

SB0237 Local Control.pdf

Uploaded by: Britt, Adiena

Position: FAV

SB0237 Public Safety - Law Enforcement Reform -Return the BCPD back to the City

Stance: Support

Testimony: My name is Adiena C. Britt from the 45th Legislative District of Baltimore City. I am writing to offer my support for SB0237 which will move the Baltimore City Police Department from a State Agency, back under City Leadership where it belongs. The history of the BCPD removal from City Leadership is becoming well-known, and I will not supply that here. During the course of 2020, I was engaging with my State representatives, as well as two other City Senators who previously blocked this measure. I was told by one I wasn't his constituent, one never answered, and mine told me that his decision was due to "fiscal" and "TORT" reasoning.

These stances on control of the BCPD are unfounded, as MILLIONS of dollars are paid out of the City coffers in any given year for Police misconduct cases. I believe this is due to City Residents having Civil Cases as their only recourse. There is currently no accountability within the BCPD. I was also told that City leadership should "just change the charter", but the City Charter does not supersede any State Law. The City charter does not offer any type of control over the BCPD outside of hiring a commissioner and deciding the budget. That's all. Changing the City Charter would do NOTHING with their being under State Control at this time, yet are on the hook for millions in settlements. All of this with no say so in how the agency is operated or to enact any types of reforms.

The City Council meets year-round, while the MD General Assembly meets for 90 days per year. Less during the current COVID outbreak. This current set up requires that any reforms, changes, or mandates have to be quickly imagined, written, proposed, and voted on by an ENTIRE state's worth of Legislators for City matters. If the opportunity is missed, another year goes by without any reforms. City residents have no control over what Delegates and Senators from other jurisdictions decide, and when we're being told by city Leaders from other districts that we are Not their constituents, how can we expect folks from outside of the City to listen to us? It is incomprehensible that we only have a 90-day window per year to handle police matters for Baltimore City. No other jurisdiction has such restraints upon it.

Baltimore City Residents have the right to have a say so in our policing, and it should occur within the City Council and Mayor's Office, NOT the MD General Assembly. No other counties have the right to decide whether or not we receive justice, proper policing, nor changes in leadership and the day-to-day operations of our Police Department. As of now, Baltimore City Residents are failing to receive proper responses from their own members of the General Assembly, so why should we expect it from others? City Council and the Mayor have to sit through testimony and hearings on Police Misconduct. The City Solicitor has to decide if and how much civil cases should cost tax payers. Perhaps if the State was on the hook for these things, they would be more than willing to give Baltimore back control of our Police Department. We, as tax payers, shouldn't be on the hook for a State Agency. Maybe that idea can be incentive to vote on SB0237 in such a manner as to give the proper body legislative control over the BCPD, and that is the City Council and Mayor. Please pass this through the committee to the full Senate and House to be enacted into Law.

Thank you.

Adiena C. Britt

6014 Old Harford Rd. Baltimore, MD 21214

LoS - Law Enforcement Reform.pdf

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Position: FAV

State of Maryland

Commission on Civil Rights

“Our vision is to have a State that is free from any trace of unlawful discrimination.”



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January 21, 2021

Senate Bill 237 – Public Safety – Law Enforcement Reform **POSITION: Support**

Dear Chairperson Smith, Vice Chairperson Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

Senate Bill 237 seeks to codify a number of widely considered common-sense police reforms. Some of these reforms include, but are not limited to, entry-level and annual in-service training on anti-discrimination, implicit bias, and force de-escalation; adoption and use of body cameras; protocols to identify and intervene with law enforcement officers who are at risk of using excessive force; requirements on law enforcement officers to intervene in and report incidents where other officers engage in the use of excessive force; and prohibitions on the use of neck holds and other techniques that restrict blood and/or air flow, except in self-defense against death or serious injury.

