



National
Urban League

TOOLKIT

21 Pillars **for Redefining** **Public Safety** **and Restoring** **Community Trust**

ABOUT EQUITABLE JUSTICE & STRATEGIC INITIATIVES

The National Urban League's Equitable Justice & Strategic Initiatives Division (EJSI) was created in response to the social justice uprising of 2020 to lead our efforts in areas of civic engagement, census and redistricting, voting rights, criminal justice reform, ending gun violence, combating extremism, and more. Under the leadership of our President and CEO Marc H. Morial, EJSI was established in September 2020 and quickly mobilized League resources to respond to the need to increase the National Urban League's advocacy on justice issues on the national, state, and local levels.

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LETTER FROM NATIONAL URBAN LEAGUE PRESIDENT & CEO



In 2020, fissures in American policing erupted and the public demanded attention and action to end injustice. The National Urban League developed its *21 Pillars for Redefining Public Safety and Restoring Community Trust*, offering a path forward for meaningful change that affirms that Black Lives Matter.

The acquittal of Trayvon Martin's murderer in 2013 gave rise to the Black Lives Matter movement. Since then, thousands of Americans have died at the hands of police with Black people six times more likely to be killed. We need answers. We need relief.

When police officers killed George Floyd and Breonna Taylor, the world rallied and marched in protest and in solidarity, seeking an end to the senseless loss of Black lives at the hands of those sworn to protect and serve. The murder conviction of officer Derek Chauvin delivered personal accountability for one officer's behavior. Now, we seek justice by redefining the systems that encourage that behavior.

The Pillars are for the community, by the community. Our framework has been developed with deep engagement with our network of 91 affiliates, as well as activists, political leaders, public safety experts, advocates, and legislators. I am proud to share that our Pillars reject the status quo of policing of old and reimagine a national public safety standard that transforms safety culture in a systematic way.

Five key themes outline the change we need and are explained throughout this booklet. We encourage you to use this comprehensive framework as a blueprint for your advocacy on the local, state, and national level.

- 01 Collaborating with communities to build a restorative system
- 02 Demanding accountability
- 03 Changing divisive policing policies
- 04 Requiring transparency, reporting and data collection
- 05 Improving hiring standards and training

The National Urban League cannot fully realize its mission and vision amid the current state of policing. The effects of unjust policing often reverberate beyond the criminal justice system, undermining social progress. We created the *21 Pillars for Redefining Public Safety and Restoring Community Trust* to present firm and straight-forward solutions that can guide us to a future where public safety allows all people to feel safe.

Marc H. Morial
President & CEO
National Urban League



ABOUT THE TOOLKIT

The killings of Breonna Taylor, George Floyd, Daniel Prude and more had a catalyzing effect on the nation, and the world in 2020. Their legacies sparked the social justice uprising of a generation. We expressed our demands for justice through protests and rallies in the street, through grassroots organizing, and through virtual and social media teach-ins. We all took part in a long-overdue national discussion about systemic racism and police violence—from the streets to corporate boardrooms to the halls of law and justice. Our conversations revealed justice requires equity, and equity requires accountability. The *21 Pillars for Redefining Public Safety and Restoring Community Trust* address each of those needs.

Policing in America is, and has always been, a primary entry point to the criminal justice system, particularly for Black men and people of color. The system of old has clear links to slavery, the Black Codes and Jim Crow laws. The system is now represented by police brutality and mass incarceration. Policing in America has been synonymous with public safety, only for some in this country. However, now is the time to support the bold notion that all people should feel safe in their homes and communities, and that the public safety system reflects the needs of all.

For too long communities around the nation, particularly Black communities, have had their lives, safety, and freedom threatened by discriminatory and violent policing tactics, followed by a punitive criminal-legal system. Violent divisive practices are permitted in many police departments. Furthermore, we have very little data on the amount of harm caused by police, instead we rely on the chance officers have functioning body-worn cameras. When incidents do occur, we consistently learn of red flags after the fact—an officer was previously terminated from another department, this is not their first questionable use of lethal force, or they have a clear bias against Black and brown people. Eventually, officers who unnecessarily severely injure or kill often escape accountability and the nation is left grappling with our system. We find no redress in the courts, families and communities are left grieving, and the officer in question remains a police officer. This system must be re-envisioned.

This Toolkit serves as a resource for organizers and community leaders on the local, state, and national levels to elevate our movement of protest to policymaking. We believe that by providing resources and model legislation and policies, and by elevating the solutions already underway, we can support community leaders, activists, and elected officials in their efforts to redefine public safety and restore community trust.

The 21 Pillars are intended to serve as a policy menu where you identify what would best work in your community. Each reform included is not ideal for each community, and some communities have already addressed some of the reforms. Community discussion and activation is critical here. We suggest you review the 21 Pillars and prioritize what would best serve your state or community and devise your plan of action accordingly.

The 21 Pillars are organized into five themes. For each theme, the Toolkit identifies relevant examples of state and local action taking place. The final section of this Toolkit includes sample legislation and police policies from around the country that can be helpful where you are.

The current system of policing is working as designed, and it is working against us. It must be transformed and redefined. We believe this Toolkit will prove valuable as you push for transformational change in your community.

If you have any questions about this toolkit or want assistance or support for your reform efforts, please contact the National Urban League's Equitable Justice & Strategic Initiatives team at equitablejustice@nul.org.

Jerika Richardson
SVP, Equitable Justice & Strategic Initiatives
National Urban League

Preamble

The National Urban League's **21 PILLARS** is a comprehensive framework for advocacy that redefines public safety and restores community trust—paving a way beyond the status quo. Our forward-thinking plan centers on five key themes that are fundamental to the protection and preservation of life, dignity, and trust, while also building safer communities.

We recognize that, first and foremost, community trust must be restored for true change to occur through truth, reconciliation, and empowerment (Theme 01). Community trust goes hand-in-hand with accountability for those who have a duty and authority to protect and serve (Theme 02). We must work from the inside out to redesign public safety by uprooting divisive policing policies (Theme 03). Finally, though we recognize that change takes time, it also takes attention to detail and learning. Therefore, we advocate for transparency, reporting standards, and data collection (Theme 04). Standards for hiring, evaluation, and promotions in public safety must be refined and enhanced. (Theme 05). Public safety must be transformed, structurally and fundamentally.

For too long the lives, safety, and freedom of communities around the nation, particularly Black communities, have been threatened by discriminatory and violent policing. Our communities deserve to feel safe in their homes, in their cars, and on their streets, including safe from police violence. The 21 Pillars is a vision of what is possible—a path forward. Public safety must be re-envisioned.

The effects of unjust policing often reverberate beyond the criminal justice system, undermining social progress. The 21 Pillars take a holistic approach to public safety, the restoration of trust between communities and law enforcement, and a path forward for meaningful change. We encourage you to utilize our framework as a tool for your advocacy work on the ground—from grassroots organizing, to the legislative halls of government in cities and states, to the U.S. Capitol.

Since 1910, the National Urban League has promoted economic empowerment and equity through education and job training, housing and community development, workforce development, entrepreneurship, health, and quality of life. Yet social parity, economic empowerment, and civil rights cannot be achieved in a world of unjust policing. Our *21 Pillars for Redefining Public Safety and Restoring Community Trust* present solutions that will move us closer to a world where community safety is real, and not aspirational.

Key Themes

01 COLLABORATE WITH COMMUNITIES TO BUILD A RESTORATIVE SYSTEM

02 ACCOUNTABILITY

03 CHANGE DIVISIVE POLICING POLICIES

04 REQUIRE TRANSPARENCY, REPORTING, & DATA COLLECTION

05 IMPROVE HIRING STANDARDS & TRAINING

Collaborate with Communities to Build a Restorative System



The first theme addresses the core of policing: public safety must serve the people. Currently, the system inspires safety for some and doubt for others. This theme aims to lift the veil, to expose the truth about policing in America, to empower communities to engage richly in the policymaking process, and to lay the groundwork for community reinvestment. Find the truth: identify the bad policies. Expose the truth: engage with the public to address them. Resolve the truth: new policy must replace old policy to move on from the status quo.

