

Sb63 Testimony.pdf

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Position: FAV

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Legislative District 24
Prince George's County

Finance Committee
Chair, Rules Committee

Joint Committees

Children, Youth, and Families
Ending Homelessness
Fair Practices and State Personnel Oversight
Management of Public Funds

Chair, Prince George's County
Senate Delegation



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Testimony of Senator Joanne C. Benson

SB 63: Marlow Heights Police Department - Establishment

Good morning Chairman Smith and esteemed members of the Judicial Proceedings committee. Senate Bill 63: Marlow Heights Police Department- Establishment – will detail the Marlow Heights Special Police Department's complete creation and duties. The Marlow Heights Police Department will not be an agency in Prince George's County. Thus, this will require help from the Department of Public Safety and Correctional Services and the Motor Vehicle Administration to aid with the Police Department's needs.

Senate Bill 63 will establish the Marlow Heights Police Department and provide protection for the Marlow Heights Community in Prince Georges County and enforce applicable laws in ordinance and county regulations. The Marlow Heights Department will serve over 10,000 citizens and allow police officers authority to carry out, enforce, and make arrest.

Major issues that the force currently faces are that officers must rely on their prior training from previous employment. Our communities must entrust those who are bound by law to protect them with proper resources and training. This means that a police status will need to be put in place to serve and protect the community's residents.

The Marlow Heights Police Department will be well equipped to protect the citizens' welfare if provided the opportunity to receive the title and resources. We have to think about the safety of all the residents of Maryland. We have to make the conscious decision to help eliminate crime by assisting the police departments and creating laws that will provide adequate safety that will protect and save lives.

Thus, I respectfully urge the committee for a favorable report on Senate Bill 63.

Captain Testimony to Senate copy.pdf

Uploaded by: Conklin, John

Position: FAV



MARLOW HEIGHTS SPECIAL POLICE

3901-A Branch Avenue, Temple Hills, MD, 20748. (240)882-9754

Good Morning members of the Senate,

My name is Captain Paul Rovillard of the Marlow Heights Special Police Department. This is my 20th year of service at Marlow Heights Special Police and my 41st year in law enforcement. My tenure at Marlow Heights Special Police has been both extremely rewarding while at the same time challenging. In addition to policing the Shopping Center, we also provide coverage to the surrounding multicultural community that depends on the Shopping Center for groceries, household necessities, apparel, restaurants, medication, others services and entertainment. This coverage outside of the Shopping Center provides the Prince George's County Police with the flexibility to allocate their limited resources elsewhere in the County.

I have seen entire families, including grand-parents, fathers, mothers and children grow up in this shopping center and immediate community. The term community-oriented policing applies here to our Special Police staff, which we practice on a daily basis.

Just a few weeks ago, a young Marine approached me in front of the Giant Food and asked me if I remembered him, I did not. He proceeded to explain that when he was 12 years old, he had stolen a soda and bag of chips from a local store and that I had responded to the radio call of the incident. He advised that I proceeded to instruct him on his poor decision-making and that I sent him home with some important recommendations for a young teenager. The impact of that simple life episode convinced this young teenager he was on the wrong path in his life. For me, seeing him in his Marine Corp uniform and hearing his recollection of this small life experience provided me a sense of pride. This is just one example of the many that this department has experienced over the years while serving this shopping center and community with dedication and determination.

The passing of Senate Bill 63 will permit Chief Conklin and myself to move this department into the future.

I appreciate the opportunity to provide some brief testimony today regarding Senate Bill 63 and the Marlow Heights Special Police Dept. .

God bless you all and may God bless the great State of Maryland. Thank you!

240-882-9754

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Chief Testimony to Senate copy.pdf

Uploaded by: Conklin, John

Position: FAV



MARLOW HEIGHTS SPECIAL POLICE

3901-A Branch Avenue, Temple Hills, MD, 20748. (240)882-9754

Good Morning Distinguished Member of the Senate:

I am Chief John Scott Conklin of the Marlow Heights Special Police here to testify on behalf of Senate Bill 63. First, I would like to establish some background on the Marlow Heights Shopping Center and the Marlow Heights Special Police Department. The Marlow Heights Shopping Center was constructed in the mid to late 1950's on 33 acres in Prince George' County, consisting of 454,725 sf of retail space with approximate 60 stores plus a small Office Building component. The Special Police Department was formed in 1960 to serve the Shopping Center and the immediate surrounding Marlow Heights community. This Department as compared to the County or other Municipalities has a relatively small budget since it is funded by the Shopping Center income.

The Department is authorized through the Governor's Office under Title 3-301, under which our Officers are commissioned through the Maryland State Police and sworn in by the Secretary of State Office with the same police powers as any other State, County or Municipal Police Officer. Notwithstanding, our police powers are specific to the Marlow Heights Shopping Center and the immediate surrounding community. Our department personnel are currently required to be trained under the Maryland Police Training Commission (MPTC) to obtain the skill, knowledge and experience that a Police Officer requires.

