

SB0571-473326-01.pdf

Uploaded by: William Folden

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SB0571/473326/1

AMENDMENTS
PREPARED
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DEPT. OF LEGISLATIVE
SERVICES

22 FEB 23
16:57:22

BY: Senator Folden
(To be offered in the Judicial Proceedings Committee)

AMENDMENT TO SENATE BILL 571

(First Reading File Bill)

On page 2, in line 4, after "DATE" insert "THAT THE LAW ENFORCEMENT AGENCY IS MADE AWARE".

SB0571-793721-01.2pdf.pdf

Uploaded by: William Folden

Position: FAV



SB0571/793721/1

AMENDMENTS
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SERVICES

24 FEB 23
12:19:50

BY: Senator Folden
(To be offered in the Judicial Proceedings Committee)

AMENDMENTS TO SENATE BILL 571
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “investigation” insert “; requiring an administrative charging committee or law enforcement agency to file any administrative charges for alleged police officer misconduct that reasonably appears to be the subject of a criminal investigation within a certain period of time”.

AMENDMENT NO. 2

On page 2, in line 1, strike “A” and substitute “EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A”; and after line 5, insert:

“(E) IF ALLEGED POLICE OFFICER MISCONDUCT IS RELATED TO ACTIVITY THAT REASONABLY APPEARS TO BE THE SUBJECT OF A CRIMINAL INVESTIGATION, AN ADMINISTRATIVE CHARGING COMMITTEE OR LAW ENFORCEMENT AGENCY SHALL FILE ANY ADMINISTRATIVE CHARGES WITHIN 1 YEAR AND 1 DAY FROM THE DATE OF:

(1) THE INVESTIGATING LAW ENFORCEMENT AGENCY’S DETERMINATION THAT THE MATTER IS NOT RELATED TO CRIMINAL ACTIVITY;

(2) THE FINAL DISPOSITION OF ALL RELATED CRIMINAL CHARGES;

OR

(3) THE ADMINISTRATIVE CHARGING COMMITTEE OR LAW ENFORCEMENT AGENCY’S RECEIPT OF NOTICE THAT THE APPROPRIATE PROSECUTORIAL AUTHORITY DECLINED TO FILE CRIMINAL CHARGES.”

SB 571-Time Limit for Filing Admin Charges-SWA.pdf

Uploaded by: Andrea Mansfield

Position: FWA



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

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

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 1, 2023

RE: **SB 571 Public Safety – Police Accountability – Time Limit for Filing
Administrative Charges**

POSITION: SUPPORT WITH AMENDMENTS

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) SUPPORT SB 571 WITH THE AMENDMENTS offered by the sponsor.

This bill provides clarification as to when a law enforcement agency is required to file administrative charges arising out of an investigation of alleged police misconduct. As introduced, MCPA and MSA had concerns that the one year and one day time frame began from the date of the incident, not when the law enforcement agency became aware of the incident. The bill also did not consider criminal investigations that may result from incident and how that might affect the filing of administrative proceedings.

MCPA and MSA have worked with the bill sponsor and the Fraternal Order of Police on amendments to address these matters. Therefore, MCPA and MSA SUPPORT SB 571 and urge the Committee to move the bill favorable with the amendments offered by the sponsor.

MTA Favorable w Amend. SB571 3-1-2023.pdf

Uploaded by: Jenna Massoni

Position: FWA



M a r y l a n d Troopers Association



INCORPORATED 1979

March 1, 2023

The Honorable Will Smith, Chair and Members of the Judicial Proceedings Committee

RE: SB 571 – Public Safety – Police Accountability – Time Limit for Filing Administrative Charges

POSITION: SUPPORT with Amendments

The Maryland Troopers Association (MTA) has a membership strength of approximately 2,629 members of which 1,120 are active sworn Troopers involved in traffic and criminal enforcement throughout the State of Maryland.

We support Senate Bill 571 with amendments. As written, this bill requires a law enforcement agency to file an administrative charge arising from an investigation of an alleged police officer misconduct and is not required to be reviewed by an administrative charging committee within 1 year and 1 day from the date of the incident.

We support the FOP's amendment altering section E to read "The administrative charging committee or the law enforcement agency shall file any administrative charges of alleged police officer misconduct that relates to activity that reasonably appears to be the subject of a criminal investigation, within 1 year and 1 day from when the investigating law enforcement agency determines that the matter isn't criminal, the final disposition of related criminal charges, or receipt of a declination to charge from the appropriate prosecutorial authority".

Therefore, the Maryland Troopers Association supports SB 571 and requests a favorable report with the amendments provided.