A spotlight was shown on the need for meaningful police reform in Maryland with the unfortunate and unnecessary death of Freddie Gray in police custody in April, 2015. Despite a number of measures being adopted since then, including the attempted implementation of uniform standards across all law enforcement agencies and increased accountability, so much more work remains to be done if we are to restore the community’s faith in the law enforcement officers sworn to protect them. Senate Bill 237 takes some initial important steps toward meaningful reform. The Maryland Commission on Civil Rights hopes that SB237 will be thoughtfully considered as the General Assembly addressing meaningful and effective law enforcement reform legislative during the 2021 Legislative Session.

For these reasons, the Maryland Commission on Civil Rights urges a favorable report on SB237. Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.

SB237_Support_RSI_1212021.pdf

Uploaded by: Kelley, Jessica

Position: FAV



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Testimony from:
Jesse Kelley, Government Affairs Manager, Criminal Justice & Civil Liberties
R Street Institute

In SUPPORT of SB 237, AN ACT concerning Public Safety – Law Enforcement Reform

January 21, 2021

Senate Judicial Proceedings Committee

My name is Jesse Kelley, and I am the Government Affairs Manager for Criminal Justice and Civil Liberties policy at the R Street Institute—a nonprofit, nonpartisan, public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, specifically including police reform, which is why SB 237 is of particular interest to us.

We would first like to applaud the efforts of Senator West and other members of the Judicial Proceedings Committee for their commitment to ensure that meaningful policing reforms are thoroughly discussed and then implemented. Across the country, recent cases of the excessive use of force by police have been caused, in part, by the toxic culture within law enforcement departments. Poor police culture includes a lack of professionalism and respect for human dignity during interactions with the community. It is compounded when accountability, transparency and a desire for continued professional development are not made priorities within police forces.

In light of this, Senate Bill 237 includes many provisions that we believe are critical to make law enforcement departments more effective and efficient in protecting and serving communities. For example, limiting the use of no-knock warrants, requiring the use of body cameras, creating a peer-to-peer duty to intervene and establishing a duty to report any use of force are all positive steps in this regard.

More specifically, employing the use of a body-worn camera does much to increase accountability in a variety of ways. For instance, videos from the perspective of a police officer can aid decision-making when courts look to determine the reasonableness of his or her actions—including the determination as to whether force was necessary. Indeed, because these cameras can record in detail the various actions an officer engaged in, that single step alone works directly to accomplish multiple reform goals.

In addition to the proposed reforms outlined in SB 237, we recommend incorporating de-escalation practices into use-of-force policies, shifting to a non-stress model of academy training, investing in stronger field training officer (FTO) programs, limiting police use of military equipment, and creating new internal accountability policies and programs.

For these reasons, we support SB 237 and the continuing efforts of this committee to bring about meaningful change to policing in Maryland.

Very Respectfully,

Jesse Kelley
Government Affairs Manager, Criminal Justice & Civil Liberties
R Street Institute
jkelly@rstreet.org

SB237 testimony.pdf

Uploaded by: Rock-Foster, Charlene

Position: FAV

I am testifying in favor of SB237 -Law Enforcement Reform FOR the purpose of providing that the Police Department of Baltimore City is an agency 4 and instrumentality of the City of Baltimore, instead of the State.

For over 150 years, Baltimore City did not have control of its own police department, except for having the power since the 1970s in hiring and firing commissioners. For years, the residents contended with a public safety system that was, and still is, ripe for unfettered violence, misconduct, and corruption, well documented in the media and in books. A few examples:

-Baltimore City Officer Sergeant James Lloyd, who was the lead investigator in the 2017 death of Detective Sean Suiter, was arrested July 9th, 2020 is held without bail for kidnapping and extortion. There are reports of three more officers involved in this extraordinary inappropriate attempt at resolving unsatisfactory contractual work.

-A video was recently released contradicting Baltimore City PD Sergeant Welton Simpson's account of being assaulted back in January 17, 2020. Zayne Abdullah, one of the defendants, is facing felony charges over this alleged assault that both the commissioner and the governor strongly denounced in January.

