



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

TO: The Honorable Luke Clippinger Chairman and  
Members of the Judiciary 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: March 25, 2021

RE: **SB 626 Maryland Police Accountability Act of 2021 - Law Enforcement  
Officers – Use of Force, Reporting, Whistleblower Protections**

POSITION: **SUPPORT WITH AMENDMENTS**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 626 WITH AMENDMENTS**. This bill, as amended by the Senate, establishes requirements and prohibitions on use of force and when a Maryland law enforcement officer is justified in using force and deadly force.

As introduced, MCPA and MSA opposed SB 626 as it was proposing rigid guidelines codifying actions for the use of force by law enforcement officers that could prove to be detrimental to the officer and others. In addition, the bill imposed criminal penalties for officers who violate the use of force policy, fail to intervene or report when another officer is using improper force, and for the failure to render medical treatment. MCPA and MSA is generally supportive of SB 626 as amended by the Senate but would like to propose the following amendments.

#### 1. Strike the Criminal Penalties from the Bill

- Criminal penalty for excessive force (p. 8, line 20).
  - 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.
  - Does this penalty apply *in addition* to any other criminal penalties? Does a prosecution for this crime preclude prosecution for other offenses arising from the same conduct?
  - **Suggested Amendment:** On page 8, strike lines 20-21 and insert “(B) AN OFFICER WHO USES EXCESSIVE FORCE MAY BE SUBJECT TO DISCIPLINE, INCLUDING REMOVAL.”
- Criminal penalty for bystander inaction (p. 9, line 6)
  - Officers are already *civilly* liable for failing to intervene.

- *Criminal* penalty for *failing to act* is extreme.
  - Suggested Amendment: On page 9, strike lines 6-8 and insert “(C) AN OFFICER WHO VIOLATES THIS SECTION MAY BE SUBJECT TO DISCIPLINE, INCLUDING REMOVAL.”
  - Criminal penalty for failure to render medical aid. (p.10, line 5)
    - Officers may already be found civilly liable for failing to provide reasonable aid.
    - Criminal penalty for failing to act is extreme.
    - Suggested Amendment: On page 10, strike lines 5-7 and insert “(B) AN OFFICER WHO VIOLATES THIS SECTION MAY BE SUBJECT TO DISCIPLINE, INCLUDING REMOVAL.”
2. Requirement to provide medical treatment (p. 10, line 1)
- Officers are not always able to *safely* provide prompt medical aid.
  - Suggested Amendment: On page 10, strike lines 1-4 and insert “(A) (1) EXCEPT AS PROVIDED IN (2) OF THIS SUBSECTION, A LAW ENFORCEMENT OFFICER MAY NOT INTENTIONALLY REFUSE TO PROVIDE OR INTENTIONALLY REFUSE TO OBTAIN MEDICAL TREATMENT FOR A PERSON WHO SUSTAINS A SERIOUS BODILY INJURY AS A RESULT OF A LAW ENFORCEMENT OFFICER’S USE OF FORCE
- (2) A LAW ENFORCEMENT OFFICER SHALL BE REQUIRED TO PROVIDE OR OBTAIN MEDICAL TREATMENT TO THE EXTENT PRACTICAL AND IF THE PROVISION OF MEDICAL TREATMENT DOES NOT PRESENT A DANGER TO THE OFFICER OR OTHERS.”

For these reasons, MCPA and MSA SUPPORT SB 626 WITH AMENDMENTS and respectfully request FAVORABLE consideration of the amendments provided above.