PILLAR 01

EMPOWER COMMUNITIES TO RE-ENVISION PUBLIC SAFETY IN AN EQUITABLE AND JUST WAY

Truth and Reconciliation: Find justice for over-policed communities by studying the complex and long history of racism and policing in the United States and leveraging findings to draw policy that [reconciles the past with the present and future](#).¹

Reinvest in our communities by supporting and funding asset-based approaches such as [cure violence model program](#)² and [restorative justice](#)³ programs, and social services that build upon existing assets and that address fundamental needs, including stable and safe housing, food, and job insecurity. Reinvest in our communities by supporting and funding the expansion of, and equitable access to, an excellent education; and substance misuse and mental health and wellness services.

Change the culture of law enforcement response to crises by reorganizing response units.

Establish [public safety innovation grants](#) for community-based organizations to create local commissions and task forces to help communities to re-imagine and develop concrete, just, and equitable public safety approaches.⁴



PILLAR 02

END BROKEN WINDOWS POLICING AND IMPLEMENT COMMUNITY POLICING MODEL

Decriminalize and/or establish diversionary programs for low-level offenses, including drug possession, public intoxication, loitering, jaywalking, disorderly conduct, and sex work. [Shift police time](#) and public resources from these arrest-focused activities.⁵

Emphasize prevention and problem-solving over [ticket and arrest quotas and criminalization](#).⁶

Reimagine evaluation metrics for officers to focus ratings on community engagement, community feedback, and social service referral, in addition to safety and case resolution metrics.

Require collaboration with community members on decision-making, implementation, and evaluation of recruitment and hiring, training, and all departmental policies, practices, and priorities.

Establish community solutions by [conditioning federal funding](#) to state and local law enforcement.⁷



PILLAR 03

PROHIBIT PROFILING BASED ON RACE, ETHNICITY, RELIGION, SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY, OR IMMIGRATION STATUS

Codify antidiscrimination policies at the state and local level.⁸

Require the development of written bias-free policing policies with community input that provide guidance on [bias-free policing](#),⁹ implicit bias, cultural competency, and [procedural justice](#).¹⁰ The policies must include [actual as well as perceived personal characteristics](#).¹¹

[Condition federal funding](#) to state and local law enforcement to adopt policies to combat and discourage racial, religious, and discriminatory profiling.¹²

PILLAR 04

▲ ADDRESS THE NEEDS OF INDIVIDUALS EXPERIENCING MENTAL HEALTH CRISES

Invest in [comprehensive crisis response programs](#) that are responsive to overlapping public health and safety concerns.¹³

Establish state and local mental health and wellness advisory groups, staffed by safety personnel, social workers, and mental health providers.

Require [crisis intervention](#) and de-escalation training for all officers, first responders, and public-facing staff.¹⁴

EXAMPLES OF STATE AND LOCAL ACTION

STATE LEGISLATIVE ACTION

PILLAR 2: ENDING BROKEN WINDOWS POLICING AND CODIFYING SOCIAL EQUITY

Colorado: Passed [legislation](#) to legalize marijuana. The legislature later passed the [“Marijuana Social Equity Bill”](#) intended to support cannabis businesses owned by people who qualify as social equity licensees, primarily people most impacted by the drug war. Decriminalizing low level crimes that do not threaten public safety are one way to begin the process of ending broken windows policing.

New York: Passed [legislation](#) to legalize marijuana that creates a social equity program designed to allocate business licenses to people and families harmed by marijuana enforcement. The bill’s equity policy would also allocate tax revenues generated by the new marijuana industry to fund community grants and community health programs.

MUNICIPAL ACTION

PILLAR 1: REALLOCATING FUNDS FROM POLICE FOR COMMUNITY

Milwaukee, Wisconsin: [LiberateMKE](#), a coalition of 25 civil rights and advocacy groups in Milwaukee, is working to reallocate city resources and increasing funding for summer jobs for young people, affordable quality housing and nonviolence prevention.

PILLAR 1: TRAINING INITIATIVES

Multi-City Efforts: The [National Initiative for Building Community Trust and Justice](#) is a six-city effort to promote equitable and just policing by implementing officer training on procedural justice and implicit bias and developing a reconciliation process designed to address community distrust and historical tensions between police and communities. The project is taking place in Stockton, CA, Pittsburgh, PA, Minneapolis, MN, Gary, IN, Fort Worth, TX, and Birmingham, AL.

PILLAR 4: NON-POLICE CRISIS INTERVENTION

Eugene and Springfield, Oregon: The [Cahoots \(Crisis Assistance Helping Out on The Street\)](#) program in Eugene and Springfield Oregon is a mobile crisis intervention team designed as an alternative to police response for non-violent crisis. Their services include substance abuse, housing crisis, and conflict resolution and mediation.

Accountability

Theme **02**

We must hold our agents of public safety and the system to which they belong to a high standard of public accountability. For us, that means holding individual officers accountable in the court of law for behavior that violates their oath and finding justice by changing the culture that promotes or encourages dangerous patterns and practices. Theme 02 uproots the culture from the outside-in. You'll see later that Theme 03 uproots the culture from the inside-out.



PILLAR 05

◀ **HOLD POLICE ACCOUNTABLE IN COURT**

End **qualified immunity** for law enforcement. Close the open legal questions that shield officers from accountability when they violate a civilian's constitutional rights.¹⁵

Amend the federal criminal statute to change the mens rea requirement in federal law—**18 U.S.C. Section 242**¹⁶— from "willfulness" to a "recklessness" standard to allow appropriate prosecution of an officer.

Make it a crime for a federal law enforcement officer to engage in a sexual act with an individual who is under arrest, in detention, or in custody. **Prohibit consent** as a defense to prosecution for unlawful conduct. Incentivize states to set the same standards.¹⁷

PILLAR 06

PREVENT POLICE UNION CONTRACTS FROM BLOCKING ACCOUNTABILITY ▶

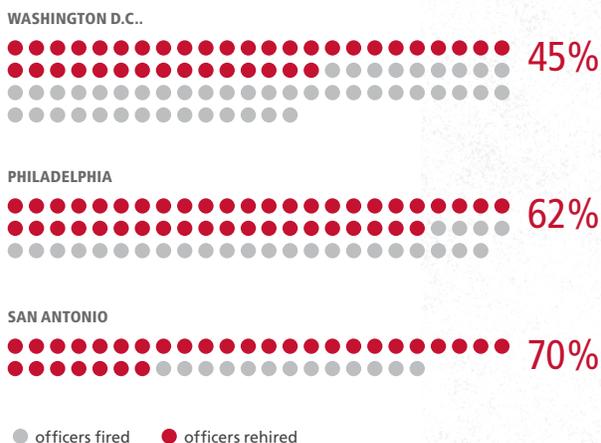
Remove all **disciplinary matters** from the scope of **police union contract negotiations**.¹⁸

Require community representation at police union contract negotiations.

At the state level, repeal "**Police Bill of Rights**" laws.¹⁹

Stop **police union influence** over politics by limiting political contributions from police unions.²⁰

OFFICERS FIRED FOR MISCONDUCT FROM 2006 TO 2017 THAT WERE REHIRED ON APPEAL



Source: *Washington Post* reporters requested the names of officers who were terminated and those who were reinstated after they contested their firings through arbitration or other appeals from 2006–2017.

PILLAR 07**INVESTIGATE POLICE MISCONDUCT**

Appoint fair and impartial [special prosecutors](#) to investigate police misconduct.²¹

Fully utilize the use of [pattern and practice investigations](#) of police departments. Grant the Department of Justice (DOJ) Civil Rights Division subpoena power and enhance funding for such investigations.²²

Establish a DOJ task force to coordinate the investigation, prosecution, and enforcement efforts of federal, state, and local governments in cases related to law enforcement misconduct.

On the state level, create a grant program for state attorneys general to develop authority to conduct independent investigations into problematic police departments.