-Two published books- "I Got a Monster: The Rise and Fall of America's Most Corrupt Police Squad" Baynard Woods and Brandon Soderberg and "The Men of Mobtown Policing Baltimore in the Age of Slavery and Emancipation" By Adam Malka give an in-depth look at policing's unsavory history.

-The Uprising of 2015 and the DOJ report that followed exposing widespread violations and corruption, resulting in the implementation of the current consent.

Note that the residents in the city have been, and still are, paying the extraordinary costs of police misconduct which includes In 2019, judgements & lawsuits of \$654,236 and legal fees of \$1,192,719 combined for a total of \$1,846,955 thus far and in 2020, a reported 8 million dollars in settlement for the Gun Trace Task Force lawsuit.

A city-controlled police department allows for more transparency, localized resolution of lawsuits, and more community involvement of policing, simply put. Thank you in advance for making the BOLDEST MOVE to finally return local control of the police department back to the residents of Baltimore city.

Charlene Rock-Foster

Baltimore City Resident

Senate Bill 237 - Law Enforcement Reform.pdf

Uploaded by: Shellenberger, Scott

Position: FAV

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.

Senator West - SB237 - Public Safety Law Enforceme

Uploaded by: West, Christopher

Position: FAV

CHRIS WEST
Legislative District 42
Baltimore County

Judicial Proceedings Committee

Vice Chair, Baltimore County
Senate Delegation



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January 21, 2021

Senate Judicial Proceedings Committee
The Honorable William C. Smith, Jr.
2 East Miller Senate Building
Annapolis, Maryland 21401-1991

RE: SB 237 – Public Safety – Law Enforcement Reform

Dear Chairman Smith and Members of the Committee:

I am pleased to introduce Senate Bill 237, which proposes a number of reforms to the practice of policing in Maryland.

Last September, the members of this Committee spent three days hearing testimony on a suite of draft bills purporting to reform policing in Maryland. I fully understood the intent behind these bills and indeed supported many of the provisions in the bills, but at times I felt that the bills went so far as to run the risk of being seriously counter-productive. Legislation that will induce seasoned law enforcement officers to take early retirement, will lead law enforcement officers in the middle of their careers to leave public service for jobs in the private sector and will discourage young people from seeking careers in the field of public safety in the first place would inevitably, albeit unintentionally, diminish the expertise and professionalism of our law enforcement agencies.

At just about that same time, Baltimore County Councilman Julian Jones introduced a bill in the Baltimore County Council to reform law enforcement in Baltimore County. This bill became the subject of a lot of work behind the scenes. Ultimately a compromise bill was passed on October 5th by the Baltimore County Council. The bill had bi-partisan support, with two of the three Republican Councilmen and all four Democratic Councilmen voting for it. The bill was then signed into law by County Executive Johnny Olzsewski. On the day the bill passed, Councilman Jones posted a message thanking all of the supporters of the bill for their fine work on the bill. They included Jews United For Justice, 1199 SEIU, the Baltimore County NAACP chapter, U. S. Senators Chris Van Hollen and Ben Cardin, Congressman Kweisi Mfume, Speaker of the House Adrienne Jones, State Senators Shelley Hettleman, Clarence Lam and Charles Sydnor, and many others.

Intrigued by this bi-partisan success, I obtained a copy of the bill and read it. It was an omnibus bill that covered the same ground as some of the bills considered by this Committee in September. I found Councilman Jones bill to be balanced and reasonable, and so I cannibalized it and asked DLS to draft this bill, which takes the reforms enacted in Baltimore County and extends them statewide. Let me summarize the provisions of the bill.

First, the bill provides that all future “no knock” search warrants must be pre-approved by the applicant’s superior as well as by the County State’s Attorney.

Second, the bill provides for annual training regarding interacting with individuals with physical, intellectual, developmental and psychiatric disabilities.

Third, the bill requires annual training regarding antidiscrimination, implicit bias and use of force de-escalation training.

Fourth, the bill states that each law enforcement agency shall establish an early intervention system to identify police officers who are at risk of engaging in excessive force and to provide those officers with training, behavioral interventions, reassignments and other appropriate responses to reduce the risk of excessive force.

