



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William Smith, Jr., Chair and
Members of the Judicial Proceedings Committee

FROM: Chief of Staff 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: February 23, 2022

RE: **SB 551 – Criminal Procedure – Fresh Pursuit by Law Enforcement –
Requirements and Prohibitions**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE SB 551. This bill attempts to place requirements on law enforcement officers who may be engaged in a fresh pursuit of a person in a vehicle and requires the Department of State Police to conduct an investigation if a serious injury or death results from the fresh pursuit.

MCPA and MSA have several concerns with this legislation.

1. Maryland's Fresh Pursuit law authorizes police officers extra-territorial police authority (exercising police authority outside of their jurisdiction) for felonies or a misdemeanor in the presence (including traffic offenses). The term "pursuit" in this definition doesn't necessarily refer to a vehicle pursuit, and most likely didn't when written, since it was derived from Common Law. Amending §2-301 of the Criminal Procedure Article is out of place as the bill language is limiting driving behavior, normally found in Traffic Law. Further, the language in this bill would only affect pursuits outside of an agency's jurisdiction, not within, since it is incorporated in Fresh Pursuit.
2. The bill now provides a new definition for all to remember. "Dangerous Act" does not incorporate all crimes of violence in Maryland, including Abduction and Carjacking, and doesn't address other life threatening situations including hit and run accidents resulting in death or serious injury or Driving while Intoxicated where a suspect's driving is flagrantly reckless that he/she presents a clear and present danger to other users of the

roadway, and failure of to apprehend the violator would likely pose an imminent and life threatening danger to the public.

3. The language "actual knowledge that the person in the vehicle has committed a dangerous act" would be impossible in many instances, as officers cannot always positively identify a suspect involved in a "dangerous act" while in a vehicle, as officers many times come across look outs for vehicles (including just tag numbers), and the drivers refusal to stop or they flee provides probable cause that the suspect is inside the vehicle.
4. Most agencies in the State do not have helicopters, or if they do, a helicopter is not readily available.
5. Putting speed restrictions in law would allow persons to simply escape from the pursuit.
6. Coming to a complete and full stop at all intersections (including ones that are controlled by a traffic control device and there is a favorable signal for the officer) is contrary to current Maryland Vehicle Law for responding to emergency calls for service.
7. "Reach inside the pursued vehicle while it is moving or under the control of the person being pursued". What is the definition of "control"? If the car is simply running, the officer may have to reach inside to remove the person and place them into custody, or if the car is still in drive or on in the case of an impaired driver, the officer may have to reach inside to place the car in park or turn it off.

For the reasons listed above, MCPA and MSA OPPOSE SB 551 and urge an UNFAVORABLE Committee report.