



POSITION ON PROPOSED LEGISLATION

BILL: SB 260, Public Safety – Police Officers’ Performance Review Board
(Senator Ellis)

POSITION: No position

DATE: January 19, 2021

The Maryland Office of the Public Defender provides the below information and commentary on Senate Bill 260.

In light of the recent yet seemingly regular murder of black and brown men and women, the legislature must answer the question of “Who polices the Police?” The answer is simple: The People, but theory and practice are two separate puzzles to solve.

SB 260 is encouraging for many reasons, most notably the requirement to gather data, prohibits police chief involvement, and establish the need for annual performance reviews. Many professions include yearly performance assessments. In a field that can take a life with the pull of a trigger, there should be no controversy in establishing a mechanism to ensure only the highest performing officers remain on active duty.

In Montgomery County, there was a killing of an unarmed black man in Gaithersburg. While the investigation is still ongoing, members of the community report that some of the officers involved were not high performing. Unfortunately, this information is unlikely to be corroborated because there is no mechanism to learn about their performance history. There is no assessment into their propensity for violence, aggression, or bias.

Officer disciplinary and performance records are protected documents. This legislation can work in tandem with others to unlock them and make them discoverable. Moreover, it can exclude them from collective bargaining. This legislation can establish guidelines, standards, and incentives to encourage local governments to develop their own local performance review boards. This legislation’s data collection can guide the Police Training Commission in updating its training curriculum. Additionally, it can clarify to what extent it is willing to review tens of thousands of police officers. Finally, it can further insulate state and local boards from political or social pressure to ensure a genuinely independent body.

For these reasons, the Maryland Office of the Public Defender continues to prioritize legislation in furtherance of policing reforms for disclosure and accountability and is encouraged by this Committee’s steadfast progression in this area.

Respectfully submitted,

/s/ Roberto Martinez

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