

THE NATIONAL INTEREST

Maryland's Police “Bill of Rights” Has Come Under Attack by Lawmakers

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Walter Olson

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A working group of Maryland lawmakers appointed by House of Delegates Speaker Adrienne Jones yesterday recommended that the state repeal its first-in-the-nation Law Enforcement Officers’ Bill of Rights, a law that I and others have inveighed against for years.

As I wrote in 2015:

Maryland was the first state to pass a LEOBR, in 1972, and by now many states have followed, invariably after lobbying from police unions and associations. Often the bills are sponsored by Republicans, who seem to forget their normal skepticism of public employees as an interest group when uniformed services are involved.

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As lawmakers observed at a late September hearing, repeal would still leave in place numerous other mechanisms by which police officers charged with misconduct could resist investigation and discipline, including state civil service rules, union contract provisions, and Supreme Court doctrines giving public employees constitutional rights to contest some dismissals.

Definitions vary, but per one 2015 roundup, at least a dozen other states as of then had enacted bills similar to Maryland’s into law, including California, Delaware, Florida, Illinois, Kentucky, Louisiana, Minnesota, Nevada, New Mexico, Rhode Island, Virginia, West Virginia, and Wisconsin. All states with such a law, and the equivalent laws sometimes enacted for correctional officers, should follow Maryland’s lead in considering repeal. And the truly terrible

idea of making everything worse by imposing LEOBR rules from shore to shore, a perennial measure championed in the U.S. Congress by such as Sens. Mitch McConnell (R-Ky.) and Joe Biden (D-Del.), should be buried on the ocean floor, never to rise again.

*Walter Olson is a senior fellow at the Cato Institute's Robert A. Levy Center for Constitutional Studies and is known for his writing on the American legal system. His books include *The Rule of Lawyers*, on mass litigation, *The Excuse Factory*, on lawsuits in the workplace, and most recently *Schools for Misrule*, on the state of the law schools.*