



Fraternal Order of Police
Montgomery County Lodge 35

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Testimony to the Montgomery County Council
On a Proposal to Amend Police Disciplinary Procedures (Bill 34–20)

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September 22, 2020

Council President Katz and members of the County Council:

I appreciate the opportunity to testify today about Bill 34–20, which would amend disciplinary procedures for police officers. On behalf of the more than 1,100 police officers who serve and protect the people of Montgomery County, I want to express our opposition to this legislation.

We are willing to discuss concerns about disciplinary procedures—which have been in place for 30 years and have been agreed to by the county executive—and were open to considering changes. Our opposition is because the bill would unilaterally break a legally binding contract the county just agreed to with your police officers, and that such an action violates state law allowing that process.

If the way we address police discipline in Montgomery County is a real problem, the police chief and the county executive have a legal tool, defined by state law, to correct the issues through mutual discussion and understanding. It is the collective bargaining process.

Every resident of this community should know you had the chance in 2020 to have this discussion. We negotiated our new contract this year. In fact, never once—let me repeat that—never once did the police chief, the county executive or the council say we have a problem with discipline that we should discuss and modify in the contract. If this was a concern—if it was such an urgent matter, if this was a crisis—why was it never brought up in our contract talks as something that needed to be changed quickly?

As you know, our most recent collective bargaining agreement was finalized this spring and went into effect on July 1. In our contract negotiations, both sides had substantial and unrestricted opportunities to express concerns and seek changes they sincerely thought necessary. Indeed, we worked through difficult and sensitive issues together through what we thought were open and honest discussions.

Yet at no time during those bargaining discussions did the police chief or anyone from the county express concerns about the inability to unilaterally terminate police officers without allowing due process through the procedures outlined in the agreement. Nor did anyone from the county—or the police chief—express concerns about the composition of hearing boards or other disciplinary processes. Not once did the subject come up.

The police chief has been able to terminate employees and employees have exited service through the current disciplinary process. Why is the County Council now attempting to legislate what the county and police chief showed absolutely no concern about during bargaining? One can conclude from the silence of the county executive and the police chief during bargaining, and their subsequent execution of the contract, that there is no issue with the disciplinary process or the hearing boards.

Let me remind you, too, that the two disciplinary examples the sponsors of this bill highlighted took place prior to our recent negotiations. They were known at the time and no concerns were raised. Both cases had outcomes that most people would agree are correct. Moreover, both officers were afforded due process and the process used—the process you want to overturn with this bill—was mutually developed and based on state law, so both the county and police have an interest in making sure it works.

We undoubtedly could improve life in Montgomery County. But we believe these improvements can come via a focus on community policing and training—areas now under consideration by several working groups. Working police officers long have advocated for a renewed focus on community policing and additional training, and we would welcome the opportunity to work with the county executive and police chief to consider how a return to community policing, and new and better training opportunities, would work best in Montgomery County.

The working police officers of this county think it's important that we face challenges in policing together. A collaborative approach has worked well, leading to significant progress and benefits for our community. We introduced community policing in the early 1990s, improved hiring standards with an education requirement, eliminated chokeholds in 2002, instituted the use of car cameras in early 2000 and added body cameras in 2015. All these improvements were accomplished through collective bargaining.

We are more than open to making additional improvements as we move forward. But we should do so together.

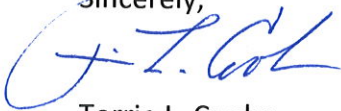
Montgomery County voters chose to enact collective bargaining to keep the peace, and to create an orderly exchange between workers and the employer. Why would the council try to subvert collective bargaining by seeking change for the police chief through legislation, rather than directing him to use the collective bargaining process?

This legislation appears to be an outcome of the political pressure the County Council may feel in this difficult time of unrest in communities across the country—but those incidents did not happen in Montgomery County. Our police officers are working their hardest every day to make sure everyone in our communities is treated with fairness, respect, dignity and compassion.

We have always been—and we continue to be—ready to sit down and work on our shared challenges in policing. We hear and appreciate the public's concerns, and we think there should be an open and constructive dialogue in Montgomery County about policing and public safety. But we should work together to build a better future—not take unilateral action that serves no purpose and breaks faith with those who are dedicated to serving the county.

Thank you for your consideration of the views of the more than 1,000 police officers who protect you and the residents of Montgomery County every day. We look forward to working with you and the people you represent, and we serve.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. L. Cooke", with a large, stylized initial "C" on the left.

Torrie L. Cooke
President