



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William Smith, Jr., Chair and
Members of the Judicial Proceedings Committee

FROM: Chief of Staff David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 1, 2022

RE: **SB 752 – Public Safety - Use of Force Incident Reports**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 752**. This bill expands the data collected for a use of force incident.

Current law already requires officers involved in a use of force incident to complete an incident report before the end of a shift. Basic information necessary for a report can be completed without jeopardizing an officer's Fifth Amendment or due process rights. However, SB 752's requirement that an officer must report significant details including the officer's *justification* for use of force create significant would potentially violate the constitutional rights of officers.

Under Public Safety §3-527, the Attorney General's Office is required to undertake a *criminal* investigation of any incident involving a potential "police-involved death." Police officers, as with every other person, have a Fifth Amendment right guaranteed to them by the United States Constitution against being compelled to provide a statement as part of a criminal investigation. SB 752 violates that right.

An agency may compel a statement from a police officer during an *administrative* investigation, but such a compelled statement is explicitly given immunity by statute. Public Safety §3-107(d)(3) (effective July 1, 2022). SB 752 provides no such protection.

SB 752 also requires an officer to report on protected class membership – both of individuals "subject to the use of force" and officers. Requiring an officer to self-identify his or her race or ethnicity is troubling. Even more concerning is the bill's requirement that an officer demand disability information of a citizen and share his or her own disability status, completely regardless of whether disability is in any way relevant to the incident.

Should this bill be considered favorably, these two matters need to be addressed. For this reason, MCPA and MSA **OPPOSE SB 752** and urge an **UNFAVORABLE** Committee report.

532 Baltimore Boulevard, Suite 308
Westminster, Maryland 21157
667-314-3216 / 667-314-3236