



CLYDE BOATWRIGHT
STATE PRESIDENT

Maryland State Lodge
Fraternal Order of Police®

8302 COVE ROAD, BALTIMORE, MD 21222



KENNETH SCHUBERT
SECRETARY
EARL KRATSCHE
TREASURER

The Honorable William C. Smith Jr., Chairman
Senate Judicial Proceedings Committee
Miller Senate Office Building, 2 East Wing
11 Bladen St. Annapolis, MD 21401 -1991

Dear Chairman Smith,

I am writing on behalf of the Maryland State Lodge of the Fraternal Order Police in opposition of Senate Bill50 (Criminal Procedure – Police Officers – Duty to Intervene).

While the women and men of the Fraternal Order of Police support policies governing the duty to intervene, we simply cannot support proposed legislation which seeks to levy excessive punitive measures upon law enforcement officers. As you know, many of Maryland’s law enforcement agencies have implemented duty to intervene policies. Without any evidence to suggest that officers are failing to intervene in excessive force incidents, it is clear that SB50 is only intended to punish police officers.

The Fraternal Order of Police understands the importance of policies which mandate intervention in serious incidents. We also understand the importance of fairness and equality related to criminal penalties. An officer’s proven failure to intervene in another officer’s use of excessive force should most certainly result in disciplinary action by his or her agency, but it should not carry a criminal penalty.

The Maryland Legislature should ensure that each of Maryland’s law enforcement agencies have quality policies regarding the duty to intervene. The legislature should ensure proper supervision and training on such policies and, most importantly, develop a mechanism by which those policies can be measured over time. The legislature’s attempt to enact a duty to intervene law, particularly where there is no current statewide requirement for police departments to have a similar policy, is nothing more than a punitive measure. For these reasons, the Maryland Fraternal Order of Police must oppose SB50.

Fraternally,

William R. “Will” Milam
First Vice President