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

POSITION ON PROPOSED LEGISLATION

DATE: **January 30, 2025**

BILL NUMBER: **Senate Bill 331**   **POSITION: Oppose**

BILL TITLE: **State Police Retirement System – Mandatory Retirement Age - Repeal**

REVIEW AND ANALYSIS

This legislation seeks to repeal the requirement that sworn members of the Department of State Police shall retire at the age 60. The bill changes the eligibility requirement for active sworn members of the state police to enter the Deferred Retirement Option Program should they elect to remain employed after they turn 60 years of age.

Under current law, a state trooper hired before July 1, 2011 is eligible to retire with a normal service allowance if the trooper has at least 22 years of service or be at least 50 years old, subject to the approval of the Board of Trustees. A trooper hired after July 1, 2011 is eligible to retire with a normal service allowance if the trooper has at least 25 years of service or be at least 50 years of age. However, regardless of the time of hire or length of service, a trooper is required to retire no later than the first day of the month after the member becomes 60 years old.

While individual fitness levels vary, age-related physical, mental and psychological decline is a well-documented phenomenon. As age increases, so does the risk to slower reflexes along with reduced strength and endurance, potentially compromising an officer's ability to perform critical tasks effectively. According to Frick et al. (2024), "*Police officers experience elevated levels of cardiovascular disease and associated risks making fitness a peak concern. Officers often have more marked fitness level decreases with aging compared to the general population.*"

The safety of both the public and our troopers is paramount. Law enforcement's health and wellness are at the forefront of 21st Century Policing. Troopers are often placed in physically and mentally demanding roles and must be capable of responding swiftly and decisively in high-stakes situations. An aging workforce poses challenges in ensuring the collective readiness of the Department. A mandatory retirement age reduces potential risks associated with slower response times or diminished physical capacity.

Law enforcement requires officers to maintain a high level of physical fitness for tasks like running, pursuing suspects, responding to emergencies and engaging in physical confrontations, often alone. As troopers age, these physical demands become more difficult, potentially affecting their safety, effectiveness, and increasing the risk of injury or death. The mandatory retirement age in law enforcement highlights the physically demanding nature of the job, the need for an agile workforce, and concerns about age-related cognitive decline-all of which are seen as key factors in ensuring public safety.

POSITION ON PROPOSED LEGISLATION

It is worth noting that mandatory retirement policies are not arbitrary but are grounded in well-established occupational health and safety principles. In the United States, the Age Discrimination in Employment Act (ADEA) of 1967 generally prohibits forced retirement based on age. However, exceptions exist for certain safety-sensitive roles, such as federal law enforcement officers, pilots, and air traffic controllers, where mandatory retirement is justified due to the critical nature of the work and the potential impact of age-related performance decline. Many physically demanding professions, including firefighting and aviation, enforce similar policies to ensure the workforce remains capable and efficient.

The following states have similar mandatory retirement ages for their state police: Delaware and New Jersey set their mandatory retirement age at 55; New York State Police and Pennsylvania have a retirement age of 60. The federal government has a lower mandatory retirement age than Maryland State Police: federal law enforcement officers must retire at 57 years of age or as soon as they complete 20 years of service. Individual federal law enforcement officers can receive exemptions from the mandatory retirement age up to age 60 if the president issues an executive order. Federal Capitol Police officers also have a mandatory retirement age of 57.

The current mandatory retirement at age 60 creates opportunities for younger applicants to join the Department, bringing fresh perspectives, energy, and their adaptability to new technologies and evolving policing strategies. The Department must continually evolve to address changes in society, public expectations, crime trends, and technology. A younger workforce ensures the Department remains dynamic and responsive to these challenges. A consistently renewed workforce fosters diversity and inclusivity, as younger applicants often represent more recent social and cultural trends.

Furthermore, a mandatory retirement age provides predictability in workforce planning. The Department can more effectively and accurately anticipate vacancies, streamline succession planning, promotional opportunities and manage resources effectively. Predictable retirement timelines create leadership opportunities, allowing retiring troopers to transfer their knowledge and experience to the next generation. By ensuring a steady cycle of retirements, the Department can create appropriate succession planning opportunities to engage with a more diverse pool of candidates.

For these reasons, the Maryland Department of State Police urges the Committee to give Senate Bill 331 an unfavorable report.

<u>Works Cited</u>

Frick, K. A., Agostinelli, P. J., Swinford, J. F., Harris, M. E., Mobley, C. B., & Sefton, J. (2024). Age-Related Declines in Health and Fitness among Law Enforcement Officers Compared to Population Norms. *Healthcare*, *12*(7), 714. https://doi.org/10.3390/healthcare12070714