



Maryland lawmakers will take another look at state's policing laws

Daniel Menefee,

May 7, 2015

Long before Freddie Gray's death ignited unrest in Baltimore, high profile cases of police misconduct nationally failed to move Maryland lawmakers to pass meaningful reforms this year, according to LBSBaltimore.com, a grassroots think tank that advocates a rewrite of the state's policing policies. This exposed a wide disconnect between the Democrat-controlled legislature and communities under siege by strong-arm policing.

“At the end of the day we saw special interests of police officers and law enforcement in Maryland overrule what the community needed here in Baltimore,” said [Adam Jackson](#), head of the think tank located just yards from City Hall.

New legislative work group

Late Tuesday Senate President Mike Miller and House Speaker Mike Busch announced the creation of a work group on public safety to meet in June and make recommendations for the 2016 session.

“We know that as a State, and country we incarcerate far too many people and that our rates of recidivism are completely unacceptable,” said Miller in the joint statement. “These issues cannot be solved overnight but we hope to bring the stakeholders together over the interim and look at all of these issues, including the role of law enforcement in our communities,”

The group consists of 10 senators and 10 delegates, mostly Democrats. The Law Enforcement Officer's Bill of Rights (LEOBR), among other things, will be on the table.

LBSBaltimore, which stands for Leaders of Beautiful Struggle, welcomed news last Friday that officers would face murder and manslaughter charges for Gray's death.

But they said Democrat lawmakers have long failed to address a legacy of police misconduct and blamed House Judiciary Chair Joe Vallario and Senate Judicial Proceedings Chair Bobby Zirkin for caving to police organizations and orchestrating the demise of nearly 20 police reform bills this year.

Jackson said a slate of bills aimed at reforming the Law Enforcement Officer's Bill of Rights would have made the Gray investigation more transparent and secured indictments of the officers quicker – possibly quelling much of the unrest that put Baltimore in the national spotlight.

“Because LEOBR is not transparent, and people in the community are not involved—is what led to some of the violence and frustration that spread out in the city,” Jackson said. “Zirkin and Vallario are directly responsible for this happening in Maryland and in Baltimore particularly.”

Zirkin will serve on the new work group, but Vallario will not. Zirkin defended the work of his committee in comments at the end of this story, but did not directly respond to Jackson's allegations.

LEOBR encourages “non-cooperation” from law enforcement, CATO says “You've got a system that encourages lawyers [for police organizations] to stand on their rights to non-cooperation,” said Walter Olson, a senior fellow at the Cato Institute's Center for Constitutional Studies. “In doing so in Baltimore and elsewhere, you see how it slows down and often frustrates investigations” of misconduct.

“If it's gotten bad enough that they are making even an unsuccessful attempt in Annapolis to get the rules changed, then the issue is ripe for looking at these cross-ideological lines of understanding,” Olson said. “If they thought about it more closely...they can't just listen for what their friends in the police and even in attorney's offices tell them. They have to listen to a range of different voices about how these [LEOBR] measures sometimes backfire badly.”

Maryland's laws about police officer rights are some of the most protective in the nation for police officers accused of misconduct — and afford them multiple layers of legal and administrative protections.

Review of misconduct is internal, bars civilian review and is conducted only by other officers. The law also prevents interrogations of officers for 10 days after notification of an investigation and limits the time citizens can file brutality complaints to 90 days.

Power of the chairs to sway committee members

“You don’t get to remain a chair of any committee in Annapolis if you can’t control the votes on your committee,” said former Del. Mike Smigiel, R-Cecil, who spent 10 years on the House Judiciary Committee.

“With Vallario, he signals how he wants Democrats to vote by drawing an up or down arrow on the bills being voting on that day,” said Smigiel, who has entered the race to challenge U.S. Rep. Andy Harris in 2016. “The Democrats are expected to vote in line with the chair.”

Smigiel said he proposed LEOBR reforms in the past and was told on several occasions that there would “be no changes to LEOBR.”

Vallario, 78, has been chair of the