

# **SB0126.Captain Flynn Testimony in Favor.GA23.02012**

Uploaded by: Captain Flynn

Position: FAV



DEPARTMENT OF POLICE

Marc Elrich  
County Executive

Marcus G. Jones  
Chief of Police

Statement of Captain Stacey A. Flynn  
Montgomery County Department of Police

In Support of SB 0126  
*Maryland Police Training and Standards Commission –  
Police Officer Certification – Eligibility (Freedom to Serve Act)*

Judicial Proceedings Committee  
February 01, 2023

Members of the Judicial Proceedings Committee, thank you for considering my testimony regarding this proposed legislation to **update** Senate Bill 0853, passed in 2019. My name is Captain Stacey Flynn, and I am here on behalf of Chief Marcus Jones with the Montgomery County Department of Police. As a lifelong Maryland resident and a 25-year Police veteran, I am testifying in favor of Senate Bill 0126, introduced this year by Senator Kagan, cross-filed with HB 0145. SB 0126 serves to expand SB 0853, *the Freedom to Serve Act*, by removing the latter portion of the provision that an honorably discharged Military veteran, who is a non-citizen, can apply to become a Maryland Police Officer **ONLY when they are in the process of becoming a citizen.**

The Maryland Police Training and Standards Commission (MPTSC) determines best practices regarding hiring qualifications. Over the decades, these requirements have evolved, reflecting an update of societal and cultural norms. In 2019, the General Assembly, specifically Senators Kagan, Smith, Waldstreicher, and West, among others, saw the wisdom of including honorably discharged non-citizens into the eligibility field for Maryland Law Enforcement. The law has enabled non-citizen residents with honorable military service across the state of Maryland to apply for the position of Police Officer. The additional provision passed in 2019 that the applicant *is in the process of becoming a US citizen* was intended to serve as an extra layer of protection for your constituents but restricts the number of potential applicants.

Some of the opponents of this bill may envision a foreign-born individual who has been handed a gun and a badge and set loose on Maryland residents. Let's be quite clear; we are referring to a permanent legal resident, the foreign-born person who has **lawfully** entered the United States, obtained a work permit and social security number, pays taxes, served honorably in our US military, and merely continues seeking a career based upon service to others. The update to this law merely provides the vehicle for their continued service.

Law Enforcement Agencies can always adopt stricter hiring standards but **cannot** expand the

Chief J. Thomas Manger Public Safety Headquarters - 100 Edison Park Drive Gaithersburg, Maryland 20878  
[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov) - [www.mymcpnews.com](http://www.mymcpnews.com) - [ChiefMCPD@montgomerycountymd.gov](mailto:ChiefMCPD@montgomerycountymd.gov)

[montgomerycountymd.gov/311](http://montgomerycountymd.gov/311)



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standards set by the MPTSC. Adding the provision of needing to be in the process of becoming a US Citizen excluded a percentage of non-citizens from applying. SB 0126 seeks to rectify this provision.

In addition to seeking patient candidates to provide quality customer service and listening skills, police agencies also emphasize candidates who mirror the community they will serve. Approximately 13% of Americans are foreign-born. Our Police Department is a 4% foreign-born population; we seek to increase that number.

Recruiting high-quality police candidates has been made more difficult in recent years. Law enforcement agencies continue to experience challenges in recruiting well-qualified individuals willing to serve their community as law enforcement officers. Most agencies have a 60% reduction in applicants, post-George Floyd. With the recent and tragic killing of Tyre Nichols in Memphis, law enforcement is more aware that we must hire quality people, train them well, and hold them accountable.

SB 0126 is a clean-up of SB 0853 that was passed in 2019 by further expanding the population in our community who can be considered candidates to become law enforcement officers – permanent legal residents who have been honorably discharged from the U.S. armed forces. These members have already enlisted in the U.S. Military and served honorably to protect their new country. Their spirit and willingness to serve are unquestioned. Regardless of citizenship, every applicant still must pass a rigorous background check, perform the physical requirements, communicate effectively, and complete all academic training requirements.

The legislation does not force any department to hire a permanent legal resident but merely provides that option.

In short, this legislation will provide additional opportunities for law enforcement agencies to recruit qualified, diverse applicants when law enforcement agencies face a continued decline in applicants.