PILLAR 08**CREATE OR STRENGTHEN INDEPENDENT ALL-CIVILIAN COMMUNITY-BASED REVIEW BOARDS WITH FINAL AUTHORITY**

Create diverse [community-based review](#) boards that receive, investigate, and resolve all civil complaints of police misconduct.²³

Require all review boards, police departments, and other law enforcement agencies to abide by a [uniform discipline matrix](#) with standardized penalties.²⁴

Ensure boards have adequate funding and subpoena and [administrative prosecutorial powers](#) that will enable them to investigate complaints, advise on needed policy changes, and serve as the final determinant on officer discipline thoroughly and independently.²⁵

EXAMPLES OF STATE AND LOCAL ACTION

STATE LEGISLATIVE ACTION

PILLAR 5: ENDING QUALIFIED IMMUNITY

Colorado: Passed [legislation](#) effectively ending qualified immunity at the state level by allowing individuals to sue officers in state court, if those officers violate the Colorado Constitution's Bill of Rights or "fail to intervene" when those rights are violated. The Acts states that qualified immunity is not a defense to officer liability.

PILLAR 6: REPEAL OFFICER BILLS OF RIGHTS

Maryland: The state was the first to [repeal](#) its Law Enforcement Officer' Bill of Rights Law. Other jurisdictions are also considering similar measures.

PILLAR 7: STATES ATTORNEYS GENERAL STEPPING IN AS SPECIAL PROSECUTORS

Minnesota: In the murder trial for former police officer Derek Chauvin, Minnesota Attorney General Keith Ellison [led the prosecution](#) rather than the local county prosecutor. Derek Chauvin was convicted of second-degree murder.

New York: Passed [legislation](#) giving the New York state Attorney General the ability to investigate and potentially prosecute incidents when a person dies in custody or after an encounter with a police officer.

MUNICIPAL ACTION

PILLAR 5: ENDING QUALIFIED IMMUNITY

New York City, NY: New York City Council passed [legislation](#) ending qualified immunity on the municipal level by establishing a local right to be free from excessive force and unreasonable searches and seizures and also allowing individuals to sue police for the deprivation of that right, while stating "qualified immunity or any other substantially equivalent immunity" will not shield officers from responsibility.

PILLAR 6: RENEGOTIATING POLICE UNION CONTRACTS

Austin, Texas: The [Austin Justice Coalition](#), a racial justice advocacy group in Austin led a grass-roots organizing campaign and [participated](#) in the negotiation of the police union contract between the City Council and the police union. This pressure resulted in the City Council voting against the proposed police union contract due to concerns over accountability.

PILLAR 7: DEPARTMENT OF JUSTICE PATTERN OR PRACTICE INVESTIGATION

Seattle, Washington: In December 2010, the ACLU of Washington and 34 other civil rights and community-based organizations [requested](#) that the Civil Rights Division of the Department of Justice investigate whether the Seattle Police Department has engaged in a pattern or practice of violations of civil rights by using unnecessary and excessive force against residents. In March 2011, the Department of Justice [launched](#) an investigation.

PILLAR 8: POLICE REVIEW BOARDS

Detroit, Michigan: The [Detroit Board of Police Commissioners](#) is comprised of 11 members, 7 of which are elected by the people of Detroit. The Board is empowered with subpoena, disciplinary, and policy review authorities.

New York, NY: The [New York City Civilian Complaint Review Board](#) has independent prosecutorial powers that were used and led to the administrative firing of Daniel Pantaleo, the officer who killed Eric Garner.

Change Divisive Police Policies

Theme **03**

Policing culture is codified by the statutes, policy manuals, patrol guides, and attitudes that encourage it. Theme 03 changes the rules that dictate how the agents of public safety behave. Limit use of force. Remove police from schools. Take away the tanks, armor, and weapons meant for war. End the culture of civil forfeiture. Theme 03 uproots the culture from the inside-out.



*Use of Force Report not required

Source: Philadelphia Police Department, Use of Force Policy, Directive 10.1

PILLAR 09

REVISE USE OF FORCE POLICIES

Require that [deadly force](#) be used only as a last resort.²⁶

Require officers employ verbal and non-verbal [de-escalation techniques](#)²⁷ in all circumstances with the goal of preventing or minimizing uses of force, and only use force that is necessary under the circumstances and [proportional](#) to the threat.²⁸

Change the standard to evaluate whether law enforcement use of force was justified from whether the force was "reasonable" to whether the force was "necessary."

[Condition grants](#) on state and local law enforcement agencies establishing the same use of force standard.²⁹

PILLAR 10

BAN CHOKEHOLDS, NO-KNOCK WARRANTS & SHOOTING AT MOVING VEHICLES

Ban the following uses of force: [chokeholds and carotid holds](#), [no-knock warrants](#), and [shooting at moving vehicles](#).³⁰

[Condition law enforcement funding](#) for state and local governments banning chokeholds and carotid holds, no-knock warrants, and shooting at moving vehicles.³¹



PILLAR 11

ELIMINATE POLICE FROM SCHOOLS

Break the [school-to-prison pipeline](#) by removing police officers from schools in deep and ongoing consultation with students, teachers, and families.³²

Train all building staff to be able to [de-escalate and handle disruptive behavior](#) in school, including administrative staff, custodial staff, and paraprofessionals.³³

Staff schools with appropriate human and social service professionals such as counselors, youth development specialists, social workers, mental health and wellness practitioners, community interventionists, and [restorative justice coordinators](#).³⁴

PILLAR 12

DEMILITARIZE THE POLICE FORCE

Limit the [transfer of military-grade equipment](#) to state and local law enforcement and encourage the return to the federal government military equipment already received.³⁵

[Restrict local and state police departments](#) from purchasing or utilizing military weapons.³⁶

PILLAR 13

BAN CIVIL ASSET FORFEITURE

Prohibit law enforcement from [seizing property and cash](#) from an individual unless the person is convicted of a crime and the state establishes by clear and convincing evidence that the property is subject to forfeiture.³⁷

Stop permitting and incentivizing local and state police to engage in civil asset forfeiture by ending the federal [Equitable Sharing program](#).³⁸

EXAMPLES OF STATE AND LOCAL ACTION

STATE LEGISLATIVE ACTION

PILLAR 10: BANNING NO KNOCK WARRANTS

Maryland: Passed [legislation](#) restricting no-knock warrants, banning chokeholds, restricting circumstances when officers can shoot at a moving vehicle and establishing a state-wide use of force standard.

PILLAR 12: DEMILITARIZING LOCAL POLICE

Montana: Passed [bipartisan legislation](#) blocking law enforcement from receiving weaponized drones or aircraft, grenades, silencers, and armored vehicles and requires police to notify the public before purchasing (with state/local funds) any item.

PILLAR 13: ENDING CIVIL ASSET FORFEITURE

New Mexico: The state [legislature](#) unanimously passed a bill ending state's civil asset forfeiture program. When the city of Albuquerque failed to comply, an Albuquerque resident filed a federal lawsuit against the city and U.S. District Judge [ruled](#) the practice unconstitutional causing Albuquerque to end its civil asset forfeiture program.

MUNICIPAL ACTION

PILLAR 9: POLICE DEPARTMENT MANUAL CHANGES

Seattle, Washington: The Seattle police department [manual](#) requires officers utilize [de-escalation tactics](#) that take communication, time, distance, and shielding into consideration and only use force that is objectively reasonable, necessary, and proportional to the threat or resistance.

PILLAR 10: BANNING NO KNOCK WARRANTS

Louisville, Kentucky: The Metro Council unanimously passed "[Breonna's Law](#)," an ordinance banning no-knock warrants.

PILLAR 11: ELIMINATING POLICE FROM SCHOOLS

Oakland, California: Led by the efforts of the [Black Organizing Project](#), the city of Oakland School Board unanimously passed the [George Floyd Resolution](#). The Resolution eliminates the Oakland School Police Department and reinvests its \$6 million budget into a new safety plan focused on supporting students and fighting the school-to-prison pipeline.

Require Transparency, Reporting & Data Collection

Theme 04 acknowledges the reality that we need data to make lasting changes to our systems. Our country has 18,000 police departments and no national data collection standard for how police behave in our communities. We envision a public safety system that collects data on police misconduct and use-of-force, collects and analyzes video and audio evidence, audits police budgets, and serves as a check for the privacy concerns of the community. This data will inspire the policy changes of the future.

