



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

POSITION ON PROPOSED LEGISLATION

DATE: March 25, 2021

BILL NUMBER: Senate Bill 626 **Position:** Support w/Amendments

BILL TITLE: Maryland Police Accountability Act of 2021 – Law Enforcement Officers – Use of Force, Reporting, Whistleblower Protections

REVIEW AND ANALYSIS:

This legislation seeks to establish requirements for law enforcement officers regarding the use of force. Specifically, that an officer may not intentionally use excessive force and that an officer has a duty to intervene or report when another officer has used or intends to use excessive force. This legislation also seeks to require a police officer to report certain criminal activities of other officers to the appropriate authorities.

The Maryland State Police support the requirements regarding the duty to intervene, providing medical care, the duty to report criminal activity, as well as the training requirements specified. Our training and policies include de-escalation training and alternatives to the use of force. Our goals include the safety of the victims, our officers and the people we encounter for any number of reasons. However, while the MSP is generally supportive of SB 626, we have serious concerns with the penalties stated in the bill. The MSP requests the following amendments:

On page 8, in line 20 strike beginning with the word **(B)** through the word **YEARS** in line 22 in their entirety.

- Excessive force is force that lacks legal justification. An officer who uses excessive force can already be prosecuted for first- or second-degree assault, as well as misconduct in office.

On page 9, in line 6 strike beginning with the word **(C)** through the word **YEARS** in line 8 in their entirety.

- Officers are already *civilly* liable for failing to intervene.

On page 10, in line 5, strike beginning with the word **(B)** through the word **YEARS** in line 7 in their entirety.

- Officers may already be found civilly liable for failing to provide reasonable aid.
- Criminal penalty for failing to act is extreme.

For these reasons, the Department urges the Committee to give Senate Bill 626 a favorable report as amended.