

The role of the Maryland's “Law Enforcement Officers Bill of Rights”

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Baltimore Mayor Stephanie Rawlings-Blake has sought to divert popular anger over the police killing of Freddie Gray by claiming that the investigation of Gray's death is hampered by a controversial law known as the Law Enforcement Officers Bill of Rights (LEOBR).

Gray, whose spine was broken by police on April 12, fell into a coma and died on April 19, but none of the officers were questioned at that time, and one has still reportedly refused to give a statement to investigators. Six officers were charged in connection with Gray's killing on Friday.

Rawlings-Blake has pointed to a provision in the state's LEOBR that prohibits investigators from even attempting to interview an officer suspected of a crime until a lawyer has been hired. The law gives the officer 10 days to do so, effectively granting a 10-day “cooling off” period, in which the suspect is allowed to concoct a cover story, and fellow officers are able to destroy or plant evidence to corroborate that story.

The mayor's efforts to blame LEOBR are a cynical attempt to posture as a sympathetic figure opposed to police brutality, while thwarting genuine efforts to end it. The LEOBR is a despicable attack on democratic rights, but the criminals who run America's justice system rarely need to invoke it to see that guilty officers are protected.

In a city brimming with fury at a despotic police department, Rawlings-Blake's political career has hinged on her ability to steer popular anger into futile attempts at minor reforms. In that vein, she has called for adjustments to the LEOBR in the past, only to see them fail miserably, as was the intention.

The LEOBR is worthy of attention mainly because it reveals the extent to which human life and democratic rights are despised by the ruling class. Many states,

including New York, Florida, Pennsylvania, Wisconsin, and California, have a version of it, which is sometimes called a Peace Officer's Bill of Rights, or POBR.

While California and Maryland are often considered to have the most extreme versions, all states modeled their bills after a template produced by the Fraternal Order of Police. The FOP document combines a thinly veiled contempt for democratic principles with a gross distortion of reality.

While the murders of Michael Brown, Eric Garner, Tamir Rice, John Crawford, Akai Gurley, and countless others go unpunished, and their police killers walk free, the FOP decries a system in which “rank-and-file police officers are sometimes subjected to abusive and improper procedures and conduct on the part of the very departments or agencies they serve ... law enforcement officers have no procedural or administrative protections whatsoever; in fact, they can be, and frequently are, summarily dismissed from their jobs without explanation.”

Every state's LEOBR contains a list of provisions intended to perform three functions. “Cooling off” provisions like the one at issue in Baltimore are the most well-known, but they are backed up by provisions that prevent the public from gaining access to information about investigations, while others limit the tactics available to investigators. The last category often includes privileges for the accused officer to determine the time, place, and manner of interrogations, and sometimes the interrogators themselves. All states allow the officer to have a person of his or her choosing, in addition to a lawyer, present during interrogations, and many stipulate that no more than one interrogator at a time can be in the room.

In 2009, an officer in Lincoln, Rhode Island, severely injured Donna Levesque by kicking her in the head

while she was seated, with her hands cuffed behind her. A court did manage to convict Edward Krawetz, but his sentence was suspended, and he was allowed to keep his job after an investigatory committee found no evidence of wrongdoing. Thanks to the state's LEOBR, all three investigating officers were his coworkers, and he was allowed to appoint one of them.

In 2007, Shreveport officer Wiley Willis beat DUI suspect Angela Garbarino within an inch of her life when she asked to make a phone call. Although video evidence clearly showed she was not a threat, Willis was never charged. Moreover, his firing from the force was quickly overturned when it was revealed that a polygraph administrator had failed to record one of his responses during questioning.

Most states require that an officer go unpunished if any of the strict guidelines in LEOBR are violated, even if it is a minor violation that, at any rate, benefits the cop. Radley Balko, author of *Rise of the Warrior Cop: The Militarization of America's Police Forces*, wrote in a *Washington Post* column, "Many times, these bills have strict procedures for how officers are to be investigated. Not following the procedures isn't a huge deal for the officers who violate them, but it does get the cop being investigated off the hook. The 'bill of rights' can essentially become a how-to guide for cops to get their colleagues out of trouble."

Maryland was the first state to pass a LEOBR in 1972, following failed efforts to pass a national LEOBR in Congress. That effort was originally led by Democratic New York congressman Mario Biaggi, a former officer who pushed relentlessly for laws to protect cops until 1987, when he himself was indicted, and subsequently convicted, on corruption and extortion charges. After his downfall, the cause was championed by then-Senator Joe Biden, until he was brought into the Obama White House, where he helps to oversee the expansion of police violence at home and military violence abroad.



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