Thank you for your time.

# **SB0126 (HB0145) Bill Testimony.docx.pdf**

Uploaded by: Maryland Legislative Latino Caucus

Position: FAV



## MARYLAND LEGISLATIVE LATINO CAUCUS

Lowe House Office Building, 6 Bladen Street, Room 200 · Annapolis, Maryland 21401  
Phone 410-841-3374 | 301-858-3374 · 800-492-7122 Ext. 3374 · Fax 410-841-3342 | 301-858-3342  
latino.caucus@house.state.md.us · www.mdlatinocaucus.org

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TO: Senator William C. Smith, Chair  
Senator Jeff Waldstreicher, Vice Chair  
Judicial Proceedings Committee Members  
FROM: Maryland Legislative Latino Caucus  
DATE: January 31, 2023  
RE: SB0126 Freedom to Serve

### The MLLC supports SB0126 Freedom to Serve

The MLLC is a bipartisan group of Senators and Delegates committed to supporting legislation that improves the lives of Latinos throughout our state. The MLLC is a crucial voice in the development of public policy that uplifts the Latino community and benefits the state of Maryland. Thank you for allowing us the opportunity to express our support of SB0126.

Police departments across the state are facing severe staffing shortages as they struggle to recruit and retain officers. The Baltimore City Police Department reported that it lost more officers than it hired in the first seven months of 2022.<sup>1</sup> The Montgomery County Police Department reported that they are eight percent shy of reaching their staffing goal.<sup>2</sup> The Prince George's County Police Department is short more than 300 officers for which they are authorized.<sup>3</sup> The shortage of officers in the Ocean Pines Police Department has led to high officer burnout.<sup>4</sup> Federal law permits preferences in hiring for public positions that favor citizens over LPRs. Accordingly, most jurisdictions nationwide require that law enforcement officer candidates be U.S. citizens, however a growing number have removed citizenship as a requirement for candidates, allowing departments to consider lawful permanent residents (LPRs).<sup>5</sup>

This bill aims to open up the ranks to more people who would otherwise be eligible to serve by changing the certification requirements for becoming a Maryland police officer. Making the occupation more accessible to a greater number of Maryland residents and responding to the shortage of police officers across the state. SB0126 will remove the requirement of a permanent legal resident of the United States and an honorably discharged veteran of the United States to necessarily apply for and obtain citizenship status in order to be certified as a police officer in the state of Maryland. Instead, permanent legal residents who are honorably discharged veterans will not be required to apply for or obtain citizenship in order to become certified as a police officer.

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<sup>1</sup> Ashwell, A. (2022, August 22). *Baltimore "does not have the luxury of waiting" for new officers, says FOP*. WBFF.

<sup>2</sup> NBC4 Washington. (2022, October 10). *Montgomery County Police Address Staffing Shortages With Higher Salaries, Student Programs*.

<sup>3</sup> Hockaday, N. (2022, August 9). *DMV police departments experience staffing shortages*. Wusa9.Com.

<sup>4</sup> Hooper, B. (2022, August 3). *Pines Chief Looks To Address Police Recruitment, Retention*. News Ocean City Maryland Coast Dispatch Newspaper.

<sup>5</sup> Law Enforcement Immigration Task Force. (2021, August 17). *Backgrounder: Jurisdictions Permitting LPR Hiring - Law Enforcement Immigration Task Force*.

Obtaining citizenship is a lengthy, complex, and expensive endeavor. The initial application (N-400) requires 20-pages of detailed background information, and many wisely seek legal assistance. On average, it takes 18 months to 24 months to complete the naturalization process and become a U.S. citizen<sup>6</sup>, and there may be incidental costs associated with applying for citizenship such as travel for interview appointments or paying for a service that offers personalized naturalization support.<sup>7</sup> Honorably discharged veterans have already demonstrated their dedication to our country; whether or not these veterans choose to seek citizenship, they should be allowed to serve in their own neighborhoods. Allowing veterans who have honorably served our country to seek service in our communities will help police departments combat critical staffing shortages. Additionally, ethnic and linguistic diversity among these new officers will enhance law enforcement's relationships with neighborhood residents.

For these reasons, the Maryland Legislative Latino Caucus respectfully requests a favorable report on SB0126.