The Captain and I are here today to seek your support for the proposed Senate Bill 63 which we believe will be vital to our continuing existence while serving the Marlow Heights community. The Bill would provide the means to modernize and further educate our personnel in this small department.

Passage of this Bill will provide this Department the following opportunities but limited to just these examples:

- 1) Establish radio communication between our Special Police Department and Prince Georges County Police. Throughout our existence we have only been authorized through Prince George's County Police to listen into their communications but not transmit directly with County dispatch or County patrol vehicles. Like any other citizen we have to either call 911 or dispatch directly if we require County Police backup or other assistance. This is a life safety issue for our small department.
- 2) Provide the capability for this Department to apply for certain grants to fund improvements for our personnel, one such example, would be portable digital police radios to communicate properly with County Police Dispatch.

- 3) Establish mutual aid agreements with neighborhoods adjacent to our Shopping Center which would provide the authority for our Department to expand protection to citizens on a somewhat wider scope. This would benefit the County Police to allocate their resources to other areas of greater need.

In concluding, I request that the Senate Bill 63 be approved thereby providing the ability to update this small Department with modern day law enforcement equipment and communications capability which will contribute to improved safety at this Shopping Center and surrounding Community. For your consideration I have provided a copy of our General Orders and the Departments list of reported calls for the period of 2019 – 2020. I encourage you to follow up with me should you have any questions.

Thank you, members of this Senate Committee, for providing the time to hear our testimony. Appreciate your service to the State of Maryland.

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Uploaded by: Ansah, Samuela

Position: UNF



**Testimony for the Senate Judicial Proceedings Committee
February 3, 2021**

SB 63 – Marlow Heights Police Department - Establishment

UNFAVORABLE

SAMUELA ANSAH
PUBLIC POLICY INTERN

The ACLU of Maryland urges an unfavorable report on SB 63, which would establish the Marlow Heights Police Department. Under this bill, Marlow Heights Police Officers will be subject to the Law Enforcement Officers Bill of Rights (LEOBR) and eligible for certification by the Maryland Police Training Commission.

This bill cements the commission of the special police force of the Marlow Heights Police Department as its own department, separate and autonomous from the Prince George's County Police Department. However, this bill provides a private company, Gelman Management Co., to fund the Marlow Heights Police Department. Additionally, and most concerning, the bill allows Gelman Management Co. to adopt standards, qualifications, and prerequisites if delegated by the Maryland Police Training and Standards Commission (MPTSC).

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This allows the private company to adopt rules and governance of the Marlow Heights Police Department, and enforce disciplinary actions based on the disobedience of regulations by both the MPTSC and the Gelman Management Company. The Gelman Management Co. may also apply for, and accept any gift or grant for the use and benefit of the department from the Federal government, State unit, foundation, or any person.

WWW.ACLU-MD.ORG

COLEMAN BAZELON
PRESIDENT

DANA VICKERS SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The Marlow Heights community has not articulated a legitimate public safety need for an expansion of their current special force commission. The Prince George County Police, an already extensive and wide-reaching department with multiple districts and municipalities, services the Marlow Heights community through their District IV sector. Establishing a department specifically for the Marlow Heights community is unnecessary, overbearing, and a misuse of resources that could be invested into the community to fund public schools and community revitalization.

While the bill provides that Gelman Management Co. will be liable for funding the Marlow Heights Police Department, to provide a private company the autonomy to fund, oversee, and enforce rules and regulations of a police department is a dangerous prospect. Police are how the state uses force to coerce compliance with a legal order. For-profit companies have no place in providing and funding public safety services, let alone a function of the state such as a police department. This bill provides little to no oversight of the company to ensure they are acting in the best interest of the Marlow Heights community members and advancing measures that promote police accountability. Allowing a for-profit entity like Gelman Management Company to set standards, qualifications, and prerequisites for a police department does not promote the transparency that should be an essential goal of a police department.

The ACLU of Maryland opposes the creation of a private police force endowed with the state's power of arrest and use of force, including deadly force, whose officers will be shielded from liability by the qualified immunity given to government officials and through the Law Enforcement Bill of Rights. Under federal law, police officers, like other state and local government officials, enjoy immunity from liability for illegal acts unless they violate a clearly established right.¹ The doctrine of *qualified immunity* protects government officials "from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known."² The protection of qualified immunity applies regardless of whether the government official's error is "a mistake of law, a mistake of fact, or a mistake based on mixed questions of law and fact."³

Police accountability should be placed in the hands of community members, qualified individuals, and entities who are committed to transparency and meaningful measures that ensure the safety of citizens from law enforcement officers. Police officers of the Marlow Heights Police Department would be entitled to the protections provided by the Law Enforcement Bill of Rights which can shield officers from discipline by their employer. Discipline is necessary for both law enforcement officers and the community to understand there are consequences for misbehavior as a public official, especially against members of the community. Shielding law enforcement officials from discipline and accountability for their actions only breeds mistrust and negative relations between police and those they are called to serve.

