



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chair and
Members of the Judiciary Committee

FROM: Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 28, 2023

RE: **HB 585 – Public Safety - Use of Force Incident Reports**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE HB 585**. This bill expands the data collected for a use of force incident.

Current law already requires officers involved in a use of force incident to complete an incident report before the end of a shift. Basic information necessary for a report can be completed without jeopardizing an officer's Fifth Amendment or due process rights. However, HB 585's requirement that an officer must report significant details including the officer's *justification* for use of force creates significant concern as it would potentially violate the constitutional rights of officers.

Under Public Safety §3-527, the Attorney General's Office is required to undertake a *criminal* investigation of any incident involving a potential "police-involved death." Police officers, as with every other person, have a Fifth Amendment right guaranteed to them by the United States Constitution against being compelled to provide a statement as part of a criminal investigation. HB 585 violates that right.

An agency may compel a statement from a police officer during an *administrative* investigation, but such a compelled statement is explicitly given immunity by statute. Public Safety §3-107(d)(3) (effective July 1, 2022). HB 585 provides no such protection.

HB 585 also requires an officer to report on protected class membership – both of individuals "subject to the use of force" and officers. The bill's requirement that an officer demand disability information of a citizen and share his or her own disability status, completely regardless of whether the disability is in any way relevant to the incident is extremely troubling.

The provisions proposed in this bill were concerning when the use of force incident report statute was last proposed for expansion, and they still remain a significant concern. For these reasons, MCPA and MSA **OPPOSE HB 585** and urge an **UNFAVORABLE** Committee report.