Brian Blubaugh
President
Maryland Troopers Association

Member of National Troopers Coalition

1300 REISTERSTOWN ROAD, PIKESVILLE, MARYLAND 21208 (410) 653-3885 1-800-TROOPER

E-mail: info@mdtroopers.org

SB0571-Police Accountability-Time Limit for Filing

Uploaded by: Adiena Britt

Position: UNF

SB0571-Public Safety - Police Accountability - Time Limit for Filing Administrative Charges

Stance: Unfavorable

Testimony: My name is Adiena Britt and I reside in the 45th Legislative District. I am writing testimony against this time limitation for Administrative Charges against police officers accused of misconduct. There are several reasons I am against this time limitation, one of which being that in all jurisdictions the Internal Affairs Bureaus (or whatever they like to call themselves these days) are notoriously biased. In cases where some form of punishment or reprimand is warranted, they lean towards calling accusations “unsubstantiated” or “unsustained”. This has been well documented within the Baltimore Police Department, and I am positive is rampant within other jurisdictions. This leaves citizens and victims of police brutality with no other recourse.

I know this from experience, having had my own incident of police brutality and civil rights violations back in 2015 with the BPD. I attempted every form of recourse including alerting public officials who represented me, filing a complaint at IAD, contacting the State’s Attorney, and so on. What all of these entities do is just run the clock out on you. They have these time limitations placed on obtaining actual accountability, and they stall in their investigations until the clock literally runs out on you. This is why I feel there are so many Civil Lawsuits filed against local municipalities and police agencies. When you handcuff a victim with time limitations, they have no other recourse. Let me be clear, receiving a monetary settlement is NOT Accountability. Yet it’s the only avenue citizens are left with.

Now let’s explore intimidation of victims, because that actually occurs. Out of the hundreds of complaints filed per year, there are possibly thousands more that don’t get filed because of intimidation. Therefore, this bill would make it impossible for someone to have time to decide if they wish to look that intimidation in the eye, then be brave and file a complaint for anything to actually be done about what happened to them. A year is a short amount of time when you are traumatized. This bill does nothing but protect rogue officers who are tainting the various police forces with their behavior. Protection of “bad apples” needs to be removed, not strengthened. This isn’t a “Police Accountability” Bill, this is a “Bad Police Protection” Bill.

Having been through the process of filing complaints within the “legal” timeframe, and running into obstacle after obstacle, and witnessing the hindrances placed on victims; I am against this measure. There are cases where it comes out that particular officers are “known” repeat violent offenders within the community they are supposed to be serving and protecting. This makes people aware, well after the fact, that they have probable cause to file a complaint. This Bill would nullify that opportunity. The federal case against the GTTF did not prune ALL of the bad apples off the force, nor did it address these types of officers in other jurisdictions. Let’s stop protecting these repeat violent offender officers. There should be no time constraints placed on either filing a grievance, having it investigated, and then having the proper Administrative charges brought against any officer engaged in misconduct. This isn’t a case of “if we ignore it, perhaps it will go away.” These officers often escalate in their behavior, and not in a good way.

Let’s stop protecting the “bad apples” and allow for there to be complaints, proper investigations, and thorough administrative charges/hearings to be had with no time constraints. There’s no statute of limitations against ordinary citizens when investigating a crime; why should there be one in place because a crime was committed by a police officer?

SB 571 MSP Opposition Position Paper.pdf

Uploaded by: Kathy Anderson

Position: UNF



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

POSITION ON PROPOSED LEGISLATION

DATE: March 1, 2023

BILL NUMBER: Senate Bill 571 **POSITION:** Oppose

BILL TITLE: Public Safety – Police Accountability – Time Limit for Filing Administrative Charges

REVIEW AND ANALYSIS

This legislation requires a law enforcement agency to file administrative charges, not required to be reviewed by an Administrative Charging Committee, within one year from the date of the incident.

Under current law, if an allegation of police misconduct involves a member of the public, the investigation is required to be reviewed by the Administrative Charging Committee (ACC). The process for review and disposition by the ACC has to be completed within 1 year and 1 day after the filing of a complaint by a citizen. Since the repeal of the Law Enforcement Officers Bill of Rights (LEOBR), there are no limitations on how long an agency has to process and prosecute the administrative complaint not involving a member of the public or the ACC.

Senate Bill 571 restricts the filing of administrative charges against an officer to 1 year and 1 day from the date of the incident. This creates two different standards for the investigation and charging of the officer. From the date of the incident instead of when the law enforcement agency became aware of the misconduct will cause procedural problems for the agencies. Misconduct of an officer may not be known for weeks or even months from the date of incident. As an example, an officer files a false report regarding their performance, enters fake mileage or maintenance reports for their patrol car, or in one case, files phony traffic citations with the courts with made up names and information. These incidents went unnoticed for months. Establishing a statute of limitations retroactively to the date of the incident may mean that an officer is never investigated or administratively charged, allowing a dishonest officer to remain on the force.

Once LEOBR was repealed, so was the statute of limitations. Under LEOBR a police agency was only limited to 1 year and 1 day from when the complaint became known to the agency. SB571 creates a new standard that may be hard to meet and force agencies to keep dishonest officers.

For these reasons, the Maryland Department of State Police urges the Committee to SB 571 an unfavorable report.