



State of Maryland
Department of State Police
Government Affairs Section
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POSITION ON PROPOSED LEGISLATION

DATE: April 8, 2022

BILL NUMBER: Senate Bill 389 **Position:** Support

BILL TITLE: Public Safety – Maryland Police Accountability Act Revisions and Clarifications

REVIEW AND ANALYSIS:

This legislation seeks to revise and clarify sections of the Maryland Police Accountability legislation passed in 2021. Specifically, the legislation clarifies which complaints shall be reviewed by the Administrative Charging Committee, establishes that the Disciplinary Matrix is to be used for all matters that may result in discipline of a police officer, and establishes a trial board process for state and bi-county law enforcement agencies.

Since the passage of police accountability legislation in 2021, the Maryland State Police (MSP) has been working with the Attorney General's Office to try and determine how a state law enforcement agency would be expected to conduct a trial board process for its police officers. Under the current law, the MSP determined it would have to work with the 24 counties to try and establish a board in each county or revise the legislation. MSP worked with the Maryland Office of Administrative Hearings to try and establish a process that met the intent of the legislature. The language developed from that process is in Senate Bill 389.

The other parts of the legislation are designed to ensure greater clarity in the disciplinary process, specifically, the application of the Disciplinary Matrix to all matters that may result in the discipline of a police officer. This is important because different agencies could have interpreted the law to mean that there would have to be a Matrix for internal complaints versus a complaint made by a member of the public. This same concern included the use of collective bargaining for internal complaints while collective bargaining was prohibited for complaints made by the public in 2021.

With the passage of police accountability legislation in 2021, there was a great deal of time spent interpreting the legislation as written and reviewing the intent of the legislature. Senate Bill 389 provides clarity with respect to the disciplinary process for both local and state law enforcement officers and provides a process for state and bi-county law enforcement agencies to give police officers a fair and impartial process to resolve complaints made against them.

For these reasons the Maryland State Police urges the Committee to give Senate Bill 389 a favorable report.