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<sup>6</sup> Petts, J. (2022, May 27). *U.S. Citizenship Processing Times*. Immigration Help.

<sup>7</sup> *Naturalization and the Military*. (n.d.). Boundless.

# **Freedom to Serve Testimony CCK.pdf**

Uploaded by: Sen. Cheryl Kagan

Position: FAV



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**SB126: "Freedom to Serve"**  
Judicial Proceedings Committee  
Wednesday, February 1, 2023 1:30pm

Maryland's police departments face a crisis in recruitment and retention of officers. This was exacerbated by the "Great Resignation" during the pandemic. Between 2020 and 2021, there was an 18% increase in the resignation rate and a 45% increase in the retirement rate. ([Police Executive Research Forum](#)). Police response times have significantly increased as a result; this threatens the health and safety of our communities ([NPR](#)).

In 2019, we enacted a narrow version of "Freedom to Serve." This legislation allowed Honorably Discharged Veterans who are Lawful Permanent Residents (LPRs) to apply to be police officers-- but only if they had a pending citizenship application.

The "Honorably Discharged Veteran" status signifies a completion of rigorous training; the discipline to serve faithfully; and a loyalty to the United States. For this reason, these individuals make great candidates to serve their communities as police officers.

This year's version, [SB126](#), would expand upon the 2019 legislation to allow all Honorably Discharged Veterans who are LPRs to apply to become police officers in Maryland. This legislation would honor veterans and increase the ethnic and linguistic diversity of departments. Bilingual officers are able to build strong relationships with members of the communities they protect and serve.

The Maryland Military Coalition has suggested an amendment to allow current members of the National Guard and Reserve Components who are Lawful Permanent Residents to apply to serve as police officers.

**I urge the committee to give a favorable report with amendment to SB126.**



# **SB126 - Freedom to Serve Testimony.pdf**

Uploaded by: Victor Brito

Position: FAV



111 Maryland Avenue | Rockville, Maryland 20850-2364 | 240-314-5000  
[www.rockvillemd.gov](http://www.rockvillemd.gov)

**Senate Judicial Proceedings Committee  
February 1, 2023**

Subject: SB126– “Freedom to Serve” Support

From: Victor V. Brito, Chief of Police

Chair and members of the Senate Judicial Proceedings Committee, I am Victor Brito, Chief of Police of the Rockville City Police Department. The Rockville City Police Department serves approximately 70,000 residents in the City of Rockville and is the county seat for Montgomery County and its largest municipality. The Rockville City Police Department is a 66-member sworn agency who is committed to providing effective, fair, impartial, and unbiased community policing that serves the expectations of the law and community members who call the City of Rockville home. Our agency is committed to building and maintaining trust, in partnership with the Rockville community.

The Rockville City Police Department supports SB126 because one of the most significant crises in the history of American law enforcement is the hiring and retention of qualified police officers. Not only locally, regionally, and nationally, this hiring crisis has affected police agencies throughout the State of Maryland. Agencies, like the Rockville City Police Department, must be able to look at other methods to attract and hire qualified individuals who are willing and able to serve as law enforcement officers. The passing of SB126 will increase the pool of police officer applicants as well as provide the much-needed diversity and skill sets needed to help continue to strengthen our partnership with our community.

The Rockville City Police Department has experienced the “Great Resignation,” because of the pandemic and the current negative stigma attached to the law enforcement policing profession. At one time our agency saw the highest number of vacancies ever experienced in the department’s history – with many officers opting to retire early or move on to careers outside of law enforcement. Our agency is in a competitive market in the DC/Metro region; however, we have thankfully been able to refill our open positions by thinking outside the box to attract new police officers and retain our current police officers. We strongly believe this crisis will continue for the foreseeable future as many of today’s individuals no longer have the desire to enter the policing professions as well as the continued battle for agencies to compete in the very small pool of the best and most qualified applicants.

Thank you for the opportunity to provide testimony on SB126. We respectfully urge a favorable vote. If you have any questions or need more information, please feel to contact me at [vbrito@rockvillemd.gov](mailto:vbrito@rockvillemd.gov) or 240-314-8912.

