



State of Maryland
Department of State Police
Government Affairs Section
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: January 21, 2021

BILL NUMBER: Senate Bill 260 **Position:** Letter of Concern

BILL TITLE: Public Safety – Police Officers’ Review Board

REVIEW AND ANALYSIS:

This legislation seeks to establish the Police Officers’ Performance Review Board within the Department of Public Safety and Correctional Services. The Board shall conduct annual reviews of police officer performance, require police agencies to collect demographic data on all citizen encounters traceable to the officer, publish this data on an unspecified database, and impose sanctions for racially discriminatory behavior.

The Maryland State Police (MSP) currently keeps track of qualifying traffic stops relating to Race Based Traffic Stop Data for MSP and other law enforcement agencies. The data is published annually by the Governor’s Office of Crime Prevention, Youth, and Victim Services. MSP commanders are required to review the data quarterly to ensure no disparate treatment. The Department does support transparency when reporting citizen contacts.

There are a number of concerns that are created by the requirements of Senate Bill 260. The bill does not define “citizen encounters” nor does it identify the demographics to be recorded. Citizen encounters could include traffic stops, victim services, accident reporting, elementary school presentations, instruction to students, or crime prevention meetings, just to name a few examples. Every encounter would not be possible to record for the database. Most importantly, the bill does not establish who can have access to the database.

In developing the traffic stop data collection law, MSP worked with the Committees to ensure officers and citizens were not placed in a situation where the officer had to ask questions about a person’s race or ethnicity. Issues which could cause problems on the side of a highway. But, race, sex, (as printed on the driver’s license) location of the stop, reason for the stop, and the outcome, i.e citation/warning/etc. are all captured in the system.

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Senate Bill 260 further provides that the Board shall review a police officer's performance annually and issue sanctions for racially discriminatory behavior. But there are no guidelines on how that determination is to be made nor is there a definition of what racial discriminatory behavior is. Further, the bill does not allow for due process and states "a police officer bears the burden of proof in a hearing before the board". This raises constitutional issues. It also conflicts with the current law regarding police misconduct.

There are over 16,000 police officers in this state and over 140 police agencies in this state.