

2021-2022 Maryland Legislative Session

Legal Updates related to
Policing in Maryland



Presenters

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Maryland Police Training & Standards Commission

PROPOSED COMAR REGULATIONS

- ◇ **Police Accountability Board**
- ◇ **Administrative Charging Committee**
- ◇ **Trial Board**
- ◇ **Disciplinary Matrix**

Maryland Police Training & Standards Commission

NEW COMAR REGULATIONS

- ◆ Physical Agility Assessment
- ◆ Psychological Screening
- ◆ Implicit Bias Testing
- ◆ Hiring Standards – Use of Marijuana
- ◆ Firearms – Red Dot Sighting Systems

Maryland Police Training & Standards Commission

SENATE BILL 71

Use of Force

- ◇ **Use of Force - Best Practices – “Necessary and Proportional”**
- ◇ **Sanctity of Life Pledge** - Each police officer shall sign an affirmative written sanctity of life pledge to respect every human life and act with compassion toward others.
- ◇ **Use of Force** – “Sign a training completion document stating that the officer understands and shall comply with the Maryland use of force statute.”
- ◇ **Duty to Intervene** – Departmental Policy to intervene and promptly report

2022 GENERAL ASSEMBLY

BILLS SUPPORTED BY L.E.

- ◆ HB 1184 - Police Accountability Boards and Administrative Charging Committees - Municipal Corporations **SUPPORT -FAILED**
- ◆ SB 612, Street Racing and Exhibition Driving, Prohibited Acts and Enforcement – **SUPPORT - PASSED**
 - ◆ Intended to address street racing and exhibition driving; increases points and penalties associated with offense.
- ◆ SB 31, Public Information Act – Inspection of Records From Body–Worn Digital Recording Devices – **SUPPORT - FAILED**
 - ◆ Following amendment introduced by the sponsor – “a custodian may not allow the inspection or copying of a recording from a body-worn digital recording by law enforcement officer who is the subject of an investigation...”
 - ◆ **OPPOSED** – bill moved out of committee without this amendment

2022 GENERAL ASSEMBLY

Senate Bill 53

Juvenile Child Interrogation Protection Act

If a law enforcement officer takes a child into custody, the officer shall immediately notify, or cause to be notified, the child's parents, guardian, or custodian IN A MANNER REASONABLY CALCULATED TO GIVE ACTUAL NOTICE of the action.

- ◆ INCLUDE THE CHILD'S LOCATION;
- ◆ PROVIDE THE REASON FOR THE CHILD BEING TAKEN INTO CUSTODY; AND
- ◆ INSTRUCT THE PARENT, GUARDIAN, OR CUSTODIAN ON HOW TO MAKE IMMEDIATE IN-PERSON CONTACT WITH THE CHILD.

2022 GENERAL ASSEMBLY

Senate Bill 53

Custodial Interrogation

A LAW ENFORCEMENT OFFICER MAY NOT CONDUCT A CUSTODIAL INTERROGATION OF A CHILD UNTIL:

- ◇ THE CHILD HAS CONSULTED WITH AN ATTORNEY WHO IS:
- ◇ RETAINED BY THE PARENT, GUARDIAN, OR CUSTODIAN OF THE CHILD; OR
- ◇ PROVIDED BY THE OFFICE OF THE PUBLIC DEFENDER; AND
- ◇ THE LAW ENFORCEMENT OFFICER HAS MADE AN EFFORT REASONABLY CALCULATED TO GIVE ACTUAL NOTICE TO THE PARENT, GUARDIAN, OR CUSTODIAN OF THE CHILD THAT THE CHILD WILL BE INTERROGATED.

2022 GENERAL ASSEMBLY

Senate Bill 53

Custodial Interrogation

THE REQUIREMENT OF CONSULTATION WITH AN ATTORNEY UNDER THIS SECTION:

- ◇ MAY NOT BE WAIVED; AND
- ◇ APPLIES REGARDLESS OF WHETHER THE CHILD IS PROCEEDED AGAINST AS A CHILD UNDER THIS SUBTITLE OR IS CHARGED AS AN ADULT.

