

Bill Number: SB 50
Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed Requesting Amendments

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
OPPOSED REQUESTING AMENDMENTS OF SENATE BILL 50
CRIMINAL PROCEDURE – POLICE OFFICERS – DUTY TO INTERVENE

Senate Bill 50 is a new law that creates a duty to intervene when one officer knows another officer is using or intends to use excessive force. The bill also requires training every 2 years on the duty to intervene. I do not believe we need this law as currently drafted.

If you are inclined to take action on this topic I do not object to the requirement of intervention. I do not object to the requirement of training. I do object to making the failure to intervene a separate crime punishable by 5 years in jail.

The decision to intervene will most likely be a split second decision. Nowhere else in the law, except maybe child abuse, do we require any other citizen to intervene. More importantly, nowhere else in the law does the failure to act become a crime punishable with incarceration.

While I understand the need to write some legislation in this area rather than a crime perhaps the failure to intervene could be actionable under the current disciplinary system in each police department. That way you would create a requirement to act and have a potential punishment in an existing system.

I oppose Senate Bill 50 as drafted. If you feel it is needed, I request an amendment to eliminate making it a crime but make it subject to disciplinary proceedings.