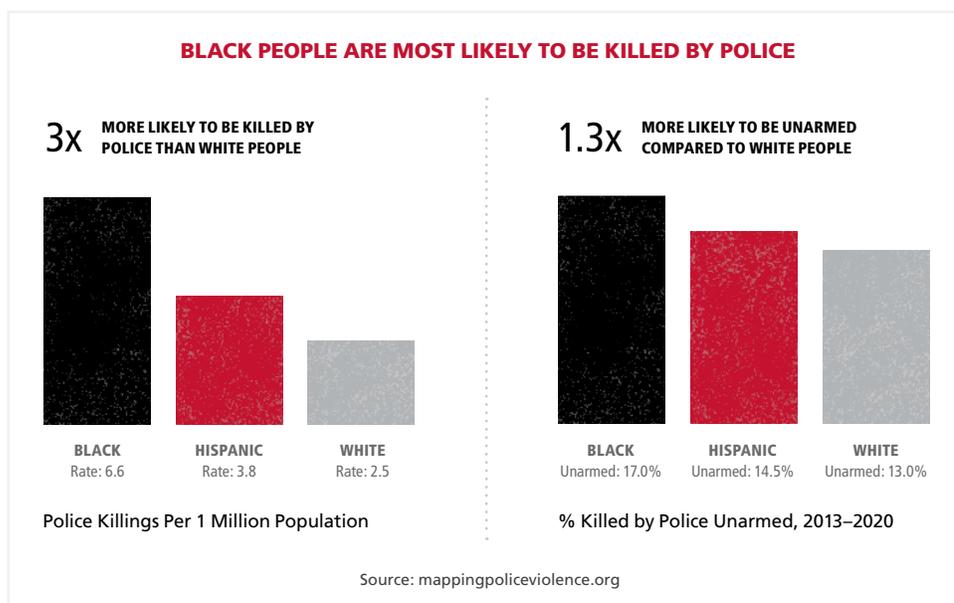
PILLAR 14

▼ COLLECT DATA ON POLICE MISCONDUCT AND USE-OF-FORCE

Create and audit a national [citizen database of complaints against police](#), which examines patterns in complaint investigations, including patterns in the quality of investigations, findings, and discipline rendered.³⁹

Develop a [national police misconduct registry](#)⁴⁰ that includes [use of excessive force](#),⁴¹ racial profiling, sexual assault, assault, perjury, falsifying a police report, and planting or destroying evidence, to prevent problematic officers who are fired or leave one agency from moving to another jurisdiction without any accountability.

Require the Attorney General to collect data on investigatory actions and detentions by federal law enforcement agencies, the racial distribution of drug charges, the [use of deadly force](#) by and against law enforcement officers, and traffic and pedestrian stops and detentions.⁴²





Pillar 14 (cont.)

[Mandate uniform FBI reporting](#) and audit of lethal force incidents involving any law enforcement officer.⁴³

Require state and local law enforcement agencies to report use of force data, [disaggregated by race](#), sex, disability, religion, and age.⁴⁴

PILLAR 15

▲ **MANDATE USE OF DASHBOARD AND BODY-WORN CAMERAS AND PROVIDE ACCESS TO FOOTAGE**

Require all federal police officers to [wear functioning body-worn cameras](#) and all federal law enforcement vehicles to have functioning dashboard cameras.⁴⁵

Create uniform and national standards for the use and activation of body-worn and dashboard cameras, and [direct access](#) to footage for relevant prosecutorial and oversight bodies.

Prohibit footage tampering and unauthorized access to recorded footage.⁴⁶

Require state and local law enforcement to use existing federal funds to ensure the universal use of police body-worn and dashboard cameras.

PILLAR 16

CONDUCT FINANCIAL AND OPERATIONAL AUDITS OF POLICE DEPARTMENTS

Require regular and publicly available [audits](#) covering operations, budget, management, staffing structures, and policies and procedures.⁴⁷

PILLAR 17

REQUIRE TRANSPARENCY AND COMMUNITY INPUT WITH PREDICTIVE POLICING, FACIAL RECOGNITION AND ANY NEW TECHNOLOGIES

Mandate community input and independent assessment of potential biases before law enforcement deploys any predictive policing or [facial recognition technology](#), and require community input on the implementation of any policing technologies.⁴⁸

Ensure policing technologies' impact on privacy concerns is in accordance with constitutional safeguards.

EXAMPLES OF STATE AND LOCAL ACTION

STATE LEGISLATIVE ACTION

PILLAR 14: DISCLOSING POLICE MISCONDUCT

New York State: Led by the efforts by [Communities United for Police Reform](#), New York state repealed [Section 50-a](#) of the state Civil Rights Law and allowing the public disclosure of police officers misconduct records under public records laws.

California: Passed [legislation](#) requiring records to be released when officers are found to have committed certain types of misconduct, including sexual assault and use of force.

PILLAR 15: BODY-WORN CAMERA DISCLOSURES

New York State: State Attorney General Letitia James [announced](#) that her office will expedite and proactively release (in advance of any request) police BWC footage in all cases of law enforcement misconduct investigated by her office.

PILLAR 17: BANNING FACIAL RECOGNITION SOFTWARE FOR POLICE DEPARTMENTS

Virginia: Passed [legislation](#) banning local law enforcement and campus police departments from using facial recognition technology.

MUNICIPAL ACTION

PILLAR 14: DISCLOSING POLICE MISCONDUCT

Chicago, Illinois: In Chicago, the nonprofit Invisible Institute launched the [Citizens Police Data Project](#), a database of citizen complaints against Chicago police officers. Pillar 15: Body-worn Camera Disclosures

Washington, D.C.: The Washington D.C Council passed an [emergency resolution](#) that mandates public release of all body-worn camera recordings of the D.C. Metro Police within five days.

PILLAR 17: BANNING FACIAL RECOGNITION SOFTWARE FOR POLICE DEPARTMENTS

San Francisco, California: The San Francisco Board of Supervisors passed the ["Stop Secret Surveillance" ordinance](#) which bans the purchase and use of facial recognition technology by city personnel, requires city departments to submit surveillance technology policies for public vetting, and requires city agencies to get city approval before purchasing other kinds of surveillance technologies, such as automatic license plate readers and camera-enabled drones.

Improve Hiring Standards & Training

Theme **05**



Our public safety system is only as strong and representative as the agents it employs. We deserve high quality officers who meet and exceed high standards and reflect the communities that they serve. It's simple: good officers should be honored and promoted. Those who abuse the public trust, should not. Public safety departments should prove that they are effective by seeking periodic accreditation and should be required to maintain accreditation to ensure their policies keep their communities safe. Theme 05 completes the feedback loop for redefining public safety and restoring community trust.

PILLAR 18

ADOPT A NATIONAL POLICE ACCREDITATION SYSTEM

Adopt and implement a [national police accreditation system](#) with evidence-based conditions of accreditation.⁴⁹

[Condition law enforcement funding](#) for local and state governments on jurisdictions meeting accreditation requirements.⁵⁰

PILLAR 19

EXPAND THE NATIONAL DECERTIFICATION INDEX

Track all decertified police officers and officers who have been fired or resigned due to police misconduct by expanding the [National Decertification Index](#) to cover all law enforcement agencies and include officers who have been fired or resigned due to police misconduct.

Require [the use of the National Decertification Index](#) in making hiring decisions to prevent officers who have been fired or resigned due to misconduct from being [rehired in another jurisdiction](#).⁵¹

[Condition law enforcement funding](#) for local and state governments on jurisdictions using and contributing to the Index.⁵²

PILLAR 20

STRENGTHEN POLICE HIRING STANDARDS AND IMPROVE TRAINING TO BUILD INTEGRITY AND TRUST

Develop police recruiting and [hiring standard recommendations](#) that include comprehensive work and criminal history, and encourage other checks such as polygraph tests and psychologist interviews.⁵³

Invest in periodic and rigorous [police training](#) that emphasizes the preservation of life and includes training in peer intervention, crisis intervention or critical response training, de-escalation and use of force training, [procedural justice](#),⁵⁴ and implicit bias training.⁵⁵

PILLAR 21

INCREASE DIVERSITY & EQUITY IN BOTH THE LEADERSHIP AND RANKS OF LOCAL, STATE & FEDERAL LAW ENFORCEMENT

Create a workforce that contains a [broad range of diversity](#) including race, gender, language, life experience, and cultural background to improve understanding and effectiveness in dealing with all communities.⁵⁶

Implement best practices for recruitment, training, and outreach to improve the diversity as well as the cultural and linguistic responsiveness of law enforcement agencies.

