



State of Maryland
Department of State Police
Government Affairs Section
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POSITION ON PROPOSED LEGISLATION

DATE: February 7, 2023

BILL NUMBER: House Bill 221 **POSITION:** Letter of Information

BILL TITLE: Public Safety - Law Enforcement – Quotas
(Community – Oriented Policing Act)

REVIEW AND ANALYSIS:

This legislation seeks to alter the prohibition against using the number of arrests made or citations issued by a law enforcement officer as a criterion for the promotion, demotion, dismissal, or transfer of the officer. This legislation also prohibits a law enforcement agency from requesting or directing a law enforcement officer to act for the purpose of increasing the number of citations issued or arrests made by an officer.

Under current law, a law enforcement agency may not establish a formal or informal quota for the law enforcement agency or law enforcement officers of the agency. A law enforcement agency may use the number of arrests made or citations issued by a law enforcement officer in addition to other job performance factors as a criterion for promotion, demotion, dismissal, or transfer of the officer. A police officer is evaluated on a number of factors relating to job performance, including the number of arrests, traffic stops/ citations, patrol checks, investigation closures, and complaints or compliments from citizens or internally, just to name a few examples.

House Bill 221 repeals the use of the number of arrests made or citations issued by a law enforcement officer as a factor at all for promotion, demotion, dismissal, or transfer of the officer. In most police agencies, an officer must meet minimal standards for eligibility to promotion or transfer to a specialized unit. While a police officer is on probation, performance can be used to demonstrate knowledge of laws and procedures. Essentially, this legislation prevents a police agency from taking any action against an officer for failure to perform basic law enforcement duties. An officer could choose never to arrest a person for a crime or never take any enforcement action regardless of the circumstances and the agency would be powerless to act.

Law enforcement uses data driven approaches to target areas of high crime, vehicle crashes, drunk or drugged driving, and other unlawful behavior to direct enforcement initiatives to reduce crime and crashes. These initiatives are designed to increase arrests for criminal behaviors, thereby making the communities and highways safer. However, House Bill 221 does allow the agency to require the officer to come to work, but not require the officer to actively participate in any enforcement initiatives.