

2024 SB0190 Testimony Amending 2024-01-23.pdf

Uploaded by: Alan Lang

Position: FWA

Testimony For SB0190, with Amendments

Please vote for SB0190, with amendments.

At first glance, everything in the bill makes sense except the time period for police to respond to a qualified wellness check.

Using the vague and undefined term “immediately”, may make it difficult for the law enforcement agency to defend itself should a citizen believe that prompt action was not taken. (Page 2, line 4)

Given the shortage of police staff, how would a police dispatcher decide what is more important, a crime in progress, an accident, or a wellness check.

Based on the wording in this bill, one may determine that the wellness check would take precedence, since action must be “immediate”.

Also, there is the issue of availability. If all the police are on a call, how can one take immediate action?

Perhaps the bill could be amended to state, “. . . , the law enforcement agency shall [IMMEDIATELY CONDUCT] ASSIGN a wellness check of the individual TO THE FIRST AVAILABLE OFFICER THAT IS NOT NEEDED TO BE ASSIGNED TO A MORE IMPORTANT TASK, SUCH AS RESPOND TO A CRIME IN PROGRESS, OR RESPOND TO AN ACCIDENT/FIRE SITUATION (a more detailed list of higher priority situations could be added or cite a reference to a list of higher priority situations, if one exists).

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SB 190 - Sponsor Statement JPR.pdf

Uploaded by: C. Anthony Muse

Position: FWA



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**SB 190 Law Enforcement Wellness Checks Requirements
(Gabriel's Law)**

Good Afternoon Chairman Smith, Vice Chair Waldstreicher and members of the Judicial Proceedings Committee.

Senate Bill 190 *Law Enforcement Wellness Checks Requirements* is legislation that would require a law enforcement agency that receives a “qualified request” for a wellness check to conduct the wellness check immediately.

The definition of the a “qualified request” is outlined in the legislation, which means a verbal or written request that includes sufficient information that has specific life-threatening concern that calls for an **immediate** response.

Currently in Maryland, we have 2-1-1, which is simple and memorable phone number for Marylanders to connect with essential resources throughout the state. It's a free and confidential service that enables individuals with unmet needs. This is a one-stop access point, so that our constituents do not have to navigate through the number of health and human service agency phone numbers, websites and community resources. Additionally, the federal government made the national suicide prevention number an easy 3-digit number in 2020, which is 9-8-8.

While, 2-1-1 and 9-8-8 have both been an amazing resources for our constituency... There are some cases in which there are **extreme** and **life-threatening** situations that call for an **IMMEDIATE** response from our public safety officers and this is what SB 190 intends to do.

Delegate Jamila Woods, who I cross-filed this legislation with, has a personal story, as it relates to her late son **Gabriel**, who died on the morning of **September 7, 2021**... because an immediate wellness check was **NOT** done, because it could not be verified.

Further, Gabriel lived in Richmond, Virginia and he had some health issues and when his mother did not hear from him, she called the Richmond police department to do an immediate wellness check. However, she was told that there was a requirement for the Prince George's County Police Department to contact the Richmond Police Department to verify the request... all this back and forth went on for hours and delayed an IMMEDIATE wellness check, which was necessary because of Gabriel's health issues, specifically with having seizures.

In closing, I can't help, but believe that Gabriel may have survived if there was an **immediate** wellness check done.

Lastly, I have one friendly amendment, I would like to ADD **“Gabriel's Law”** to the title of the bill, which will match the cross-file, HB 404. Therefore, I urge a favorable report for SB 190.

SB 190 Amendment.pdf

Uploaded by: C. Anthony Muse

Position: FWA

AMENDMENT REQUEST FORM

Date Submitted 01/23/2024

REQUESTER INFORMATION

Name

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REQUEST INFORMATION

Bill No. SB 190

Bill Title Law Enforcement Wellness - Requirements

Amendment Sponsor Muse

Hearing Date 01/24/2024

Name(s) and contact information of individual(s) the drafter is authorized to contact

Brandi Calhoun

To Be Offered

In Committee



Description and Comments

ADD "Gabriel's Law" to the title to match the crossfile HB 404

****PLEASE ATTACH ANY ADDITIONAL COMMENTS AND SUPPORTING DOCUMENTS TO THE EMAIL WITH THIS FORM.****

Please click the SUBMIT button to create an email to send this form.

SUBMIT

Updated: 8/18/2022

MCPA-MSA_SB 190 Wellness Checks - SWA.pdf

Uploaded by: Natasha Mehu

Position: FWA



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith, Jr., Chair and
Members of the Senate 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: January 24, 2024

RE: **SB 190 – Law Enforcement – Wellness Checks – Requirements**

POSITION: SUPPORT WITH AMENDMENTS

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 190 WITH AMENDMENTS**. This bill establishes requirements for law enforcement wellness checks. MCPA and MSA do not have an issue with performing wellness checks or setting a framework for them in law. They have concerns with the impractical standards that the bill sets.

Currently, officers perform wellness checks typically when a family member or friend requests an in-person visit out of concern for an individual's well-being. There are no laws mandating wellness checks, rather they are performed according to agency policy and best practices.

SB 190 requires an agency to “immediately” conduct a wellness check once it receives a “qualified request.” The term “immediately” is problematic because the standard is too specific and unattainable. It requires agencies to prioritize responding to a wellness check over anything else that may be happening. In some areas, the few officers on duty may be busy attending to other pressing matters (e.g. fatal accident or homicide) and cannot perform the check immediately. A prompt or timely response to a wellness check is important. An immediate response may not be achievable in all cases.

The bill is also overly broad. There are no qualifications for who may make the request and vague parameters to govern a response. For the protection of the officer and the individual they are called to check on, agencies perform a preliminary investigation. This helps verify a relationship between the requester and the individual, minimizes the potential for abuse, and protects against wasted time and resources (e.g. false wellness calls or responses to vacant buildings). This sort of brief but necessary investigation is not possible with a directive to respond immediately.

Additionally, while an agency should forward a request it receives from outside its jurisdiction to the appropriate agency, they have no power to force an agency to perform the check or to perform it immediately. Notifying the requester of the transfer and the appropriate agency of the request is doable.

To address these concerns, MCPA and MSA respectfully request that SB 190 be amended to remove “immediately” in line 4 on page 2 and replace it with “as soon as practicable.”

For these reasons, MCPA and MSA **SUPPORT SB 190 WITH AMENDMENTS** and urge a **FAVORABLE** committee report as amended.

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