Fifth, the bill requires the Chief of each Maryland law enforcement agency to adopt certain rules to be followed by all of the agency’s law enforcement officers. These rules must include: a requirement that each office shall demonstrate the highest regard for the sanctity of human life and the dignity and value of all persons; a rule that an officer may only use objectively reasonable, necessary and proportional force to accomplish the officer’s lawful duties; and a requirement that an officer shall, when safe and reasonably possible, use de-escalation techniques to proactively stabilize a situation so that more time, options and resources may be available to gain voluntary compliance and reduce or eliminate the need to use force.

Sixth, the bill requires officers to intervene to prevent or terminate the use of excessive force by another officer.

Seventh, the bill contains an anti-retaliation provision so that an officer may not retaliate against another officer who reports an intervention to prevent or terminate the use of excessive force.

Eighth, the bill states that an officer must report any use of physical force, a protective instrument or a dog, must report if any person in custody is injured or even complains of pain and must report if a firearm is discharged other than in training.

Ninth, the bill provides that an officer may not use a neck hold or other restraint intended to restrict blood or air flow except in defense against death or serious bodily injury.

The bill contains two additional provisions which were not in the Baltimore County bill. First, the bill turns over control of the Baltimore City Police Department to the City of Baltimore. Nearly all of the testimony that we heard last September about bad acts committed by law enforcement officers reported on conduct that occurred in Baltimore City. Currently, the Baltimore City Police Department is controlled by the State of Maryland. Clearly, this hasn’t

worked. All of the other police departments in Maryland are controlled by their counties or municipalities. The City of Baltimore should be given the right and responsibility to control its own police department.

Finally, the bill provides that on or before October 1, 2023, each law enforcement agency in Maryland that employs over 20 law enforcement officers shall require the use of body-worn cameras. The cost of the initial equipment for a body-worn camera program shall be equally split between the State and the county or municipality served by the law enforcement agency implementing the body-worn camera program, but from that point on, the ongoing operating costs of the body-worn camera program will be borne solely by the county or municipality.

Taken as a whole, I believe that this bill is fair and reasonable and balanced. For these reasons I ask the committee to vote favorably on Senate Bill 237.

The assault on the Capitol underscores why federal law enforcement should use body cameras

Editorial Board

“A POLICE department that deploys body-worn cameras is making a statement that it believes the actions of its officers are a matter of public record.” That is what the executive director of the Police Executive Research Forum wrote in a [report commissioned by the Justice Department](#) setting out national guidelines for body-worn cameras. So why then — more than six years after that report was written — are so few federal police officers wearing the body cameras that have become the norm for many state and local police departments?

On Jan. 6, the federal government's resistance to the use of body cameras for its police forces got renewed attention with the assault on the Capitol by supporters of President Trump seeking to overturn the results of the presidential election. While there was video footage from journalists chronicling the events as well as from the cellphones of Mr. Trump's rioting supporters, there was no footage from the Capitol Police who were on the front lines of the insurrection. Had they been equipped with body cams, questions about their actions — as well as information about the atrocities committed against them — would have been easier to answer.

This is not the first time the lack of body-cam footage by federal law enforcement has been an issue. After unarmed motorist Bijan Ghaisar was shot to death in 2017 by two U.S. Park Police officers who conveniently were not wearing cameras, [legislation was introduced by Rep. Don Beyer \(D-Va.\) and Del. Eleanor Holmes Norton \(D-D.C.\)](#) in 2018 that would require all federal uniformed police officers to wear cameras. The legislation passed the House last summer but has stalled in the Senate.

Even as the use of body cameras by local and state police agencies [has increased](#), the Justice Department, with more than [43,000 sworn officers](#) across the FBI, Drug Enforcement Administration, Bureau of Alcohol, Tobacco, Firearms and Explosives and Marshals Service, has resisted — as has the Capitol Police force, which reports to Congress. The assault on the Capitol has spurred, as The Post's Tom Jackman reported, an [Arizona congressman](#) to introduce legislation mandating that Capital Police wear body cameras.