The Law Enforcement Bill of Rights needs to be reformed, however, in the meantime, the bill allows the Gelman Management Co. to discipline officers as it sees fit in addition to the protections provided by LEOBR. However, allowing a for-profit company to set these standards and measures regarding the disciplinary actions of law enforcement officers is a step backward from the push towards increased transparency surrounding police accountability. Additionally, this bill makes no provisions or allowances for community accountability and oversight of Marlow Heights Police Department law enforcement officials through measures such as a Civilian Review Board. We already have a crisis of police accountability throughout Maryland, creating a private force accountable to no one but the Gelman Management Company and MPTSC, and even more, shielded from legal liability, is the last thing we should be considering.

The ACLU of Maryland is devoted to meaningful police reforms this legislative session and this bill goes directly against our goals. For these reasons, the ACLU of Maryland opposes SB 63.

¹ Pearson v. Callahan, 555 U.S. 223, 231, 129 S. Ct. 808, 815, 172 L. Ed. 2d 565 (2009)

² Harlow v. Fitzgerald, 457 U.S. 800, 818, 102 S.Ct. 2727, 73 L.Ed.2d 396 (1982).

³ Groh v. Ramirez, 540 U.S. 551, 567, 124 S.Ct. 1284, 157 L.Ed.2d 1068 (2004) (KENNEDY, J., dissenting)(quoting Butz v. Economou, 438 U.S. 478, 507, 98 S.Ct. 2894, 57 L.Ed.2d 895 (1978), for the proposition that qualified immunity covers "mere mistakes in judgment, whether the mistake is one of fact or one of law.")

AMERICAN CIVIL
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Senate Bill 63 response.pdf

Uploaded by: John, Beverly

Position: UNF

**Testimony for the Senate Judicial Proceedings Committee
February 3, 2021**

SB 63 – Marlow Heights Police Department - Establishment

UNFAVORABLE

To Chairman Smith, Vice-Chair Waldstreicher, and members of the Committee,

My name is Beverly John, a concerned citizen and community activist submitting written testimony in **opposition** of “SB0063 – Marlow Heights Police Department – Establishment.

I am opposed, in general, to the establishment of any additional local police departments within Prince George’s County due to community concerns of racial profiling and over-policing in communities, such as Marlow Heights, MD. The Special Police Department of Marlow Heights has been in existence since 1960. Marlow Heights and surrounding communities

Public safety is important and must be afforded all citizens. However, in certain communities, such as Marlow Heights and surrounding communities) over-policing has caused residents to feel unsafe while attending to their daily business. There are multiple arguments and statistics to support this issue that could be submitted.

But, at this time, I would oppose this legislation, which appears to be a re-issue of an earlier bill, SB810 that was proposed in 2016, on the grounds that several sections in the bill are not even relevant or do not reference Prince George’s County. For example:

- Article – Criminal Procedure defines a police officer as “a member of the police force of the Anne Arundel Community College; or a “member of the police department of the Johns Hopkins University.” There are other references to law enforcement from the Ocean Pines Police Department. Ocean Pines is on the Eastern Shore.

Secondly, there are references to a “Gelman Management” giving them authority to govern the department. These issues should be addressed.

Thank you.

Beverly John contact: ccfbr.pg@gmail.com

SB 63 Testimony - final.pdf

Uploaded by: Young, Ron

Position: UNF



THE PRINCE GEORGE'S COUNTY GOVERNMENT

OFFICE OF THE COUNTY EXECUTIVE

BILL: Senate Bill 63 – Marlow Heights Police Department - Establishment

SPONSOR: Senator Benson

HEARING DATE: February 3, 2021

COMMITTEE: Judicial Proceedings

CONTACT: Intergovernmental Affairs Office, 301-780-8411

POSITION: OPPOSE

The Office of the Prince George's County Executive **OPPOSES Senate Bill 63**, which establishes a private Marlow Heights Police Department; this Police Department would not be an agency of Prince George's County and certain persons associated with Police Department would not be associated with Prince George's County. The bill further requires the Department of Public Safety and Correctional Services and Motor Vehicle Administration to assist the Police Department with certain matters.

We are strong advocates for public safety and law enforcement in our County, however, we are also staunch believers in accountability – this is where the issue lies with **Senate Bill 63**. The establishment of a private Marlow Heights Police Department provides private entities the responsibility of public safety and policy powers, without the guardrails of accountability to the community or other law enforcement agencies.

In Prince George's County, it is essential for all law enforcement officers to function under the guidelines, principles and oversight of governmental agencies, not private industries. The creation a private-owned force with full police powers in the State of Maryland would set a questionable precedent regarding accountability in policing.

For the reasons stated above, the Office of the Prince George's County Executive **OPPOSES Senate Bill 63** and asks for an **UNFAVORABLE** report.