EXAMPLES OF STATE AND LOCAL ACTION

STATE LEGISLATIVE ACTION

PILLAR 20: MAINTAINING POLICE PERSONNEL RECORDS

Pennsylvania: Passed [legislation](#) requiring each department to maintain “separation records” for all law enforcement officers who leave a police department. The separation record must include circumstances surrounding employee’s departure, any criminal charges, and complaints against an officer. All state law enforcement hiring must review a candidate’s “separation record” in its review of the candidate.

MUNICIPAL ACTION

PILLAR 20: TRAINING PROGRAMS

Oakland, California: Oakland (CA) Police Department requires procedural justice and police legitimacy [training programs](#) for every police officer. The course focuses solely on understanding the impacts of poor treatment of community members and giving officers practical principles to inform how they treat the community.

Chicago, Illinois: The National Initiative for Building Community Trust & Justice worked with Chicago Police Department’s Education and Training Division to develop a three-day [procedural justice training program](#) for law enforcement that addresses the theory and implementation of procedural justice as well as the role implicit bias plays in police-community interactions.

PILLAR 21: DIVERSITY IN HIRING AND PROMOTION

New York City, NY: The New York City Mayor Bill DeBlasio signed the [“Diversifying NYPD Senior Leadership” executive order](#) requiring that the New York Police Department conduct a meaningful interview of at least one qualified applicant for each open position who is of a race that is underrepresented in senior positions.

Sample Law Enforcement Policies

The appendix contains sample law enforcement policies covering use of force, de-escalation principles, and racial profiling

Camden County New Jersey: Use of Force Policies

The Camden County Police Department use of force policy only authorizes deadly force as a last resort and requires officers use force proportional to the circumstances.

▶ [Use of Force Policies](#)

Seattle Police Department Manual: Use of Force Policies

The Seattle Police Department manual requires that police officers use minimum amount of force and provides specific guidelines for the types of force and tools authorized for a given level of resistance. The manual also includes a separate de-escalation policy which requires officers use de-escalation tactics and details factors officers should consider.

▶ [Use of Force Core Principles](#)

▶ [Use of Force: De-Escalation](#)

New York Police Department: Departmental Policy Prohibiting Racial Profiling and Bias-Based Policing

The New York Police Department prohibits actual or perceived race, color, ethnicity, or origin from being used as a motivating factor for any law enforcement action.

▶ [NYPD Racial Profiling Policy](#)

Sample Legislation

The appendix contains sample legislation covering police discipline and accountability, body-worn cameras, use of force, de-militarization, and facial recognition technology.

Maryland Police Accountability Act of 2021

Police Discipline and Law Enforcement Programs and Procedures (HB670)

Summary: Repealing the Law Enforcement Officers' Bill of Rights; prohibiting a police officer from preventing a citizen from recording the officer's actions if the citizen is otherwise acting lawfully and safely; establishing the Maryland Loan Assistance Repayment Program for Police Officers and the Maryland Police Officers Scholarship Program; requiring the Police Training and Standards Commission to take certain actions in response to violations of a certain Use of Force Statute; requiring each county to have a police accountability board; etc.

Body-Worn Cameras, Employee Programs, and Use of Force (SB71)

Summary: Requiring certain law enforcement agencies to require the use of body-worn cameras by July 1, 2023, for each law enforcement officer that regularly interacts with the public; requiring a certain body-worn camera to automatically record and save at least 60 seconds of video footage immediately prior to the officer activating the record button; requiring each law enforcement agency to establish a certain system to identify police officers who are at risk of using excessive force and to provide appropriate responses to reduce the risks; etc.

Surplus Military Equipment and Investigation of Deaths Caused by Police Officers (SB600)

Summary: Prohibiting a law enforcement agency from receiving certain equipment from a program operated by the federal government for the transfer of surplus military equipment; requiring a law enforcement agency to notify the Independent Investigative Unit in the Office of the Attorney General of an alleged or potential police-involved death of a civilian by a certain time; establishing the Independent Investigative Unit in the Office of the Attorney General to investigate alleged or potential police-involved deaths of civilians; etc.

Search Warrants and Inspection of Records Relating to Police Misconduct (HB178)

Summary: Requiring that an application for a certain no-knock search warrant be approved in writing by a police supervisor and the State's Attorney; requiring a certain no-knock search warrant to be executed between 8:00 a.m. and 7:00 p.m., absent exigent circumstances; requiring a certain custodian to allow inspection of certain records by certain persons; providing that a record relating to an administrative or criminal investigation of misconduct by a police officer is not a personnel record for certain purposes; etc.

Montana Police Military Equipment Law 2015

This [Act](#) establishes standards and limits for local law enforcement acquisition and use of certain equipment and requires a local law enforcement agency to provide public notification.

City of Somerville Ban On Facial Recognition Technology 2019

This [city ordinance](#) bans facial recognition technology.

NATIONAL URBAN LEAGUE AFFILIATES

Akron, Ohio

Akron Community Service Center
& Urban League

Alexandria, Virginia

Northern Virginia Urban League

Alton, Illinois

Madison County Urban League

Atlanta, Georgia

Urban League of Greater Atlanta

Aurora, Illinois

Quad County Urban League

Austin, Texas

Austin Area Urban League

Baltimore, Maryland

Greater Baltimore Urban League

Battle Creek, Michigan

Southwestern Michigan Urban League

Binghamton, New York

Broome County Urban League

Birmingham, Alabama

Birmingham Urban League

Boston, Massachusetts

Urban League of Eastern Massachusetts

Buffalo, New York

Buffalo Urban League

Canton, Ohio

Greater Stark County Urban
League, Inc.

Charleston, South Carolina

Charleston Trident Urban League

Charlotte, North Carolina

Urban League of Central Carolinas, Inc.

Chattanooga, Tennessee

Urban League of Greater
Chattanooga, Inc.

Chicago, Illinois

Chicago Urban League

Cincinnati, Ohio

Urban League of Greater
Southwestern Ohio

Cleveland, Ohio

Urban League of Greater Cleveland

Columbia, South Carolina

Columbia Urban League

Columbus, Georgia

Urban League of Greater Columbus, Inc.

Columbus, Ohio

Columbus Urban League

Denver, Colorado

Urban League of Metropolitan Denver

Detroit, Michigan

Urban League of Detroit
& Southeastern Michigan

Elizabeth, New Jersey

Urban League of Union County

Elyria, Ohio

Lorain County Urban League

Englewood, New Jersey

Urban League for Bergen County

Farrell, Pennsylvania

Shenango Valley Urban League

Flint, Michigan

Urban League of Flint

Fort Lauderdale, Florida

Urban League of Broward County

Fort Wayne, Indiana

Fort Wayne Urban League

Gary, Indiana

Urban League of Northwest
Indiana, Inc.

Grand Rapids, Michigan

Grand Rapids Urban League

Greenville, South Carolina

Urban League of the Upstate, Inc.

Hartford, Connecticut

Urban League of Greater Hartford

Houston, Texas

Houston Area Urban League

Indianapolis, Indiana

Indianapolis Urban League

Jackson, Mississippi

Mississippi Urban League

Jacksonville, Florida

Jacksonville Urban League

Jersey City, New Jersey

Urban League of Hudson County

Kansas City, Missouri

Urban League of Greater Kansas City

Knoxville, Tennessee

Knoxville Area Urban League

Las Vegas, Nevada

Las Vegas-Clark County Urban League

Lexington, Kentucky

Urban League of Lexington-
Fayette County

Little Rock, Arkansas

The Urban League of the State
of Arkansas

Long Island, New York

Urban League of Long Island, Inc.

Los Angeles, California

Los Angeles Urban League

Louisville, Kentucky

Louisville Urban League

Affiliates (cont.)

Madison, Wisconsin
Urban League of Greater Madison

Memphis, Tennessee
Memphis Urban League

Miami, Florida
Urban League of Greater Miami

Milwaukee, Wisconsin
Milwaukee Urban League

Minneapolis, Minnesota
Minneapolis Urban League

Morristown, New Jersey
Morris County Urban League

Nashville, Tennessee
Urban League of Middle Tennessee

New Orleans, Louisiana
Urban League of Louisiana

New York, New York
New York Urban League

Newark, New Jersey
Urban League of Essex County

Norfolk, Virginia
Urban League of Hampton Roads, Inc.

