



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 627 **POSITION:** Support w/ amendment

BILL TITLE: Maryland Police Accountability Act of 2021 – Law Enforcement Officers’ Bill of Rights – Repeal and Procedures for Discipline

Senate Bill 627 outlines a clear disciplinary process for a law enforcement agency to follow after a complaint is received. The investigation and disposition are left with the Chief rather than a bureaucracy providing for a streamlined process that allows a Chief to issue discipline in a timely matter. The Committee did address the civilian oversight concerns by placing civilians on the hearing boards and making the hearings public. The Chief still has a representative on the board and the Chief designates the chair. The defining of process in law rather than policy is key. This legislation establishes one process for everyone. While the bill provides that local jurisdictions may pass laws about the investigation process of a law enforcement officer, the local law may not supersede the state law. This legislation further provides that the officer convicted of certain criminal offenses may be disciplined without a hearing board.

It is important that any legislation impacting a police officer’s career, must consider that most of the complaints received from citizens are administrative in nature. Senate Bill 627 provides an expungement process for administrative cases where the officer was exonerated, or the complaint was unsustainable or unfounded and three years has passed. Even individuals charged with crimes can get an expungement under similar circumstances.

The one concern MSP has with this legislation is the requirement that the Chief meet with an officer for a termination case before the case is heard. The Chief should not be reviewing the case before it is heard. The MSP recommends one amendment:

On page 12, in line 16 after the word (2), strike beginning with (I) through the word OFFICER in line 21 in their entirety. Insert: A law enforcement officer facing disciplinary action may meet with the Chief’s designee.

The Maryland State Police (MSP) firmly supports police accountability and transparency. Since 2015, the MSP has been committed to following the identified best practices recommended by President Obama’s Task Force on 21st century policing which promotes effective crime reduction while building public trust and fostering strong, collaborative relationships between police and the communities they serve. To that end, the Department commits a substantial amount of resources, both fiscal and human, at the beginning of a police officer’s career. Recruitment, selection and hiring are an essential pillar in the foundation of accountability, followed by exceptional training and active supervision.

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Senate Bill 627 provides a process where the accused officer is afforded an opportunity to present their side of the story in an administrative complaint process while giving the Chief additional authority to terminate the employee for criminal misconduct.

For these reasons, the Department urges the Committee to give Senate Bill 627 a favorable report as amended.