



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 5 and replace it with “practicable.”

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

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