



## House Bill 154

### *Law Enforcement Officers' Bill of Rights – Administrative Hearing – Reimbursement of Costs and Fees*

MACo Position: **OPPOSE**

Date: February 23, 2016

To: Judiciary Committee

From: Natasha Mehu

The Maryland Association of Counties (MACo) **OPPOSES** HB 154. This bill would have a chilling effect on police accountability, and could draw needed resources away from more critical public safety functions.

HB 154 would require that an officer found not guilty by an administrative hearing board conducted under the Law Enforcement Officers' Bill of Rights be awarded reasonable costs and attorney's fees incurred as a result of the investigation. The decision to impose discipline should not rest on financial considerations.

Administrative hearing boards are typically used for serious cases of alleged misconduct that could lead to disciplinary action, demotion, or dismissal. The decision to pursue actions against these cases of misconduct should not be balanced against the potential costs incurred for a finding of not guilty. The assessment should rest solely on the merits of the case.

HB 154 could compel law enforcement management to consider how much they stand to lose if there is a finding of not guilty, rather than concentrating on ensuring that cases of misconduct are thoroughly investigated and discipline is properly imposed. For long and detailed investigations or protracted hearing processes, costs can accumulate significantly and outcomes cannot be forecasted no matter how strong the misconduct claim.

Resulting costs for attorney's fees would ultimately draw resources away from the core missions of law enforcement agencies. Higher litigation and personnel costs mean fewer funds available for on-street personnel, proper training and equipment, and technology. Further, the awarding of fees would frequently be redundant – as legal representation are often covered in whole or in part by union membership.

HB 154 reduces officer accountability, hinders discipline for misconduct, and redirects funding from essential law enforcement goals. MACo urges an **UNFAVORABLE** report.