2022 GENERAL ASSEMBLY

Implications of SB 53

“... amendment was about the same as adding brakes to a car with no steering wheel; important to have, but you’re still going to crash.”

“...all adopt the practice of including this in press releases from now on:

- ◇ ‘Officers attempted to contact an attorney with the Public Defender's Office in order to comply with SB53. After waiting for over two hours, the juvenile was processed without the opportunity to provide his information.’”

2022 GENERAL ASSEMBLY

Senate Bill ~~896~~ 389

SB 763 Public Safety and Criminal Justice - Transparency and Accountability

- ◇ PS 3-104 - On completion of an investigation of a complaint [made by] OF POLICE MISCONDUCT INVOLVING a member of the public [against] AND a police officer, REGARDLESS OF WHETHER THE COMPLAINT ORIGINATED FROM WITHIN THE LAW ENFORCEMENT AGENCY OR FROM AN EXTERNAL SOURCE, the law enforcement agency shall forward to the appropriate administrative charging committee the investigatory files for the matter.
- ◇ PS 3-105 – Disciplinary Matrix - Each law enforcement agency shall adopt the uniform State disciplinary matrix FOR ALL MATTERS THAT MAY RESULT IN DISCIPLINE OF A POLICE OFFICER.

Senate Bill 763

2022 PROPOSED AMENDED LANGUAGE

PS 3-106 – Trial Board - ...this section to adjudicate ALL matters for which a police officer is subject to discipline.

3-111 - COLLECTIVE BARGAINING MAY NOT BE USED TO ESTABLISH OR ALTER ANY ASPECT OF THE PROCESS FOR DISCIPLINING A POLICE OFFICER.

2022 GENERAL ASSEMBLY

SB 763 Public Safety and Criminal Justice - Transparency and Accountability

PS 3-527 - Independent Investigations Division (IID)

- ◆ Duty to cooperate and not impede
- ◆ Requirement to provide requested evidence
- ◆ AG May seek temporary or permanent injunctive relief
- ◆ IID Primary investigative unit for police-involved incidents that result in the death of civilians or injuries likely to result in death.
- ◆ AG Shall determine whether an incident is police-involved and whether an injury is likely to result in death.
- ◆ IID - Confidential report with investigative findings to the State's Attorney of the county w/jurisdiction

2022 GENERAL ASSEMBLY

BILLS RAISING CONCERNS AMONG L.E.

- ◆ HB 638, Attorney General - Independent Investigations Division **OPPOSE - FAILED**
- ◆ SB 896, Office of the Attorney General - Independent Investigations – **OPPOSE - FAILED**
- ◆ HB 1044/SB 752, Public Safety - Use of Force Incident Reports – **OPPOSE - FAILED**
- ◆ HB 1046/SB 762 Facial Recognition Technology - Requirements, Procedures, and Prohibitions
OPPOSE - FAILED

2022 GENERAL ASSEMBLY

BILLS RAISING CONCERNS AMONG L.E.

- ◇ SB 864, - Police Officers - Emergency Termination – **OPPOSED - FAILED**
- ◇ HB 123, Pensions and Retirement - Forfeiture of Benefits - Law Enforcement Officers – **OPPOSE - FAILED**
- ◇ HB 001, Constitutional Amendment - Cannabis - Adult Use and Possession – **NO POSITION – CONSTITUTIONAL REFERENDUM**
- ◇ HB 463, Civil Rights - Violation of Rights - Governmental Liability – **OPPOSE - FAILED**
- ◇ HB 1012, Police Immunity and Accountability Act – **OPPOSE - FAILED**

HB 429, Public Safety
Law Enforcement Agencies - Body-Worn Cameras

OPPOSE/FAILED

