



M a r y l a n d Troopers Association



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February 9, 2021

The Honorable Luke Clippinger, Chair and Members of Judiciary Committee

RE: HB670 Police Reform and Accountability Act of 2021

POSITION: OPPOSE

The MTA does not support any reform or repeal of LEOBR provisions that will infringe on the due process rights of police officers. While the goal of police reform is to increase accountability and transparency, this reform may not have the desired effect.

HB670's intention to ensure that there are proper training standards and tuition reimbursement for police officers to ensure that qualified officers are hired is supported by the MTA. Citizens and police officers both benefit from training and the ability to hire qualified police officers. Likewise, the implementation of early-intervention systems for police agencies to detect potential bad behavior is a benefit to citizens and police officers. Police departments dislike bad police officers as much, if not more, than anyone else.

The MTA cannot support provisions that cause officer safety issues. For example, requiring warrants to be served during certain business hours is a direct affront to officer safety and crime prevention in general. Moreover, the "Use of Force Statute" cannot stand. The test of reasonableness for use of force is dictated by the 4th Amendment. It cannot be defined in statute as the Supreme Court found in *Graham v. Connor*, 490 U.S. 386 (1989). Use of force is examined under a totality of the circumstances and under an objectively reasonable standard. The facts of each situation are carefully considered. Troopers/officers also cannot be expected to ponder or consider multiple factors in life and death situations where citizens and the officers' safety is at issue.

With respect to due process, the MTA opposes the ability to revoke certification of a police officer without affording the officer the right to due process, specifically as it relates to decertification of officers based on past conduct that was already adjudicated and resolved. Likewise, the MTA opposes any provisions that allow officers to be terminated by the police chief without due process for any crime in which the officer is convicted or a probation before judgment is entered.

With respect to the Administrative Charging Committee, the Maryland State Police has a similar system in place with respect to a Penalty Assessment Review Committee, which has at least two civilians who participate. This is simply with respect to the penalty recommended by the Department after charges are conferred. The MTA would support a similar board for reviewing charges but will not support the Committee as composed in the bill that does not include anyone within the department, other than the director of internal affairs.

The MTA opposes any provision that provides for County review of complaints. The State Police, along with other state police officers, work for all counties and cannot be held to different standards based on which county the work is being performed.

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