

MCPA - MSA SB 607 Summary Punishment-Support.pdf

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Position: FAV



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

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

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 21, 2024

RE: **SB 607 – Police Accountability and Discipline – Summary Punishment**

POSITION: **SUPPORT**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT** SB 607 – Police Accountability and Discipline, Summary Punishment.

Under the Police Accountability Act, every complaint of police misconduct involving a member of the public must be investigated by a law enforcement agency and then forwarded to a county Administrative Charging Committee (“ACC”) for review. If an officer declines to accept discipline recommended by the ACC, a hearing board must be convened.

Under the Police Accountability Act, a law enforcement agency may make its own determinations regarding discipline for complaints of misconduct that do not involve a member of the public, subject to the Statewide Disciplinary Matrix. If an officer does not agree with the discipline, a hearing board must be convened.

Whether following an ACC review or an agency determination, the process to discipline an officer from complaint to hearing board can take weeks or months and involves an expenditure of agency and county resources. Many of the complaints forwarded to ACC’s are minor offenses, and the most severe punishment that can be imposed under the Statewide Matrix is a letter of reprimand.

ACC, agency, and county resources are better spent addressing serious allegations of misconduct. Minor violations of policy can, and should be, handled expeditiously and efficiently by the agency. A written reprimand issued months after the event does nothing to address the conduct. Citizens should not have to wait months for a resolution of their minor complaints. By allowing summary punishment of minor violations, SB 607 is a significant step toward improving the Police Accountability Act and allowing ACC’s to focus on serious misconduct matters.

For these reasons, MCPA and MSA urge a **FAVORABLE** report on **SB 607**.

Department of State Police Position Paper Senate B

Uploaded by: Joey Sybert

Position: FAV



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

POSITION ON PROPOSED LEGISLATION

DATE: February 21, 2024

BILL NUMBER: Senate Bill 607 **POSITION:** Support

BILL TITLE: Public Safety – Police Accountability and Discipline – Summary Punishment

REVIEW AND ANALYSIS

This legislation authorizes a law enforcement agency to impose summary punishment on a police officer without processing the disciplinary case through the Administrative Charging Committee. The summary punishment may only be for a minor offense, may not exceed a written reprimand in accordance with the statewide disciplinary Matrix, and the facts of the case are not in dispute. The police officer may not appeal the punishment.

Under current law, every disciplinary complaint involving a member of the public is required to be investigated and forwarded to the Administrative Charging Committee (ACC) and the Police Accountability Board. Regardless if it's a minor infraction or major investigation, every investigation has to be reviewed by the board(s) before disciplinary action is taken.

In 2023, the Department of State Police (DSP) sent 295 cases to the statewide Administrative Charging Committee. Of those, 96 investigations were sustained for discipline. More than half of those cases, 55, were deemed either formal counseling or a written reprimand (Minor Offenses). These minor cases take up a great deal of the investigator's time as well as the time of the ACC board members.

The state ACC is made up of volunteers. The majority of cases are considered minor based on the disciplinary Matrix. A majority of the ACC's cases include accident reports involving troopers, courtesy complaints, chain of command complaints, etc. The DSP does not minimize the role of the ACC, but it would benefit all concerned if these minor cases could be handled expeditiously and allow the ACC to focus on the more serious cases.

The process authorized in Senate Bill 607 does not impede or in anyway impact the ability of the public, victim, or complainant to have access to the investigation or the imposed discipline. It does, however, provide a swift result for minor disciplinary cases. This benefits the complainant, the police officer, and the volunteers who give their time as members of the ACC. Transparency of the complaint process remains open and fair.

For these reasons, the Department of State Police urges the committee to give Senate Bill 607 a favorable report.

2024 SB 607 -Police Accountability and Discipline

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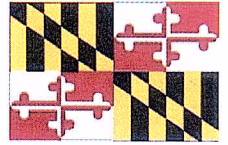
Position: FWA



CLYDE BOATWRIGHT
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FRATERNAL ORDER OF POLICE

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KENNY SCHUBERT
SECRETARY

EARL KRATTSCH
TREASURER

February 20, 2024

SB 607 - Public Safety – Police Accountability and Discipline – Summary Punishment

Dear Chairman Smith and Distinguished Members of the Judicial Proceedings Committee,

The Maryland State Fraternal Order of Police **Supports Senate Bill 607 - Public Safety – Police Accountability and Discipline – Summary Punishment ONLY IF it is AMENDED** as requested.

Senate Bill 607 would authorize and establish summary punishment of a police officer for minor violations of Agency rules and regulations as long as the facts that constitute the violation are not in dispute and the summary punishment does not exceed a written reprimand. While the FOP agrees that the ability to be able to handle minor incidents that all agree should be handled quickly to deal with the incident and move on is necessary and proper, we also believe that **SB 607** leaves out important facts that also need to be included to ensure the rights of the officers are preserved. On Page 2 of **SB 607**, Paragraph (D) and (E) remove the officer's rights to an Administrative Hearing Board if summary punishment is imposed and make summary punishment non appealable. For the FOP to agree that this would be an acceptable way of adjudicating minor discipline without having to go through the full process that is currently law, we believe the officer needs to agree that the facts are not in dispute and agree to the discipline. **SB 607** in its current form does not stipulate as to whether or not the officer is included in the parties that need to agree whether or not the facts are in dispute. Our fear is that the Agency can say no one can deny that this is what happened so therefore we are going with summary punishment and the officer has no remedy now to dispute this as the ability to take to a hearing board would be removed by **SB 607** as well.

The FOP would ask that **SB 607** be **AMENDED** by deleting the period after the word "dispute" at the end of Page 1, line 19, and adding ", and the officer agrees that the facts are not in dispute and accepts the discipline." With this change, the FOP would be able to support **SB 607**.

On behalf of the more than 20,000 Courageous Men and Women of the Maryland Fraternal Order of Police we thank you for your support and ask for your **FAVORABLE** vote on **Senate Bill 607 - Police Accountability and Discipline – Summary Punishment ONLY IF it is AMENDED** as requested above.

Angelo L. Consoli Jr,
2nd Vice President, FOP, Maryland State Lodge
President, FOP Lodge 89, Prince George's County