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Judicial Proceedings Committee

Vice Chair, Baltimore County
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THE SENATE OF MARYLAND
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January 21, 2021

Senate Judicial Proceedings Committee
The Honorable William C. Smith, Jr.
2 East Miller Senate Building
Annapolis, Maryland 21401-1991

RE: SB 237 – Public Safety – Law Enforcement Reform

Dear Chairman Smith and Members of the Committee:

I am pleased to introduce Senate Bill 237, which proposes a number of reforms to the practice of policing in Maryland.

Last September, the members of this Committee spent three days hearing testimony on a suite of draft bills purporting to reform policing in Maryland. I fully understood the intent behind these bills and indeed supported many of the provisions in the bills, but at times I felt that the bills went so far as to run the risk of being seriously counter-productive. Legislation that will induce seasoned law enforcement officers to take early retirement, will lead law enforcement officers in the middle of their careers to leave public service for jobs in the private sector and will discourage young people from seeking careers in the field of public safety in the first place would inevitably, albeit unintentionally, diminish the expertise and professionalism of our law enforcement agencies.

At just about that same time, Baltimore County Councilman Julian Jones introduced a bill in the Baltimore County Council to reform law enforcement in Baltimore County. This bill became the subject of a lot of work behind the scenes. Ultimately a compromise bill was passed on October 5th by the Baltimore County Council. The bill had bi-partisan support, with two of the three Republican Councilmen and all four Democratic Councilmen voting for it. The bill was then signed into law by County Executive Johnny Olzsewski. On the day the bill passed, Councilman Jones posted a message thanking all of the supporters of the bill for their fine work on the bill. They included Jews United For Justice, 1199 SEIU, the Baltimore County NAACP chapter, U. S. Senators Chris Van Hollen and Ben Cardin, Congressman Kweisi Mfume, Speaker of the House Adrienne Jones, State Senators Shelley Hettelman, Clarence Lam and Charles Sydnor, and many others.

Intrigued by this bi-partisan success, I obtained a copy of the bill and read it. It was an omnibus bill that covered the same ground as some of the bills considered by this Committee in September. I found Councilman Jones bill to be balanced and reasonable, and so I cannibalized it and asked DLS to draft this bill, which takes the reforms enacted in Baltimore County and extends them statewide. Let me summarize the provisions of the bill.

First, the bill provides that all future “no knock” search warrants must be pre-approved by the applicant’s superior as well as by the County State’s Attorney.

Second, the bill provides for annual training regarding interacting with individuals with physical, intellectual, developmental and psychiatric disabilities.

Third, the bill requires annual training regarding antidiscrimination, implicit bias and use of force de-escalation training.

Fourth, the bill states that each law enforcement agency shall establish an early intervention system to identify police officers who are at risk of engaging in excessive force and to provide those officers with training, behavioral interventions, reassignments and other appropriate responses to reduce the risk of excessive force.

Fifth, the bill requires the Chief of each Maryland law enforcement agency to adopt certain rules to be followed by all of the agency’s law enforcement officers. These rules must include: a requirement that each office shall demonstrate the highest regard for the sanctity of human life and the dignity and value of all persons; a rule that an officer may only use objectively reasonable, necessary and proportional force to accomplish the officer’s lawful duties; and a requirement that an officer shall, when safe and reasonably possible, use de-escalation techniques to proactively stabilize a situation so that more time, options and resources may be available to gain voluntary compliance and reduce or eliminate the need to use force.

Sixth, the bill requires officers to intervene to prevent or terminate the use of excessive force by another officer.

Seventh, the bill contains an anti-retaliation provision so that an officer may not retaliate against another officer who reports an intervention to prevent or terminate the use of excessive force.

Eighth, the bill states that an officer must report any use of physical force, a protective instrument or a dog, must report if any person in custody is injured or even complains of pain and must report if a firearm is discharged other than in training.

Ninth, the bill provides that an officer may not use a neck hold or other restraint intended to restrict blood or air flow except in defense against death or serious bodily injury.

The bill contains two additional provisions which were not in the Baltimore County bill. First, the bill turns over control of the Baltimore City Police Department to the City of Baltimore. Nearly all of the testimony that we heard last September about bad acts committed by law enforcement officers reported on conduct that occurred in Baltimore City. Currently, the Baltimore City Police Department is controlled by the State of Maryland. Clearly, this hasn’t

worked. All of the other police departments in Maryland are controlled by their counties or municipalities. The City of Baltimore should be given the right and responsibility to control its own police department.

Finally, the bill provides that on or before October 1, 2023, each law enforcement agency in Maryland that employs over 20 law enforcement officers shall require the use of body-worn cameras. The cost of the initial equipment for a body-worn camera program shall be equally split between the State and the county or municipality served by the law enforcement agency implementing the body-worn camera program, but from that point on, the ongoing operating costs of the body-worn camera program will be borne solely by the county or municipality.

Taken as a whole, I believe that this bill is fair and reasonable and balanced. For these reasons I ask the committee to vote favorably on Senate Bill 237.

The assault on the Capitol underscores why federal law enforcement should use body cameras

Editorial Board

“A POLICE department that deploys body-worn cameras is making a statement that it believes the actions of its officers are a matter of public record.” That is what the executive director of the Police Executive Research Forum wrote in a [report commissioned by the Justice Department](#) setting out national guidelines for body-worn cameras. So why then — more than six years after that report was written — are so few federal police officers wearing the body cameras that have become the norm for many state and local police departments?

On Jan. 6, the federal government's resistance to the use of body cameras for its police forces got renewed attention with the assault on the Capitol by supporters of President Trump seeking to overturn the results of the presidential election. While there was video footage from journalists chronicling the events as well as from the cellphones of Mr. Trump's rioting supporters, there was no footage from the Capitol Police who were on the front lines of the insurrection. Had they been equipped with body cams, questions about their actions — as well as information about the atrocities committed against them — would have been easier to answer.

