



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable J. Sandy Bartlett, Chair and
Members of the House Judiciary Committee

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

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE** SB 202.

The MCPA and MSA strongly support due process for officers and deputies; however, believe this information about the potential delays and impact on the police disciplinary reforms under the Police Accountability Act of 2021 should be considered in evaluating SB 202.

We appreciate the amendment that utilizes Md. Code, Public Safety Article, §3-110, which protects police officers from retaliation for whistleblowing or exercising their constitutional rights, and ensures officers can report misconduct, mismanagement, safety risks, or legal violations without adverse employment consequences. The section also preserves officers' rights to sue, engage in limited political activity, and pursue secondary employment subject to reasonable agency rules. MCPA and MSA believe shifting the bill's language to this section of the Public Safety Article is appropriate.

However, on page 3, lines 1–5, the bill references Md. Code, Public Safety Article, § 3-106, which governs the trial board process. While we understand the intent is to clarify that matters eligible for resolution by a trial board are excluded from the “show cause” order, the inclusion of § 3-106 in the bill text is confusing and may lead to ambiguity in future interpretation of the bill. Prior court cases demonstrate the disruptive effects of allowing the initiation of preliminary “show cause” court challenges to police discipline. Findings suggest that the investigation and processing of police misconduct complaints, which may rise to the level of being remedied by a trial board, could be delayed by up to one or two years. (e.g. Gindlesperger v. Popkin). MCPA and MSA would not want the language in the amended bill to be misconstrued as reinstating any of the previous provisions that were in statute.

Striking the language related to § 3-106 and trial boards would provide a clearer, more focused approach to addressing the concerns specific to § 3-110. Without removing the language that speaks to trial boards, the bill could be interpreted to apply to disciplinary matters that have begun working their way through the administrative charging committee and trial board process.

For these reasons, MCPA and MSA urge an **UNFAVORABLE** report on SB 202 unless the bill is amended to remove on page 3, lines 2 and 3, “FOR WHICH THE DENIAL IS NOT ELIGIBLE TO BE REMDEDED BY A TRIAL BOARD UNDER 3-106 OF THE SUBTITLE,.”