



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 42 **Position:** Letter of Information

BILL TITLE: Public Safety - Police Officers – Screening for Violent Behavior, Aggressive Behavior, and Bias

REVIEW AND ANALYSIS:

This legislation seeks to require law enforcement agencies to perform a psychological screening of police officer applicants and current police officers for violent or overly aggressive behaviors and certain bias. Applicants found to have either, will be prohibited from hire for 1 year. The applicant is required to pass a screening before they are hired. Current sworn employees are required to pass a similar screening every 5 years. The first time they fail the screening, they are placed on administrative duties. A second failure results in termination.

The Maryland State Police (MSP) requires all applicants to submit to psychological screening to determine mental fitness for employment as a police officer. MSP also requires our troopers to receive implicit bias training annually. However, when investigating the requirements of Senate Bill 42, our medical director advised his reluctance to implement the requirements of the bill as he is unaware of any specific, science-based, validated test that is capable of identifying the broad, non-specific collection of elements of human psychosocial behavior specified in SB 42. It should be noted that the Department's licensed and certified contractor responsible for providing our psychological services agrees.

Regarding the testing of active officers every 5 years, our contracted experts have advised that requiring troopers to complete the psychological testing and screening recommended by SB 42 may subject the employee and department to violations specified under the Americans with Disability Act. They warn that the requirements under SB 42 act as a de facto fitness for duty screening which is being conducted without cause as there is no event or action requiring the assessment and subsequent employment action.

It is the collective opinion of the Department's medical experts that police agencies should focus on resiliency and wellness in annual training and performance assessments. This approach concentrates on identifying problem behaviors and/or incident based performance concerns which is fundamental to reformation and reconciliation. Stigmatizing employees or levying threats to employment may lead to further isolation and regression. Research indicates that those who act out aggressively are far more likely to be dealing with personal issues as a primary causal factor than for bias related causes.