



Committee: N/A
Staff: Susan J. Farag, Legislative Analyst
Purpose: Receive briefing and have discussion – no vote expected
Keywords: #MCPD; #PoliceReform; #StateLaw; #PoliceAccountabilityAct

AGENDA ITEM #3
October 19, 2021
Discussion

SUBJECT

State Police Reform Legislation (Provisions effective 10/1/21)

EXPECTED ATTENDEES

Dr. Earl Stoddard, Assistant Chief Administrative Officer
Assistant Chief Darren Francke, Management Services Bureau, MCPD
Captain Marc Erme, Director, Policy and Planning (MCPD)
Lieutenant Jordan Satinsky, Executive Officer Management Services Bureau (MCPD)

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

Council to receive briefing on State police reform legislation.

DESCRIPTION/ISSUE

During its last legislative session, the Maryland General Assembly considered a large number of police reform bills, ultimately passing a police reform package that included sweeping changes in police discipline and other provisions that attempt to increase police accountability. The five bills that passed included four Senate Bills and the omnibus House Bill 670 sponsored by House Speaker Adrienne Jones (see ©1-2 for a synopsis of the bills). Significantly, HB670 repealed the Law Enforcement Officer's Bill of Rights and replaces it with a new disciplinary framework. Other changes include:

- Specifying that certain investigatory and disciplinary records are subject to disclosure under the Maryland Public Information Act;
- Establishing an independent investigative unit within the Office of the Attorney General (OAG) to investigate all alleged or potential police-involved deaths of civilians;
- Modifying the execution of certain search warrants; specifying when body-worn cameras must be worn; restricting the use of no-knock search warrants;
- Prohibiting the receipt of certain surplus military equipment from the federal government;
- Establishing a Use of Force statute;
- Restricting the use of forensic genealogy DNA in certain circumstances;

- Providing an annual report to the Governor’s Office of Crime, Control, and Prevention on every monetary settlement or judgment against a police officer.

The County is reliant on the State to implement certain provisions of these laws. For example, the independent investigation unit within the State Office of the Attorney General is now active and any officer-involved death in the County will now be investigated by the State. Last July, Attorney General Brian Frosh [announced](#) Dana Mulhauser as Chief of the Independent Investigations Division (IID). Just last week, the IID [announced](#) its first investigation into an officer-involved death in Baltimore County.

The Executive has established an implementation committee to address all aspects of police reform, including these State mandates, as well as recommendations from both the Police Department Audit and the Task Force to Reemagine Public Safety. The Executive has provided a [dashboard](#) of reform measures and the progress the County has made toward implementing each law or recommendation.

The Police Department formed internal working groups to address State law changes and the Department has implemented those provisions which became effective October 1. The Department will provide an overview of these changes.

This staff report contains

Synopsis of Police Reform Legislation

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Relevant Police Reform Legislation

Bill Number	Requirement	Effective Date
SB178 ¹	Maryland Police Accountability Act of 2021 - Search Warrants and Inspection of Records Relating to Police Misconduct (Anton's Law) - makes various modifications to provisions relating to search warrants, and makes various police disciplinary and investigation records subject to the Maryland Public Information Act.	October 1, 2021
SB600 ²	Maryland Police Accountability Act of 2021 - Surplus Military Equipment and Investigation of Deaths Caused by Police Officers -- establishes an independent investigative unit within the Office of the Attorney General (OAG) to investigate all alleged or potential police-involved deaths of civilians. It also prohibits a law enforcement agency from receiving specified equipment from a surplus program operated by the federal government.	October 1, 2021
SB187 ³	Criminal Procedure – Forensic Genetic Genealogical DNA Analysis, Searching, Regulation, and Oversight —establishes numerous requirements and procedures regarding the use of “Forensic genetic genealogical DNA analysis and search” (FGGS) by law enforcement. The bills prohibit law enforcement from initiating FGGS without first obtaining judicial authorization and certifying before the court that the forensic sample and the criminal case meet specified criteria.	October 1, 2021
HB670 ⁴	Maryland Police Accountability Act of 2021 - Police Discipline and Law Enforcement Programs and Procedures -- repeals LEOBR in its entirety and establishes new provisions relating to police accountability and discipline. Provisions relating to the accountability and discipline process and administrative charging committees apply prospectively and may not be applied or interpreted to have any effect or application to (1) any bona fide collective bargaining agreement entered into by June 30, 2022, for the duration of the contract term, or (2) a disciplinary matter against a law enforcement officer based on alleged misconduct occurring before July 1, 2022. The bill also:	July 1, 2022

¹ [SB178](#)

² [SB600](#)

³ [SB187/HB240](#)

⁴ [HB670](#)

	<ul style="list-style-type: none"> • alters requirements for the Maryland Police Training and Standards Commission (MPTSC) regarding training and police certification; • establishes two higher education financial assistance programs for police officers, with mandated appropriations; • increases civil liability limits applicable to police misconduct lawsuits; and • requires reporting on SWAT team activity and use of force complaints. 	
SB71⁵	<p>Maryland Police Accountability Act of 2021 - Body-Worn Cameras, Employee Programs, and Use of Force -- requires law enforcement agencies to:</p> <ul style="list-style-type: none"> • use body-worn cameras; • establish a specified early intervention system; • provide access to an “employee assistance program” for all police officers; <p>and establishes the Maryland Use of Force Statute.</p>	July 1, 2022

⁵ [SB71](#)