# **SB0126\_Yamil\_Hernandez.pdf**

Uploaded by: Yamil Hernandez

Position: FAV

**Senate Bill# 126 (Judicial Proceedings) - Maryland Police Training and Standards Commission - Police Officer Certification – Eligibility - AKA “Freedom to Serve” Bill.**

I write in **support** of SB 126. This is a modest change, that should achieve broad consensus in the Assembly. First, let’s go over a few things this bill does **not** do. It does **not** change or lower physical fitness requirements of police officers. **Nor** does it lower test/admittance scores. It does **not** allow “undocumented” persons from qualifying as police officers. In summary, it does **not**, in any way “lower the bar” or lower the standards for becoming a police officer in the State of Maryland.

What does it do? It **allows** our residents, who have **legally** and **honorably** served our country in the Military, and opportunity to continue their service in Maryland police forces without interruption. “Green Card” holders AKA Permanent Residents, have followed our laws, applied for permission, read our rules, and are **lawfully** here in Maryland with authorization to work.

This Bill will provide a tool in the recruitment toolbox of Police Departments to draw candidates from a broader, more diverse group of applicants and can better reflect the communities that are being policed. This Bill is a rare win/win for folks on both sides of the isle, and I strongly urge you to support Senate Bill 126.

Yamil Hernández  
215 Thaxton Street  
Gaithersburg, MD 20878

# **MMC Testimony in Support of SB 0126.2.pdf**

Uploaded by: Jayson Spiegel

Position: FWA



## MARYLAND MILITARY COALITION

*Serving Veterans through Legislative Advocacy*

Statement of Jayson L. Spiegel  
Maryland Military Coalition

SB 0126 - Maryland Police Training and Standards Commission –  
Police Officer Certification - Eligibility  
February 1, 2023

### **FAVORABLE WITH AMENDMENT**

Dear Char Smith and Members of the Judicial Proceedings Committee:

The Maryland Military Coalition (MMC) **strongly supports SB 0126**, which will enable honorably discharged United States armed forces veterans, who are permanent legal residents of the United States, to become police officers even if they do not have a pending citizenship application.

The Maryland Military Coalition is a non-partisan organization of 19 Veteran organizations representing over 150,000 Maryland uniformed services men and women and their families -- almost half of the 355,000 veterans in the State.

Maryland currently has a **critical** shortage of law enforcement officers. Retirements and resignations exceed recruitment. The Chief Judge of the United States District Court for the District of Maryland stated during an interview on WJZ CBS Baltimore that the issue of police staffing shortages is "an extremely serious problem . . . (that is) not getting better, it's getting worse."

HB 0145 would expand the pool of potential law enforcement officers. Honorably discharged veterans, whether or not they have a pending citizenship application, have already demonstrated their willingness to serve their country and community. They have been vetted and passed a background check, and trained in safe use of weapons and rules of engagement. Many noncitizen veterans may have served in military police, master at arms, provost marshal, or other law enforcement assignments,

Moreover, everybody who has ever served, regardless of their specialty or branch of service has performed law enforcement functions by performing guard duty, credentials checks, and other activities.

Critically, Maryland needs law enforcement officers who speak foreign languages and possess cultural sensitivity to interact with non-English speaking, immigrant populations. Veterans who are themselves immigrants will bring these vital skills and experiences, including cultural competency, to their law enforcement careers.



Various states already have enacted legislation enabling resident alien veterans to become police officers:

- Three states (Colorado, Vermont and West Virginia) have no citizenship requirement to become a police officer.
- Seven states (Hawaii, Louisiana, Minnesota, North Dakota, Oklahoma, Utah and Washington) only require permanent resident status or work authorization.

The MMC strongly supports an **amendment** that would also **enable currently serving members of the National Guard and Reserve** to become police officers if they are permanent legal residents of the United States even if they do not have a pending citizenship application.

Members of the Guard and Reserve already live in the communities where they would serve. They undergo the exact same training as their active-duty counterparts and bring the same qualifications.

The Maryland National Guard has a Military Police Battalion. All National Guard personnel, regardless of their actual military specialty, are trained to support law enforcement and civil disturbance response. Many Maryland National Guard personnel were on duty at the Capitol after the January 6 Insurrection and were on duty in Baltimore after the death of Freddie Gray.