Oklahoma City, Oklahoma
Urban League of Greater
Oklahoma City

Omaha, Nebraska
Urban League of Nebraska, Inc.

Orlando, Florida
Central Florida Urban League

Peoria, Illinois
Tri-County Urban League

Philadelphia, Pennsylvania
Urban League of Philadelphia

Phoenix, Arizona
Greater Phoenix Urban League

Pittsburgh, Pennsylvania
Urban League of Greater Pittsburgh

Portland, Oregon
Urban League of Portland

Providence, Rhode Island
Urban League of Rhode Island, Inc.

Racine, Wisconsin
Urban League of Racine & Kenosha, Inc.

Rochester, New York
Urban League of Rochester

Sacramento, California
Greater Sacramento Urban League

Saint Louis, Missouri
Urban League of Metropolitan St. Louis

Saint Petersburg, Florida
Pinellas County Urban League

San Diego, California
Urban League of San Diego County

San Francisco, California
Urban League of the Greater
San Francisco Bay Area

Seattle, Washington
Urban League of Metropolitan Seattle

Springfield, Illinois
Springfield Urban League, Inc.

Springfield, Massachusetts
Urban League of Springfield

Stamford, Connecticut
Urban League of Southern Connecticut

Tacoma, Washington
Tacoma Urban League

Tallahassee, Florida
Tallahassee Urban League

Tampa, Florida
Urban League of Hillsborough
County, Inc.

Tucson, Arizona
Tucson Urban League

Tulsa, Oklahoma
Metropolitan Tulsa Urban League

Warren, Ohio
Greater Warren-Youngstown
Urban League

Washington, D.C.
Greater Washington Urban League

West Palm Beach, Florida
Urban League of Palm Beach
County, Inc.

White Plains, New York
Urban League of Westchester County

Wichita, Kansas
Urban League of Kansas, Inc.

Wilmington, Delaware
Metropolitan Wilmington
Urban League

Winston-Salem, North Carolina
Winston-Salem Urban League

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Appendix

CAMDEN COUNTY POLICE DEPARTMENT			
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EFFECTIVE DATE: January 28, 2013	ACCREDITATION STANDARDS: 4.1.1, 4.1.2, 4.1.3, 4.1.4 4.1.5, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.3.4	REVISION	PAGE #
BY THE ORDER OF: CHIEF JOHN S. THOMSON		04/10/14 06/16/14 01/14/16 02/04/16 12/22/16 08/21/19	2-3, 7-14 16, 18 All 1 7 All
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PURPOSE

1. The primary purpose of this directive is to ensure officers respect the sanctity of life when making decisions regarding use of force. Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. That authority is grounded in the responsibility of officers to comply with the laws of the State of New Jersey regarding the use of force and to comply with the provisions of this directive. Equally important is law enforcement's obligation to prepare individual officers in the best way possible to exercise that authority.

In situations where law enforcement officers are justified in using force, the utmost restraint should be exercised. Use of force should never be considered routine. In exercising this authority, officers must respect the sanctity of all human life, act in all possible respects to preserve human life, do everything possible to avoid unnecessary uses of force, and minimize the force that is used, while still protecting themselves and the public.

POLICY

2. This directive applies to all officer uses of force. This directive establishes guidelines for officers with regard to use of force. This directive applies to all uses of force, whether officers are on- or off-duty. This directive complements the Critical Decision-Making model (CDM) that is the core of the Department's use of force training. CDM provides officers with an organized way of making decisions about how they shall act in any situation, including situations that may involve potential uses of force.

3. This directive recognizes constitutional principles, but aspires to go beyond them. The Fourth Amendment requires that an officer's use of force be "objectively reasonable." *Graham v. Connor*, 490 U.S. 386 (1989). Under this standard, an officer may only use force that a reasonable officer would when facing similar circumstances. The objectively reasonable standard acknowledges the difficult decisions that officers are forced to make under rapidly evolving and often unpredictable circumstances, but it does not provide specific guidance on what to do in any given situation.

The Constitution provides a "floor" for government action. This Department aspires to go beyond *Graham* and its minimum requirements. Sound judgment and the appropriate exercise of discretion will always be the foundation of police officer decision making in the broad range of possible use of force situations. It is not possible to entirely replace judgment and discretion with detailed policy provisions. Nonetheless, this directive is intended to ensure that de-escalation techniques are used whenever feasible, that force is only used when necessary, and that the amount of force used is proportionate to the situation that an officer encounters.

The Department's core use of force principles are as follows:

CORE PRINCIPLE #1: Officers may use force only to accomplish specific law enforcement objectives.

CORE PRINCIPLE #2: Whenever feasible, officers should attempt to de-escalate confrontations with the goal of resolving encounters without force. Officers may only use force that is objectively reasonable, necessary, and as a last resort.

CORE PRINCIPLE #3: Officers must use only the amount of force that is proportionate to the circumstances.

CORE PRINCIPLE #4: Deadly force is only authorized as a last resort and only in strict accordance with this directive.

CORE PRINCIPLE #5: Officers must promptly provide or request medical aid.

CORE PRINCIPLE #6: Employees have a duty to stop and report uses of force that violate any applicable law and/or this directive.

4. Officers will be disciplined for violations of this directive. This directive is not intended to create or impose any legal obligations or bases for legal liability absent an expression of such intent by a legislative body, court, or agency. Nevertheless, officers have an affirmative, individual duty to ensure compliance with this directive and with applicable state and federal laws. This applies to the officer's own conduct, as well as observation or knowledge of the conduct by other employees. This directive reinforces the responsibility of officers to take those steps possible to prevent or stop illegal or inappropriate uses of force by other officers. Actions inconsistent with this directive may result in disciplinary action, up to and including termination. At the same time, officers whose actions are consistent with the law and the provisions of this directive will be strongly supported in any subsequent review of their conduct regarding the use of force.

PROCEDURES

CORE PRINCIPLE #1: Officers may use force only to accomplish specific law enforcement objectives.

5. Officers *may* use force for the following legitimate law enforcement objectives:

- a. To effect lawful law enforcement objectives, such as to effect a lawful seizure (an arrest or detention) or to carry out a lawful search;
- b. To overcome resistance directed at the officer or others;
- c. To prevent physical harm to the officer or to another person, including intervening in a suicide or other attempt to self-inflict injury;
- d. To protect the officer, or a third party, from unlawful force; or
- e. To prevent property damage or loss.

6. Officers *may not* use or threaten to use force for the following reasons:

- a. To resolve a situation more quickly, unless the extended delay would risk the safety of the person involved, officers, or others, or would significantly interfere with other legitimate law enforcement objectives;
- b. To punish a person or to retaliate against them for past conduct or to impose punishment;
- c. To prevent a person from resisting or fleeing in the future;
- d. To force compliance with an officer's request, unless that request is necessary to serve officer or public safety, or criminal adjudication; or
- e. Based on bias against a person's race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic.

CORE PRINCIPLE #2: Whenever feasible, officers should attempt to de-escalate confrontations with the goal of resolving encounters without force. Officers may only use force that is objectively reasonable, necessary, and as a last resort.

7. Officers will use de-escalation and force-mitigation tactics and techniques whenever safe and feasible to do so. It should be every officer's goal to resolve all situations without using force. To make this more likely, officers must use de-escalation and force-mitigation tactics and techniques whenever doing so will not put the officer or another person at undue risk.

- a. Officers will receive substantial training on the Critical Decision-Making (CDM) model, as well as when and how to appropriately use de-escalation and force-mitigation, including but not limited to *Tactical Communication*, *Tactical Positioning*, and *Time as a Tactic*.

8. Officers will provide clear instructions and warnings whenever feasible before using force. Whenever safe and feasible, officers should not use force immediately when encountering noncompliance with lawful verbal directions. Instead, whenever safe and feasible, before using force, officers should:

- a. Provide clear instructions and warnings;
- b. Seek to communicate in non-verbal ways when a verbal warning would be inadequate (such as when the person does not speak English, or is unable to hear or understand warnings);

- c. Indicate the consequences of refusing to comply with a mandatory order, including that force will be used unless the person complies; and
- d. Give the person a reasonable amount of time to comply.

