



BALTIMORE POLICE DEPARTMENT



Brandon M. Scott
Mayor

Michael S. Harrison
Police Commissioner

TO: The Honorable Members of the House Judiciary Committee

FROM: Michelle Wirzberger, Esq., Director of Government Affairs, Baltimore Police Dept.

RE: Senate Bill 864 Public Safety – Police Officers – Emergency Termination

DATE: March 1, 2022

POSITION: SUPPORT WITH AMENDMENT

Chair Smith, Vice-Chair Waldstreicher, and members of the Committee, please be advised that the Baltimore Police Department **supports with amendment** Senate Bill 864.

Senate Bill 864 empowers chiefs of law enforcement agencies across the state to terminate the employment of a police officer under certain circumstances and provides for the mechanism by which the officer can appeal that termination.

Last year the Maryland General Assembly reimagined accountability for law enforcement officers by establishing a new and uniform process by which all public complaints of misconduct will be addressed as of July 1, 2022. The newly reformed process ensures that residents have a direct impact on what charges officers must face when they have been accused of misconduct from the public. The new process also ensures that residents have a vote on the trial board which decides whether the officer is guilty of the administrative charge(s). The new procedures crafted by the legislature will go a long way toward standardizing discipline and strengthening the public's trust in the discipline process.

The Baltimore Police Department applauds the legislature's commitment to transparency and community involvement in the discipline process. During last year's hearings on the various reform bills, Police Commissioner Michael Harrison repeatedly requested the legislature to go just a little bit further by empowering Chiefs to take swift and certain action under certain circumstances.

On May 25, 2020, Minneapolis police officer Derek Chauvin kneeled on the neck of George Floyd for approximately 9 minutes, killing him while bystanders videotaped the incident and pleaded for the officer to get off of Mr. Floyd. Shortly thereafter, video footage was released sparking almost universal public outrage at Officer Chauvin's actions. On the very next day, May 26, 2020, Minneapolis Police Chief Medaria Arradondo fired Officer Chauvin.

Chief Arradondo delivered the swift and certain consequence that the public requested and that the situation demanded. Maryland chiefs can not deliver this type of justice now and still will not be able to when HB 670 goes into effect later this year.

To be clear, HB 670 does provide for certain types of emergency discipline. For instance, a chief can suspend an officer without pay for up to 30 days if it is in the best interest of the public and can suspend without pay if the officer is criminally charged with a variety of crimes. An officer can only be fired once he/she is convicted of various crimes or receives a PBJ for a felony.

Criminal cases can take up to a year or more to proceed. A year or more is way too long to allow the individual to continue to identify as a law enforcement officer and for the public to wait for justice.

We firmly believe chiefs should be able to immediately terminate an officer if there is video or audio evidence of him/her violating an individual's constitutional rights in a manner that is egregious or shocks the conscience or if he/she commits a crime of violence and it is in the best interest of the public and the law enforcement agency. An equitable appeal process must be in place for an officer to seek judicial intervention if the officer believes the decision is wrong or biased in some way.

That said, we absolutely support amending the bill to require the Maryland Police Training and Standards Commission to conduct a nation-wide study of how other jurisdictions handle emergency termination as well as the officer's appellate rights. Studying this topic will better inform legislators, agency heads and officers as to the most effective way to provide swift and certain consequences for those who betray the trust of those they serve.

Therefore, the Baltimore Police Department respectfully requests a **favorable with amendment** report on Senate Bill 864.