The **Army Reserve 200<sup>th</sup> Military Police Command**, headquartered at **Fort Meade**, is the **largest military police organization in the entire Department of Defense**. Army Reserve personnel assigned to that Command and its subordinate units would be prime candidates to fill law enforcement positions.

In fact, civilian law enforcement recruiters could team with National Guard or Reserve recruiters to identify noncitizens with an aptitude and interest in law enforcement. They could join the Guard or Reserve, complete Initial Entry Training, join a Reserve unit and then start training to be a law enforcement officer in their community. Given that police, the National Guard and Army Reserve all face severe recruiting challenges, such a partnership could be a "win-win."

We want to thank Senator Kagan for her leadership on this issue. I urge the Committee to favorably report the bill.

Respectfully,



Jayson Spiegel  
LTC USAR (Ret)  
President

# **MSP Letter of Information.pdf**

Uploaded by: Kathy Anderson

Position: INFO





**State of Maryland**  
**Department of State Police**  
Government Affairs Section  
Annapolis Office (410) 260-6100

**POSITION ON PROPOSED LEGISLATION**

**DATE:** February 1, 2023

**BILL NUMBER:** Senate Bill 126      **POSITION:** Letter of Information

**BILL TITLE:** Maryland Police Training and Standards Commission – Police Officer Certification – Eligibility

**REVIEW AND ANALYSIS**

This legislation seeks alter the eligibility requirements for an individual to be certified by the Maryland Police Training and Standards Commission (MPTSC) as a police officer. This legislation repeals a requirement for an applicant, who is a permanent legal resident of the United States and is an honorably discharged veteran of the United States armed forces, to apply for U.S. Citizenship prior to their certification as a police officer.

Under current law, the MPTSC shall certify, as a police officer, each individual who meets the standards of the Commission. The law was recently changed to allow the Commission to certify permanent legal residents of the U.S. who are honorably discharged veterans of the U.S. providing they have applied for U.S. citizenship prior to their application for certification. To date, the MPTSC has not received any applications for the certification of a permanent legal resident meeting this criterion.

This legislation seeks to repeal the citizenship requirement for certain law enforcement officers. While it appears to be a simple idea to allow a permanent legal resident of the United States who is an honorably discharged veteran of the United States armed forces, this does present some issues for police departments, especially the Department of State Police (DSP).

Background checks of the applicant can prove very difficult. Contacting references can be problematic. If the applicant is a U.S. citizen, Maryland law enforcement can either make a personal visit in the case of a Maryland resident or contact another law enforcement agency, where the applicant resided in the U.S., to assist in the process. With an applicant from a foreign country, the agency must rely on the police department of the foreign country or Interpol. The Maryland Coordination and Analysis Center uses these sources for information on foreign nationals and advised the information is not timely, and depending on the country the information may not be reliable. Police agencies have to look beyond the person's military service when performing the background investigations for any applicant.

**State of Maryland**  
**Department of State Police**  
Government Affairs Section  
Annapolis Office (410) 260-6100

**POSITION ON PROPOSED LEGISLATION**

Another major concern of hiring legal permanent residents are the limitations on the assignments these new officers can perform. According to the F.B.I. and the U.S. Marshal's Service, a state or local law enforcement officer may not be deputized to work on any federal task force unless they are a U.S. citizen. Troopers used for the presidential inauguration are deputized during their time working the event. Troopers hired under HB 145 would be prohibited from working the event. Additionally, they may not receive or view classified or sensitive information from the federal government. This also means they cannot supervise anyone on a task force or work in an intelligence fusion center. These limitations require the law enforcement agency to maintain two lists for every assignment, transfer or promotion.

The U.S. military has a program to expedite the process for citizenship of permanent legal residents who are serving by assisting the applicant with the application and the documents needed to move forward while they are serving. Once the permanent resident is discharged that process is not open to them.

# **MSP Oppose Position Paper.pdf**

Uploaded by: Kathy Anderson

Position: INFO



**State of Maryland**  
**Department of State Police**  
Government Affairs Section  
Annapolis Office (410) 260-6100

**POSITION ON PROPOSED LEGISLATION**

**DATE:** February 1, 2023

**BILL NUMBER:** Senate Bill 126      **POSITION:** Oppose

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For these reasons, the Maryland Department of State Police urges the Committee to give Senate Bill 126 an unfavorable report.