

SB 752 (Use of Force Reports).pdf

Uploaded by: Carrie Williams

Position: FAV

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February 28, 2022

To: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

From: Carrie J. Williams
Office of the Attorney General

Re: Attorney General's Support for SB 752

The Office of the Attorney General urges the Judicial Proceedings Committee to issue a favorable report for SB 752.

SB 752 requires law enforcement officers who use force in the line of duty to complete an incident report containing detailed information about the use of force. The bill also requires all law enforcement agencies to post on their public website the aggregate data regarding use of force by law enforcement officers and whether the use of force was consistent with agency policies and applicable laws.

Requiring documentation on the use of force and the public reporting of use of force data promotes transparency in law enforcement. Transparency improves accountability and builds trust in law enforcement. For these reasons, the Attorney General urges the Committee to issue a favorable report on SB 752.

cc: Committee Members

3-1 LH NS SB 752 Public Safety – Use of Force Inci

Uploaded by: Ericka McDonald

Position: FAV



TESTIMONY TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE

SB 752 Public Safety – Use of Force Incident Reports

POSITION: Support

BY: Nancy Soreng - LWVMD President

DATE: March 1, 2022

As a response to George Floyd’s death and the death of other civilians by law enforcement personnel using excessive force, the Maryland General Assembly passed the Maryland Police Accountability Act of 2021 (the “Act”). A significant portion of the Act defines what constitutes a reasonable use of force and when a law enforcement officer could use such force. The Act also requires that a law enforcement officer exhaust other interventions before using force.

SB 752 prevents police departments from burying incidents of the use of force by law enforcement personnel. It requires police departments to document each time that law enforcement personnel use force. It further mandates that these reports include the demographics of the person upon whom force was used. Under SB 752, each police department must publish aggregate data regarding when and under what circumstances law enforcement personnel use force. This data can help create policies to ensure that law enforcement personnel only use necessary and reasonable force.

The League of Women Voters supports polices that promote transparency in government. SB 752 provides needed transparency regarding the use of force by law enforcement personnel.

The LWVMD, representing 1500+ concerned citizens throughout Maryland, strongly urges a favorable report on SB 752.

TPPC.PFT.testimony SB752.HB1044 testimony[1].pdf

Uploaded by: Mary Jacksteit

Position: FAV

**Takoma Park Presbyterian Church
310 Tulip Avenue
Takoma Park, Md 20912**

February 25, 2022

**Senate Judicial Proceedings Committee
TESTIMONY IN SUPPORT**

SB752/HB1044 Public Safety - Use of Force Incident Reports

***Presbyterians for Police Transformation
Takoma Park Presbyterian Church (TPPC)
Takoma Park, Md 20912***

Presbyterians for Police Transformation is pleased to support the Public Safety - Use of Force Incident Reports Act. This bill expands requirements for reporting use of force incidents by both police/law enforcement officers, and for making data on such incidents available to the public.

TPPC has a Racial Mindfulness Ministry and one year ago we formed Presbyterians for Police Transformation to study and advocate for changes in policing that will reduce violent engagement between police and members of the public, particularly racial minorities. These are our neighbors, friends and congregants.

We believe that greater documentation and transparency regarding use of force incidents is a vital strategy for reducing incidents of violence that kill and injure members of the public, particularly minorities and people with mental illness. In requiring that officers involved in such incidents file same-day reports with detailed information including demographic data, and in mandating regular, public reporting of aggregate data from these reports, SB752 and HB1044 provide a critical path to uncovering bias, increasing accountability and establishing the level of transparency that can help restore trust in our public safety system. A central mission of our church is to promote equality and social justice and for this reason we are urging adoption of this measure

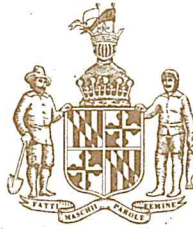
Presbyterians for Police Transformation urge passage of SB752/HB1044.

JacksonSB752Testimony.pdf

Uploaded by: Michael Jackson

Position: FAV

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Budget and Taxation Committee

Subcommittees

Pensions

Public Safety, Transportation, and
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TESTIMONY - SENATE BILL 752

PUBLIC SAFETY – USE OF FORCE INCIDENT REPORTS

JUDICIAL PROCEEDINGS COMMITTEE

MARCH 1, 2022

Chair Smith, Vice Chair Waldstreicher, and Committee Members:

Senate Bill 752 is a very straightforward bill that requires the reporting and publishing of Use of Force Data for Maryland police agencies. The bill would require two types of reporting. Beginning on or before July 1, 2024, agencies would be required to publish aggregate data related to use of force incidents on their public websites. Then beginning on or before January 1, 2023 (and every three months thereafter) agencies would be required to publish total numbers of use of force incidents on their public websites.

The types of data reported would include the type of encounter in which force was used, the type of force used, the geographic location at which force was used, the justification for the use of force, information relating to charges filed against those on whom force was used, and medical and demographic information related to those on whom force was used.

As the former leader of a police agency myself, I strongly believe that providing detailed information to the public is critical to ensuring transparency and to fostering trust between agencies and the public. The reporting requirements put forward in this legislation would be a means to that end.

For the reasons listed above, I ask for a favorable report of Senate Bill 752.

MCPA-MSA_SB 752 Use of Force Incident Reports_Oppo

Uploaded by: Andrea Mansfield

Position: UNF



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.

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MTA Unfavorable SB 752 3-1-22.pdf

Uploaded by: Jenna Massoni

Position: UNF



M a r y l a n d Troopers Association



INCORPORATED 1979

March 1, 2022

The Honorable Will Smith, Chair and Members of the Judicial Proceedings Committee

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

POSITION: OPPOSE, IN PART

The MTA opposes in part HB 1044 Use of Force Incident Reports.

The Maryland State Police already requires Use of Force Reports to be prepared in every situation where force is used. A uniform process for such reports would be agreeable. However, requiring the officer to include the race, ethnicity, gender, age, and disability of the officer and suspect is not appropriate or always feasible. That information may not be available and should not be included in a way that could bring punitive action simply because of the individual's race, ethnicity, gender, age or disability.

We request an unfavorable report of SB 752.

Brian Blubaugh
President
Maryland Troopers Association

Member of National Troopers Coalition

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