



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith, Jr. Chairman and
Members of the Judicial Proceedings Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: January 21, 2021

RE: **SB 260 Public Safety – Police Officers' Performance Review Board**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 260**. This bill establishes a Police Officers' Performance Review Board in the Department of Public Safety and Correctional Services.

MCPA and MSA have several concerns with this legislation. First, the bill establishes a Board whose membership has no relationship with law enforcement and does not provide any requirements as to the training of these individuals or experience to ensure they have the knowledge and expertise to review the types of matters that will be before them.

Second, this independent board is established with no staffing requirement. Its not clear how a volunteer board will establish standards for appropriate race neutral behaviors for police interactions with citizens, conduct annual reviews of performance, and impose sanctions for racially discriminatory behavior without staff to do the necessary review to do so. Further the bill specifies the board can conduct annual reviews of performance, hold hearings, and administer oaths and hearing testimony. Staff would be needed to conduct such reviews and hearings, but more importantly, what are the qualifications of these individuals to grant them the authority to hold hearings, administer oaths, and hear testimony.

Third, this bill removes authority of the Chief and Sheriff over disciplinary matters and puts it in the hands of a Board whose members may have no experience or knowledge of law enforcement. In those jurisdictions where the law enforcement agency is managed by an elected sheriff, the electorate has granted the authority and accountability to the sheriff to handle complex investigations and impose discipline. Likewise, Chiefs of Police are appointed by their County Executive, Mayor, or other elected official and are held directly responsible for the manner in which officers are disciplined. The Chief and Sheriff must maintain disciplinary authority.

Lastly, the police officer bears the burden of proof in a hearing before the board.

For these reasons, MCPA and MSA **OPPOSE SB 260** and an **UNFAVORABLE** report.