



**TESTIMONY IN OPPOSITION TO HB 15  
House Judiciary Committee, February 27, 2024**

**Submitted by:**

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**My name is Robert Landau. I am a resident of Gaithersburg, in District 17. I am testifying on behalf of the Silver Spring Justice Coalition in opposition to HB 15.**

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 police and empowering those communities most affected by policing. We have been one of the moving forces in the creation of the PAB, ACC, and trial board in Montgomery County. In furtherance of our work, we oppose HB 15 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.

None of the parade of horrors described by proponents of last year's version of this bill have come to pass. In fact, the MPAA's disciplinary structure seems to be working, and it would be premature to make structural changes without much more research and input from all stakeholders.

In virtually all situations involving employee discipline that leads to arbitration, the employee cannot interrupt the process to complain to a court that some right of the 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.

The same is true for the trial board process where employees have the freedom to present their defenses.

Giving an 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 process. 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 failed to deliver transparency and accountability.

If officers and their union representatives think that the discipline 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.

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. Filing a show cause order may have the practical effect of stopping the work of the law enforcement agency and the ACC to the point of preventing the ACC from completing its decision-making process within the statute of limitations. That would unfairly and wrongly prevent the officer from being subject to a decision by the ACC. 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.