9. Officers must consider an individual's mental, physical, or other incapacities. Officers must, when feasible, consider whether a person's failure to comply with an officer's command is due to a medical condition, mental impairment, physical limitation, developmental disability, language barrier, drug interaction, behavioral crisis, or other factors beyond the individual's control. In these situations, officers should consider whether specific techniques or resources would help resolve the situation without force.

10. Officers should not exercise force unless it is necessary and as a last resort. Officers should exhaust all other reasonable means before resorting to the use of force. Using force only as a last resort means that officers not engage in unnecessary, overly aggressive, or otherwise improper actions that create a situation where force becomes needed. Using force only as a last resort also means that an officer shall not use force if a safe alternative would achieve the law enforcement objective.

CORE PRINCIPLE #3: Officers must use only the amount of force that is proportionate to the circumstances.

11. Officers must evaluate all the circumstances facing them in the field to determine whether force is appropriate and what amount is proportionate. Officers encounter a wide range of situations in the field, but the sanctity of human life should be at the heart of every decision an officer makes. When force cannot be avoided through de-escalation or other techniques, officers must use no more force than is proportionate to the circumstances. In general, the greater the threat and the more likely that the threat will result in injury or death, the greater the level of force that may be immediately necessary to overcome it. Consistent with training, some of the factors that officers should consider when determining how much force to use include:

- a. The risk of harm presented by the person;
- b. The risk of harm to the officer or innocent citizens by using force;
- c. The seriousness of the law enforcement objective;
- d. Whether further de-escalation techniques are feasible, including the time available to an officer to make a decision, and whether additional time could be gained through tactical means;
- e. If there is a practical, less harmful alternative available to the officer;
- f. Mental or physical disability, medical condition, and other physical and mental characteristics; and
- g. Whether there are other exigent/emergency circumstances.

12. As a situation changes, officers must reevaluate the circumstances and continue to respond proportionately. Over the course of an encounter, the circumstances and threats an officer faces may change. Consistent with training and the CDM process, while using force, officers must continually assess the effectiveness, proportionality, and necessity of their actions.

13. This Department trains officers on the following range of force options. The force options available to an officer fall along a continuum. Officers are not required to exhaust one type of force before moving to a greater force. Sound judgment and the appropriate exercise of discretion will always be the foundation of officer decision making in the broad range of possible use of force situations. This Department trains its officers on the following force options, from least to greatest force:

- a. Police Presence (*least*)
- b. Verbal Control Techniques
- c. Physical Contact
- d. Holding Techniques
- e. Compliance Techniques
- f. Control Instruments
- g. Physical Force
- h. Impact Weapons
- i. Canine Apprehension
- j. Conducted Energy Devices
- k. Deadly Force (*greatest*)

14. The level of resistance that an officer encounters is a key factor in determining the proportionate amount of force. It is not possible to determine ahead of time what the proportionate level of force is for every possible situation that officers may face. Nevertheless, one of the key factors in determining what level of force is necessary and proportionate in a given situation is the level of resistance that an officer encounters. In general, the less resistance an officer faces, the less force the officer should use. The types of resistance officers may encounter fall along a continuum, from a cooperative person to an active assailant. Consistent with training, the following general rules apply when officers are exercising judgment in determining what level of force is necessary and proportionate:

- a. **Cooperative Person:** When dealing with a cooperative person, officers may rely on police presence and/or verbal control techniques, but should not use greater force.
- b. **Passive Resistor:** When dealing with a passive resistor, officers may rely on police presence, verbal control techniques, holding techniques, compliance techniques, and/or control instruments, but greater force, such as physical force, impact weapons (batons), and Conducted Energy Devices (CEDs), should not be used.
- c. **Active Resistor:** In general, when dealing with an active resistor, in addition to the options available for passive resistors, properly trained personnel may use canine apprehension if the canine handler has probable cause to believe that the person has committed a crime, and less intrusive means of apprehension have been exhausted or under the circumstances would be unavailable or ineffective. Further guidance may be found in Department directive CCV4C5.
- d. **Threatening Assailant:** In general, when dealing with a threatening assailant, officers have all use of force options, other than deadly force, available to them, including impact weapons (such as batons or less lethal ammunition) and CEDs. Although a range of force options are generally available, particular options can be used only if proportional to the threat faced. For example:
 - CEDs and less lethal ammunition may be discharged only in response to resistance that poses a substantial risk of serious physical injury.

- e. **Active Assailant:** In general, when dealing with an active assailant, officers have all force options available, though deadly force should only be used as a last resort and in strict accordance with the guidance below, *see* Core Principle #4.

15. When an individual engages in certain aggressive actions, he/she is considered an assailant, not a resistor. When a person uses force, threatens to use force, or otherwise acts in an aggressive manner that increases the likelihood that they may cause physical injury to an officer or to another person, that person is no longer considered cooperative or even a resistor, but instead becomes an assailant. Flight from an officer does not, on its own, qualify a person as an assailant (*see* Section 24 below for more information).

16. When an individual's actions pose an imminent danger, he/she is considered an active assailant, not a threatening assailant. The difference between a threatening assailant and an active assailant is how immediate a threat the assailant poses to the officer or another person. When the person poses an *imminent danger*, the person is considered an active assailant. When the threat exists but does not amount to imminent danger, the person is considered a threatening assailant.

17. Special requirements must be met before an officer may display a firearm. Unholstering or pointing a firearm are tactics that should be used with great caution. The presence of an officer's firearm, under the right circumstances, can discourage resistance and ensure officer safety in potentially dangerous situations without the need to resort to actual force. At the same time, however, unnecessarily or prematurely drawing a firearm can limit an officer's options in controlling a situation, will create great anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Accordingly, officers should only display their firearms in appropriate tactical situations and using the following principles as guidance:

- a. **Pointing a firearm.** Consistent with training, officers may point a firearm at a person only when circumstances create a reasonable belief that it may be immediately necessary for the officer to use deadly force. When the officer no longer reasonably believes that deadly force may be immediately necessary, the officer shall, as soon as practicable, secure or holster the firearm.
- b. **Unholstering a firearm.** Consistent with training, officers may unholster or otherwise display a firearm only when circumstances create a reasonable belief: (1) that the officer is permitted to point a firearm at a person, *or* (2) that unholstering or displaying the firearm may itself help establish or maintain control in a potentially dangerous situation.

18. Persons under an officer's control should be positioned in a way so that their breathing is not obstructed. After gaining control of a person, officers should position the person in a manner to allow the person to breath unobstructed. This means that officers should not sit, kneel, or stand on a person's chest or back, and whenever feasible should not force the person to lie on his or her stomach.

19. In addition to this directive, specific weapons directives remain applicable. In addition to the requirements of this directive, officers may only use weapons in a manner consistent with specific Departmental weapons policies, such as directive CCV3C3 (Weapons & Ammunition), directive CCV4C3 (Conducted Energy Devices – Tasers), and other relevant directives.

CORE PRINCIPLE #4: Deadly force is only authorized as a last resort and only in strict accordance with this directive.

