



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith, Jr. Chairman and
Members of the Judicial Proceedings Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: January 28, 2021

RE: **SB 50 Criminal Procedure – Police Officers – Duty to Intervene**

POSITION: **SUPPORT WITH AMENDMENTS**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 50 WITH AMENDMENTS**. This bill establishes a duty for a police officer to intervene. A police officer who knowingly and willfully violates the duty to intervene is guilty of a misdemeanor and on conviction is subject to a maximum penalty of five years imprisonment and/or a \$10,000 fine.

MCPA and MSA supports efforts to hold officers accountable and agree officers should have a duty to intervene to make a reasonable attempt to stop or prevent the use of excessive force if a police officer knows or reasonably should know that another officer is using or intends to use excessive force.

Instead of an approach that includes criminal penalties such as those specified in SB 50 and other legislation, a uniform statewide use of force policy could be specified in statute that addresses an officer's duty to intervene, report misconduct, and other key elements. The actual policy could still be developed by the Maryland Police Training and Standards Commission providing flexibility for other requirements to be incorporated resulting from court decisions or best practices developed by certifying agencies.

Incorporating these concepts into mandated policies authorize the Chief or Sheriff to take appropriate disciplinary action should an officer not comply with specified training and policies. The behaviors specified in SB 50 are unacceptable and question an officer's integrity likely resulting in severe disciplinary and criminal actions if upheld. Chiefs and Sheriffs should be held accountable in disciplining their officers and adopting a statewide use of force policy to address these matters provides this opportunity. For these reasons, MCPA and MSA **SUPPORT SB 50 WITH AMENDMENTS** to mandate a statewide use of force policy that establishes a duty for a police officer to intervene.