No doubt there are matters of privacy and sensitive issues of national security that federal agencies would need to deal with in implementing the use of body cameras. But, as the experience of local and state officials has shown, solutions can be devised to allow for transparency that enhances and doesn't compromise public safety. Body cameras are not a magical solution to the ills or challenges that confront modern law enforcement, but they are a useful tool that should be employed by any police department that “believes the actions of its officers are a matter of public record.” We urge Congress to enact legislation that would require federal law enforcement to employ this valuable tool.

www.washingtonpost.com/opinions/the-assault-on-the-capitol-underscores-why-federal-law-enforcement-should-use-body-cameras/2021/01/17/fc9d973a-56c3-11eb-a817-e5e7f8a406d6_story.html

In Chicago, other cities, more cops are calling it quits, retiring amid anti-police backlash

Chicago police retirements were up 15% last year over 2019. In New York, retirements nearly doubled. Some Chicago cops cite anti-police rhetoric over the past year.

By [Frank Main](#) and [Fran Spielman](#) Jan 15, 2021, 5:30am CST

The number of police officers retiring in Chicago and other cities has soared amid a chorus of anti-police rhetoric that's become increasingly loud over the past year.

In Chicago, 560 officers retired in 2020 in a police department that had about 13,100 sworn officers as of March, records show. That's about 15% more cops retiring than during the previous year, when the number of retirements rose by nearly 30%.

In New York City, 2,500 cops retired last year, nearly double the number in 2019, according to the New York Police Department, which has about 34,500 uniformed officers.

In Minneapolis, about 40 officers retired last year, and another 120 took leaves of absence. That's nearly 20% of a police department with about 840 officers in the city that touched off anti-police protests nationwide following the death last May of George Floyd, who was Black. A since-fired white cop knelt on Floyd's neck for nearly nine minutes that was captured on video by witnesses. Police officials are waiting to see whether the leaves of absences in the Minnesota city become retirements.

"It's serious," said Michael Lappe, vice president of the board of trustees for the Policemen's Annuity and Benefit Fund of Chicago, which oversees police pensions. "A lot of these people aren't retiring. They're quitting."

Minneapolis city officials are asking surrounding communities to place some of their officers on joint law enforcement teams in the face of the flood of departures. The Minneapolis Police Department also is curtailing some of the work it normally does.

"The bike cops and the community engagement has been done away with," police spokesman John Elder said. "Our homeless missions were scrapped. Our 911 response and our investigations are the focus now."

In Chicago, some cops say last summer's riots and demonstrations, which saw Black Lives Matter community activists call for defunding the police, were demoralizing. They say it also didn't help police morale that more than 1,000 officers have tested positive for the coronavirus.

Speaking only on the condition of not being named, some officers also said the [massive criminal justice reform bill that passed in Springfield on Wednesday](#) could be the final straw

that could prompt them to leave the department even though they haven't worked enough years to qualify for a maximum pension.

Among many other things, [the bill](#) — which Gov. J.B. Pritzker has two months to sign — would make it easier to file complaints against police officers. Sponsors said the legislation was a response to systemic racism.

The upswing in cop retirements in Chicago already is hurting the police pension system, according to Lappe. About 1,100 more people are now getting pensions than the number who are paying into the fund in Chicago, he said.

The rising number of cop retirements last year in Chicago also coincided with massive spending on police overtime to keep up with the soaring number of shootings as well as the rioting and demonstrations.

The retirements will put added pressure on the police department to recruit new cops this year, especially with 90 more officers having put in to retire in February. Police officials said they're prepared to fill the vacancies.

“Recruiting and hiring the next generation of officers who reflect a broad cross section of our neighborhoods in which we serve is a priority for the Chicago Police Department,” officials said in a written statement. “We are currently working on plans for recruitment and hiring this year as we continue working to improve public safety in our communities across the city. As plans for hiring are being solidified, CPD continues to maintain appropriate manpower citywide.”

