



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 237 Public Safety – Law Enforcement Reform**

POSITION: SUPPORT WITH AMENDMENTS

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) SUPPORT SB 237 WITH AMENDMENTS. MCPA and MSA appreciates the sponsors effort to enhance law enforcement transparency, accountability, and community trust. Both organizations also appreciate the sponsor incorporating many provisions included in Baltimore County's recently passed legislation. MCPA and MSA are offering several amendments to better align SB 237 with the legislation being implemented in Baltimore County.

No-Knock Warrants – Language in the bill requires preapproval by the applicant's supervisor and the State's Attorney. MCPA and MSA believes the intent is to require approval by an individual with an appropriate level of authority and experience. An applicant's supervisor could be an acting corporal, who would not have this level of authority. Instead of an applicant's supervisor MCPA and MSA recommended amending the bill to require preapproval by an individual with the appropriate level of authority and experience. With respect to the State's Attorney, the bill should be amended to include a designee should the actual elected State's Attorney not be available.

Training – The requirement for training "at least annually" is problematic. The Baltimore County legislation referred to "yearly" because it was envisioned to be included in each calendar year. If you use the word "annually" does that mean once in a calendar year, or every 12 months? Logistical problems could result if an officer attends in-service training in late January 2021 then cannot attend the next in-service training in February 2022. It seems unreasonable to expect every officer who attends the first in-service week session in January to keep that same schedule for the rest of their police career. MCPA and MSA suggests keeping the current two-year requirement in State law.

Body-Worn Cameras – Support requiring body-worn cameras for all law enforcement agencies, but policies adopted should be consistent with Maryland Police Training and Standards Commission policy and guidelines. This would ensure appropriate exemptions are made to the policies for undercover officers and other circumstances where it would not be appropriate for officers to use body cameras. It is also important to recognize that costs are more than just equipment, also includes storage, redacting, auditing, and staffing. Opportunity for outside funding to offset costs should not be limited. Further, the legislation should be amended to ensure consistency with implementation dates and cost saving measures outlined in the recommendations of the Body-Worn Camera Task Force.

Early Intervention System – MCPA and MSA suggest strengthening this section of the bill by adding the word “unnecessary” to read the “USE OF EXCESSIVE AND UNNECESSARY FORCE” in line 19 on page 5. Further, this section should read “officers who are at risk FOR [not “of”] engaging in the use of excessive or unnecessary force.” Early intervention systems are used to predict future behavior, so it is appropriate to use a preposition of time. “For” is also considered to be more specific.

Rules Outlined in 3-523 – MCPA and MSA supports the concepts proposed but suggests SB 237 be amended to provide a framework for a statewide use of force policy including these items and other key elements. The MPTSC could be required to promulgate a policy and agencies required to adopt it. Incorporating these concepts into a mandated state-wide use of force policy authorize the Chief or Sheriff to take appropriate disciplinary action should an officer not comply with specified training and policies.

For these reasons, MCPA and MSA SUPPORT SB 237 WITH AMENDMENTS and urge the Committee to amend as specified above.