

Bill Number: SB 237
Scott D. Shellenberger, States Attorney for Baltimore County
Support

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF SENATE BILL 237
LAW ENFORCEMENT REFORM

I write in support of Senate Bill 237, law enforcement reform. In 2020, Baltimore County passed the SMART Policing Act. Senate Bill 237 adopts most of the elements of Baltimore County's law.

At the outset I understand and agreed with the need for public affirmation of these very important principles. While I believe many of the police reform bills introduced go too far Senate Bill 237 is one that I can support. It is an excellent balance of allowing officers to do their job while recognizing the citizen's right to certain conduct of those officers.

Some of the highlights of this bill:

1. Requires that if a no-knock search warrant is to be used it must be approved by a police supervisor and the State's Attorney.

No-knock warrants are used when the safety of officers is in danger. No-knock warrants also can be used when there is a risk that evidence will be destroyed. It is not just drug cases where evidence needs to be preserved. It could be any kind of case including a homicide. If DNA is on an article of clothing this could be burned and lost forever.

I believe no-knock warrants are an important tool for law enforcement's safety and to preserve evidence. Currently the law requires that the officer articulate in the search warrant itself why it must be a no-knock warrant. That provision must be approved by a Judge. These requirements to articulate the need for a No-Knock warrant and approval by a Judge is what the Fourth Amendment is all about.

If you would like additional protections, some counties in Maryland and some other states have required that the State's Attorney's Office in the jurisdiction seeking the warrant sign off on the no-knock provision. Senate Bill 237 would require this. This is an acceptable additional protection.

Under this scenario an officer would have to swear a no-knock warrant is needed, a prosecutor would have to agree, that and sign, and a Judge would have to approve as judges currently do.

Adding police supervisory personnel to the decision puts another set of eyes on this important police function.

With those three requirements: supervisor control, State's Attorney sign off, and judge's approval, there would be more than sufficient checks and balances regarding no-knock warrants.

2. Requires annual in service training of all officers on:
 - a. Proper level and use of force;
 - b. Sensitivity to cultural and gender diversity;
 - c. Interacting with those with disabilities;
 - d. Implicit bias.

Training and education are the best ways to get to officers every year and improve their interactions with the public.

3. Require body cameras in all departments that have more than 30 police officers. I have said it before, but it is worth repeating. Requiring Body cameras in Baltimore County was one of the best things we have ever done. With the advent of body cameras, Internal Affairs complaints dropped. The cameras make everyone behave a little better and the videos are extremely useful in the courtroom. However, they work both ways. Last year one of my young paralegals was preparing a video for court. An officer used force that bothered the paralegal. The video was forwarded to me and the use of force bothered me. I forwarded the video to Internal Affairs and two hours later an Internal Affairs file was opened against that officer. That means an excessive force case was opened even though there was no complaint from the citizen. This is what body cameras can do. It works.

Senate Bill 237 also takes into account the costs associated with this roll out of body cameras. It is expensive but worth every penny.

4. Establishes an early warning system to identify officers at risk of engaging in excessive force and provides them with retraining or other appropriate responses.
5. Requires each police agency to adopt rules:
 - Recognizing the Sanctity of Life;
 - Requiring them to use objectively reasonable, necessary, and proportional force;
 - Requires the use of de-escalation techniques.
6. Requires officers to intervene to prevent others from using excessive force and promptly reporting it to others.
7. Prevent retaliation against those who report excessive force.
8. Requires officers to render aid to those injured.
9. Requires officers report when they use force, those in custody are injured or their firearm was discharged.

Finally and importantly, the bill bans the use of chokeholds unless to defend against death or serious bodily injury.

These common sense changes all located in one bill moves the State forward in an area that does require change. We did this in Baltimore County and I believe this is the next good step for the State.

I urge a favorable report.