[John Catanzara](#), president of the Chicago Fraternal Order of Police union, said he can't see how the police department's recruiting can keep pace with the retirements and pointed to Mayor Lori Lightfoot's latest budget, which eliminated 614 police vacancies.

“Even ones that aren't eligible to collect a pension check — if you've got five years on and you've got other options, I can see officers exploring it,” Catanzara said. “And what is this city going to do? You literally just handed the keys to the criminals.”

“They have just made policing in this city and state near-impossible,” the police union boss said. “They have given control to the criminals.”

<https://chicago.suntimes.com/2021/1/15/22229584/police-retirements-backlash-chicago-new-york-minneapolis-john-catanzara-fop-michael-lappe>

MCPA-MSA_SB 237 Law Enforcement Reform_Support wit

Uploaded by: Popkin, Sheriff Darren

Position: FWA



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 21, 2021

RE: **SB 237 Public Safety – Law Enforcement Reform**

POSITION: SUPPORT WITH AMENDMENTS

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) SUPPORT SB 237 WITH AMENDMENTS. MCPA and MSA appreciates the sponsors effort to enhance law enforcement transparency, accountability, and community trust. Both organizations also appreciate the sponsor incorporating many provisions included in Baltimore County's recently passed legislation. MCPA and MSA are offering several amendments to better align SB 237 with the legislation being implemented in Baltimore County.

No-Knock Warrants – Language in the bill requires preapproval by the applicant's supervisor and the State's Attorney. MCPA and MSA believes the intent is to require approval by an individual with an appropriate level of authority and experience. An applicant's supervisor could be an acting corporal, who would not have this level of authority. Instead of an applicant's supervisor MCPA and MSA recommended amending the bill to require preapproval by an individual with the appropriate level of authority and experience. With respect to the State's Attorney, the bill should be amended to include a designee should the actual elected State's Attorney not be available.

Training – The requirement for training "at least annually" is problematic. The Baltimore County legislation referred to "yearly" because it was envisioned to be included in each calendar year. If you use the word "annually" does that mean once in a calendar year, or every 12 months? Logistical problems could result if an officer attends in-service training in late January 2021 then cannot attend the next in-service training in February 2022. It seems unreasonable to expect every officer who attends the first in-service week session in January to keep that same schedule for the rest of their police career. MCPA and MSA suggests keeping the current two-year requirement in State law.

Body-Worn Cameras – Support requiring body-worn cameras for all law enforcement agencies, but policies adopted should be consistent with Maryland Police Training and Standards Commission policy and guidelines. This would ensure appropriate exemptions are made to the policies for undercover officers and other circumstances where it would not be appropriate for officers to use body cameras. It is also important to recognize that costs are more than just equipment, also includes storage, redacting, auditing, and staffing. Opportunity for outside funding to offset costs should not be limited. Further, the legislation should be amended to ensure consistency with implementation dates and cost saving measures outlined in the recommendations of the Body-Worn Camera Task Force.

Early Intervention System – MCPA and MSA suggest strengthening this section of the bill by adding the word “unnecessary” to read the “USE OF EXCESSIVE AND UNNECESSARY FORCE” in line 19 on page 5. Further, this section should read “officers who are at risk FOR [not “of”] engaging in the use of excessive or unnecessary force.” Early intervention systems are used to predict future behavior, so it is appropriate to use a preposition of time. “For” is also considered to be more specific.

Rules Outlined in 3-523 – MCPA and MSA supports the concepts proposed but suggests SB 237 be amended to provide a framework for a statewide use of force policy including these items and other key elements. The MPTSC could be required to promulgate a policy and agencies required to adopt it. Incorporating these concepts into a mandated state-wide use of force policy authorize the Chief or Sheriff to take appropriate disciplinary action should an officer not comply with specified training and policies.

For these reasons, MCPA and MSA SUPPORT SB 237 WITH AMENDMENTS and urge the Committee to amend as specified above.