



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

POSITION ON PROPOSED LEGISLATION

DATE: January 23, 2024

BILL NUMBER: House Bill 0006 **POSITION:** Letter of Information

BILL TITLE: Public Safety - Law Enforcement – Quotas
(Community – Oriented Policing Act)

REVIEW AND ANALYSIS:

This legislation seeks to prohibit a law enforcement agency from using the number of arrests made, investigations conducted, citations issued, or warrants served or executed by a law enforcement officer as a criterion for the evaluation, compensation, discipline, promotion, demotion, dismissal, or transfer of the officer; and to prohibit law enforcement agencies from requiring, suggesting, requesting, or directing an officer to act for the purpose of increasing the number of investigations, warrants served or executed, or citations or arrests delivered.

Under current law, a law enforcement agency may not establish a formal or informal quota for the law enforcement agency or law enforcement officers of the agency. A law enforcement agency may use the number of arrests made or citations issued by a law enforcement officer in addition to other job performance factors as a criterion for promotion, demotion, dismissal, or transfer of the officer. A police officer is evaluated on a number of factors relating to job performance, including the number of arrests, traffic stops/ citations, patrol checks, investigation closures, and complaints or compliments from citizens or internally, just to name a few examples. Data is a widely used metric of employee competence or program efficacy.

House Bill 6 repeals the use of any tangible data as a criterion for any promotion, demotion, dismissal, or transfer of an officer. In most police agencies, an officer must meet minimal standards for eligibility to promotion or transfer to a specialized unit. While a police officer is on probation, performance can be used to demonstrate knowledge of laws and procedures. Essentially, this legislation prevents a police agency from taking any action against an officer for failure to perform basic law enforcement duties. An officer could choose never to arrest a person for a crime or never take any enforcement action regardless of the circumstances and the agency would be powerless to act.

Law enforcement uses data driven approaches to target areas of high crime, vehicle crashes, drunk or drugged driving, and other unlawful behavior to direct enforcement initiatives to reduce crime and crashes. These initiatives are designed to increase arrests for criminal behaviors, thereby making the communities and highways safer.

House Bill 6 significantly restricts a law enforcement agency's ability to effectively manage its personnel and execute enforcement initiatives.