



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

POSITION ON PROPOSED LEGISLATION

DATE: February 12, 2021

BILL NUMBER: House Bill 500 **POSITION:** Letter of Concern

BILL TITLE: Police Procedures – Requiring a Person to Lie Prone

This legislation seeks to require a police officer to justify the decision to require a person to lie in a prone position.

The Maryland State Police (MSP) provides training to our personnel in de-escalation and proper use of force techniques. While the MSP understands the intent behind the legislation, there are concerns in legislating reasonable techniques which can protect the officer and the citizen in a potentially volatile situation.

The Department currently trains our troopers to only place a suspect into the prone position for the most serious offenses. Once the suspect is secured, all force stops and they are moved to the recovery position, which is turned to their side or to a sitting position. From this position, if still calm, they are moved to the police car for transport.

The MSP is specifically concerned with paragraph (B) which states ".....the police officer must consider any knowledge or lack of knowledge about the person's mental or physical conditions....." It is an extremely high burden of proof if the officer has to prove an unknown when trying to demonstrate his actions as objectionably reasonable, necessary and proportional.

When detaining or attempting to detain a person who is demonstrating violent or combative behavior, safety for both the officer and person are paramount. Law enforcement officers rarely use the prone position to effect an arrest. But when they do use the technique it is with the safety of all concerned.