This is not the first time the lack of body-cam footage by federal law enforcement has been an issue. After unarmed motorist Bijan Ghaisar was shot to death in 2017 by two U.S. Park Police officers who conveniently were not wearing cameras, [legislation was introduced by Rep. Don Beyer \(D-Va.\) and Del. Eleanor Holmes Norton \(D-D.C.\)](#) in 2018 that would require all federal uniformed police officers to wear cameras. The legislation passed the House last summer but has stalled in the Senate.

Even as the use of body cameras by local and state police agencies [has increased](#), the Justice Department, with more than [43,000 sworn officers](#) across the FBI, Drug Enforcement Administration, Bureau of Alcohol, Tobacco, Firearms and Explosives and Marshals Service, has resisted — as has the Capitol Police force, which reports to Congress. The assault on the Capitol has spurred, as The Post's Tom Jackman reported, an [Arizona congressman](#) to introduce legislation mandating that Capital Police wear body cameras.

No doubt there are matters of privacy and sensitive issues of national security that federal agencies would need to deal with in implementing the use of body cameras. But, as the experience of local and state officials has shown, solutions can be devised to allow for transparency that enhances and doesn't compromise public safety. Body cameras are not a magical solution to the ills or challenges that confront modern law enforcement, but they are a useful tool that should be employed by any police department that “believes the actions of its officers are a matter of public record.” We urge Congress to enact legislation that would require federal law enforcement to employ this valuable tool.

www.washingtonpost.com/opinions/the-assault-on-the-capitol-underscores-why-federal-law-enforcement-should-use-body-cameras/2021/01/17/fc9d973a-56c3-11eb-a817-e5e7f8a406d6_story.html

In Chicago, other cities, more cops are calling it quits, retiring amid anti-police backlash

Chicago police retirements were up 15% last year over 2019. In New York, retirements nearly doubled. Some Chicago cops cite anti-police rhetoric over the past year.

By [Frank Main](#) and [Fran Spielman](#) Jan 15, 2021, 5:30am CST

The number of police officers retiring in Chicago and other cities has soared amid a chorus of anti-police rhetoric that's become increasingly loud over the past year.

In Chicago, 560 officers retired in 2020 in a police department that had about 13,100 sworn officers as of March, records show. That's about 15% more cops retiring than during the previous year, when the number of retirements rose by nearly 30%.

In New York City, 2,500 cops retired last year, nearly double the number in 2019, according to the New York Police Department, which has about 34,500 uniformed officers.

In Minneapolis, about 40 officers retired last year, and another 120 took leaves of absence. That's nearly 20% of a police department with about 840 officers in the city that touched off anti-police protests nationwide following the death last May of George Floyd, who was Black. A since-fired white cop knelt on Floyd's neck for nearly nine minutes that was captured on video by witnesses. Police officials are waiting to see whether the leaves of absences in the Minnesota city become retirements.

"It's serious," said Michael Lappe, vice president of the board of trustees for the Policemen's Annuity and Benefit Fund of Chicago, which oversees police pensions. "A lot of these people aren't retiring. They're quitting."

Minneapolis city officials are asking surrounding communities to place some of their officers on joint law enforcement teams in the face of the flood of departures. The Minneapolis Police Department also is curtailing some of the work it normally does.

"The bike cops and the community engagement has been done away with," police spokesman John Elder said. "Our homeless missions were scrapped. Our 911 response and our investigations are the focus now."

In Chicago, some cops say last summer's riots and demonstrations, which saw Black Lives Matter community activists call for defunding the police, were demoralizing. They say it also didn't help police morale that more than 1,000 officers have tested positive for the coronavirus.

Speaking only on the condition of not being named, some officers also said the [massive criminal justice reform bill that passed in Springfield on Wednesday](#) could be the final straw

that could prompt them to leave the department even though they haven't worked enough years to qualify for a maximum pension.

Among many other things, [the bill](#) — which Gov. J.B. Pritzker has two months to sign — would make it easier to file complaints against police officers. Sponsors said the legislation was a response to systemic racism.

The upswing in cop retirements in Chicago already is hurting the police pension system, according to Lappe. About 1,100 more people are now getting pensions than the number who are paying into the fund in Chicago, he said.

The rising number of cop retirements last year in Chicago also coincided with massive spending on police overtime to keep up with the soaring number of shootings as well as the rioting and demonstrations.

The retirements will put added pressure on the police department to recruit new cops this year, especially with 90 more officers having put in to retire in February. Police officials said they're prepared to fill the vacancies.

"Recruiting and hiring the next generation of officers who reflect a broad cross section of our neighborhoods in which we serve is a priority for the Chicago Police Department," officials said in a written statement. "We are currently working on plans for recruitment and hiring this year as we continue working to improve public safety in our communities across the city. As plans for hiring are being solidified, CPD continues to maintain appropriate manpower citywide."

[John Catanzara](#), president of the Chicago Fraternal Order of Police union, said he can't see how the police department's recruiting can keep pace with the retirements and pointed to Mayor Lori Lightfoot's latest budget, which eliminated 614 police vacancies.

"Even ones that aren't eligible to collect a pension check — if you've got five years on and you've got other options, I can see officers exploring it," Catanzara said. "And what is this city going to do? You literally just handed the keys to the criminals."

"They have just made policing in this city and state near-impossible," the police union boss said. "They have given control to the criminals."

<https://chicago.suntimes.com/2021/1/15/22229584/police-retirements-backlash-chicago-new-york-minneapolis-john-catanzara-fop-michael-lappe>