

Dr. Jeffrey S. Rubin
Phone: 301-448-0464
Address: 11708 Rosalinda Drive, Potomac, MD 20854

Bill 34-20

TESTIMONY IN OPPOSITION TO BILL 34-20

Police – Disciplinary Procedures – Police Labor Relations – Duty to Bargain - Amendments

Council President Katz and Members of the Council,

My name is Jeffrey Rubin. I've been a resident of Montgomery County since 1986, and am currently a member of the Jews United for Justice (JUFJ) Working Group on Policing Legislation and Budget. On behalf of JUFJ, I provide this testimony in opposition to Bill 34-20.

Jewish tradition places a high value on justice. The bible contains many passages describing how differences should be resolved, and commentaries over millennia have sought to ensure a fair reckoning among affected parties.

We agree with the Councilmembers who sponsored this bill that numerous incidents in the County and around the country point to the need for reforming disciplinary procedures related to police misconduct. However, we have concluded that this expedited legislation is misguided and fundamentally flawed in the ways it attempts to address the problem.

The bill is **misguided** because it relies on the current provisions in Maryland statute that defines the Law Enforcement Officers Bill of Rights, LEOBR. The reality is that this law has been under intensive review, and likely would have been revised had the 2020 General Assembly not ended early because of the Covid-19 pandemic. The Senate Judicial Proceedings Committee is scheduled to hold a hearing later this week to consider various changes to the law. From a practical standpoint, it would be a mistake for the Council to advance legislation based on a law that is likely to change in the coming months.

Bill 34-20 is **flawed** because it does not provide the public with an essential, substantive role in evaluating police misconduct. The only cases that would appear before the hearing board described in this legislation would be ones already subjected to an internal police investigation, which had found the police officer guilty, and for which the officer was seeking an appeal of the ruling. **This represents a tiny fraction of the allegations of police misconduct.** Moreover, the mere addition of one or two voting or nonvoting members of the public to a hearing board reviewing these cases would have insufficient impact when the ultimate decision in the case would be determined by the review of the board findings, conclusions and recommendations by the Chief of Police.

Bill 34-20 is **fundamentally flawed** because it rests on a defective foundation, LEOBR and the principle it has enshrined that enables the police to investigate themselves and, through the Maryland Public Information Act, restrict, as they see fit, the release of information to the public. According to the legislative request report, the primary goal of Bill 34-20 is to improve disciplinary procedures for County police officers. The Council will only make miniscule progress in this area until LEOBR is repealed. Rather than spending time now on trivial pursuits, **we urge Councilmembers to advocate forcefully in Annapolis for the elimination of LEOBR.** That is the most constructive action you can take now to address public outrage about the failure to address police brutality. Once LEOBR is removed, you will be in a position to create a better foundation for community involvement in a fair and balanced review of police conduct.