



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

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

**FROM:** Chief 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:** January 21, 2021

**RE:** **SB 166 Criminal Procedure – Police Officers – Duty to Report Misconduct (Maryland police Accountability Act of 2021)**

**POSITION:** **SUPPORT WITH AMENDMENTS**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 166 WITH AMENDMENTS**. This bill requires a police officer to report misconduct if the police officer has actual knowledge that another police officer has engaged in certain types of behavior – homicide, use of excessive force, sexual crime, theft, perjury fraud, evidence tampering. A police officer who knowingly and willfully violates the duty to report misconduct is guilty of a misdemeanor and on conviction is subject to a maximum penalty of five years imprisonment and/or a \$10,000 fine.

MCPA and MSA supports efforts to hold officers accountable and agree that if an officer is improperly carrying out his/her duties other officers must come forward with that information. However, MCPA and MSA would like to propose an alternate approach to address these matters.

Instead of an approach that includes criminal penalties such as those specified in SB 166 and other legislation, a uniform statewide use of force policy could be specified in statute that addresses an officer's duty to intervene, report misconduct, and other key elements. The actual policy could still be developed by the Maryland Police Training and Standards Commission providing flexibility for other requirements to be incorporated resulting from court decisions or best practices developed by certifying agencies.

Incorporating these concepts into mandated policies authorize the Chief or Sheriff to take appropriate disciplinary action should an officer not comply with specified training and policies. The behaviors specified in SB 166 are unacceptable and question an officer's integrity likely resulting in severe disciplinary and criminal actions if upheld. Chiefs and Sheriffs should be held accountable in disciplining their officers and adopting a statewide use of force policy to address these matters provides this opportunity. For these reasons, MCPA and MSA **SUPPORT SB 166 WITH AMENDMENTS** to mandate a statewide use of force policy that incorporates a duty to report misconduct requirement.