



House Bill 674

Law Enforcement Officers' Bill of Rights – Hearing Board – Final Order

MACo Position: **OPPOSE**

Date: February 23, 2016

To: Judiciary Committee

From: Natasha Mehu

The Maryland Association of Counties (MACo) **OPPOSES** SB 674. This bill narrows the ability of a police chief to effectively manage the discipline of officers found guilty of misconduct.

HB 674 would reduce the authority of the chief of a law enforcement agency and increase the authority of hearings boards during a law enforcement disciplinary proceeding under the Law Enforcement Officer's Bill of Rights (LEOBR).

The bill would shift the final decision-making authority from the chief of the law enforcement agency to the hearing board. The hearing board would be authorized to set penalties and its decision would be binding.

Under current law, the hearing board provides findings and makes recommendations to the chief following a finding of guilt in an administrative hearing. The chief considers the recommendations of the board, but is solely authorized for issuing the final actions. However, the chief must provide justification if he issues harsher discipline than what the board recommended.

As the top official in the chain of command, the chief is charged with the oversight of the department and its officers. It is important that the chief retain the ability to issue final orders in the discipline of officers who have been found guilty of misconduct. The current process provides balance between a hearing amongst professional peers and management's authority over its employees. It also provides an additional stage of review before a binding decision.

For these reasons, MACo urges an **UNFAVORABLE** report on HB 674.