to: requiring complaints alleging misconduct to be sworn attestations, providing officers at least 5 days to obtain counsel and providing officers access to investigatory files and the names of witnesses ten days before a hearing, *see*, MD Code, Public Safety, § 3-104; placing a one-year time limit to bring administrative charges, §3-106; requiring a hearing board of mostly law enforcement officers, §3-107; and, allowing the expungement of misconduct records, *see*, §3-110.

These provisions delay and impede accountability and transparency for police misconduct. In the aftermath of police killings of unarmed Black and Brown persons nationwide and in Maryland, there is a groundswell of support for transformative measures that will end needless police violence and promote greater transparency and accountability. The special rights extended to Maryland law enforcement are so extensive that a full repeal of the LEOBR is necessary. Accordingly, we support JPR Bill 15, which would repeal the LEOBR.

While we welcome provisions in JPR Bill 14 that amends the Maryland Public Information Act to allow for the release of police misconduct complaints and disciplinary records consistent with similar policy in other states, including [New York](#), the bill also maintains in LEOBR many of the special rights listed above. Therefore, we respectfully oppose JPR Bill 14.

Please do not hesitate to contact us at 202-682-1300 with any questions or concerns.

Sincerely,

Monique Dixon, Director of State Advocacy/Deputy Director of Policy

Allen Liu, Law and Policy Fellow