- 20. Deadly force includes, but is not limited to, use of a firearm.** Deadly force is force that an officer knows or should know creates a substantial risk of causing death or serious bodily harm. Deadly force includes, but is not limited to, firing a firearm in the direction of another person. Depending on the circumstances, deadly force also includes other potentially lethal tactics, such as:
- a. Firing of a firearm at a vehicle, building, or structure in which another person is believed to be; or
 - b. Applying a chokehold or similar technique.
- 21. Threatening deadly force does not necessarily constitute deadly force.** A threat to cause death or serious bodily harm, such as by displaying a firearm, does not constitute deadly force, so long as the officer's purpose is limited to creating an apprehension that deadly force will be used if necessary.
- 22. Strict requirements must be met before an officer may use deadly force.** As discussed above, when feasible, officers should try to de-escalate situations, issue verbal warnings, or use non-lethal force with the goal of resolving encounters without using deadly force. There are, however, occasions when deadly force is necessary to protect officers or members of the public. An officer may use deadly force only when the officer reasonably believes such action is immediately necessary to protect the officer or another person from imminent danger of death or serious bodily harm.
- a. If feasible, an officer should identify himself/herself and state his/her intention to shoot before using a firearm.
 - b. Officers shall not use deadly force if the officer reasonably believes that an alternative will avert or eliminate an imminent danger of death or serious bodily harm, and achieve the law enforcement purpose at no increased risk to the officer or another person.
- 23. Strict additional requirements must be met before an officer may use deadly force against a moving vehicle.** While any firearm discharge entails some risk, discharging a firearm at or from a moving vehicle entails an even greater risk to innocent persons and passengers because of the risk that the fleeing suspect may lose control of the vehicle. Due to this greater risk, and considering that firearms are not generally effective in bringing moving vehicles to a rapid halt, an officer shall not fire from a moving vehicle, or at the driver or occupant of a moving vehicle, unless the officer reasonably believes:
- a. There exists an imminent danger of death or serious bodily harm to the officer or another person; *and*
 - b. No other means are available at that time to avert or eliminate the danger.
- 24. Strict additional requirements must be met before an officer may use deadly force against a fleeing suspect.** An officer may use deadly force to prevent the escape of a fleeing person only if *all* of the following conditions are met:
- a. The officer has probable cause to believe the suspect has committed an offense in which the suspect caused or attempted to cause death or serious bodily harm; *and*

- b. The suspect will pose an imminent danger of death or serious bodily harm should the escape succeed; *and*
- c. The use of deadly force presents no substantial risk of injury to innocent persons.

25. There are specific circumstances in which the use of deadly force is prohibited. In general, officers may not discharge their weapons as a signal for help or as a warning shot, nor may they use deadly force in the following situations:

- a. Solely to prevent property damage or loss;
- b. Solely to prevent the destruction of evidence (for example, under no circumstances shall an officer use a chokehold, or any lesser contact with the neck area, in order to prevent the destruction of evidence by ingestion, unless life threatening to the actor);
- c. Solely to disable moving vehicles; or
- d. Against a person who poses a threat only to themselves (and not to others).

CORE PRINCIPLE #5: Officers must promptly provide or request medical aid.

26. Officers have a duty to provide prompt medical care. Officers shall always treat people with dignity and respect. Whenever a person is injured, complains of an injury, or requests medical attention, as soon as it is safe and practical, officers shall request medical aid (such as by contacting emergency medical services) and provide appropriate medical care consistent with the officer's training (such as by providing first aid and/or transportation to an emergency medical facility).

27. Officers have a duty to continuously monitor individuals for potential medical intervention after a use of force. Out of respect for the sanctity of life, officers shall closely monitor persons against whom force was used for signs that they require medical assistance. This responsibility applies during transportation and throughout custody. Officers should pay particular attention to persons believed to be pregnant, children, the elderly, and physically frail individuals.

CORE PRINCIPLE #6: Employees have a duty to stop and report uses of force that violate any applicable law and/or this directive.

28. Officers have a duty to prevent and stop illegal and inappropriate uses of force by other officers. Every employee has an obligation to ensure compliance, by themselves and others, with Department directives and regulations, as well as all applicable laws, regarding use of force. Any employee who observes an officer about to use force that is illegal, excessive, or otherwise inconsistent with this directive must, absent extraordinary circumstances, do whatever he/she can to interrupt the flow of events *before* the fellow officer does something that makes any official action necessary. Officers can serve each other and the public by simply saying or doing the right thing to prevent a fellow officer from resorting to force illegally or inappropriately. Similarly, any employee who observes an officer using force that is illegal, excessive, or otherwise inconsistent with this directive must, absent extraordinary circumstances, do whatever he/she can to interrupt the flow of events and *stop* the use of force.

- a. If a supervisor observes such a violation, the supervisor must issue a direct order to stop the violation.

29. Employees have a duty to report illegal and inappropriate uses of force by other officers. Any employee who observes or has knowledge of a use of force that is illegal, excessive, or otherwise inconsistent with this directive must:

- a. Notify a supervisor as soon as possible; *and*
- b. Submit an individual written report to a supervisor before reporting off duty on the day the officer becomes aware of the misconduct.

30. Employees are prohibited from retaliating against an employee who intercedes in or reports illegal or inappropriate uses of force. No employee may retaliate, in any form, against another employee who intercedes in or reports a violation of this directive, or who cooperates with an investigation into a possible violation of this directive.

NOTIFICATIONS REGARDING USES OF FORCE

31. Officers must immediately notify the Department of all firearm discharges. All firearm discharges by an officer must immediately be reported to the Department's Real-Time Tactical Operations and Intelligence Center and to the Camden County Prosecutor's Office. This requirement includes any discharge while an officer is off duty and all unintentional discharges, but does not include discharges during training and/or qualification sessions or recreational discharges.

32. Officers must immediately notify the Department of all critical use of force incidents. All use of force by an officer that results in death or serious bodily injury, and uses of a firearm by an officer that result in an injury of any degree, must immediately be reported to the Professional Standards Division and to the Camden County Prosecutor's Office.

- a. This notification shall occur before any investigation of the incident is undertaken, other than to secure the scene and to render medical assistance as required.
- b. The Prosecutor's Office shall conduct the subsequent investigation into the use of force in accordance with the New Jersey Attorney General's Supplemental Directive Amending Attorney General's Directive 2006-5. The Prosecutor's Office is also responsible for the necessary notifications to the Division of Criminal Justice ("DCJ"). DCJ may supersede the investigation where there may be a conflict or if the matter is better handled at the state level.
- c. When a prosecutor's detective or investigator, assistant prosecutor, or the prosecutor is involved in the use of force incident, DCJ shall be the lead investigating agency.
- d. If DCJ becomes the lead investigating agency, a shooting response team consisting of DCJ investigators and members of the New Jersey State Police Major Crimes Unit shall normally conduct the investigation.

33. Officers must report all other uses of force through the chain of command. All other use of force incidents—those that do not result in death or serious bodily injury and do not involve the discharge of a firearm—shall be reported through the appropriate Departmental chain of command.

REPORTING REQUIREMENTS & REAL-TIME REVIEW

34. All employees must complete their reports accurately and completely. All employees are responsible, at all times, for accurately and completely describing the facts and circumstances concerning any use of force incident, including articulating specific facts to explain an officer's own decision to use force. The Department may impose discipline for any substantial omissions or misrepresentations.

35. Every use of force greater than physical contact must be documented and reported. Whenever an officer uses a degree of force greater than physical contact, the officer must complete the following reports and submit them through the appropriate Departmental chain of command:

- a. A State of New Jersey—Use of Force Report; *and*
- b. A Department Blue Team—Use of Force Report; *and*
- c. An investigation report and/or supplementary report regarding the nature of the underlying incident (and indicating that the officer has completed Use of Force Reports), with the following conditions:
 - In accordance with New Jersey Attorney General's Supplemental Directive Amending Attorney General's Directive 2006-5, supervisors shall not require officers deploying force that results in death or serious bodily harm, being investigated by the Attorney General's Office, a county prosecutor's office, or DCJ to submit investigation or supplemental reports. Officers are still required to submit Use of Force reports.
 - Only the New Jersey Attorney General's Office, a county prosecutor's office, or DCJ can order such reports. An officer's statements to these entities can suffice as their report of the incident.
 - Officers not directly involved in the use of force, but who have indirect involvement (*e.g.*, secondary responders, assisting responders, witnesses, etc.), may be required to submit investigation reports upon approval of the lead investigating agency (*i.e.* New Jersey Attorney General's Office, Camden County Prosecutor's Office, or DCJ).
- d. A Conducted Energy Device Deployment Review Report (if a CED is used);
- e. An Informational Report (if a CED is used); *and*
- f. A Police Use of Deadly Force—Attorney General Notification Report (if applicable).

36. The following additional reporting requirements apply to an officer's actions that do not involve physical contact or greater force under Section 35. An officer who takes any of the following actions, if not otherwise reportable under Section 35, must create a written incident report and/or supplementary report capturing the relevant facts and circumstances for each of the following situations:

- a. Every intentional discharge of a firearm not for training or recreational purposes;
- b. Every instance where an officer unintentionally discharges a CED or firearm, regardless of the reason;
- c. Every instance where an officer takes an official action that results in or is alleged to have resulted in death or injury to another person.

37. Supervisors have specific responsibilities as part of each use of force review. The approving Sergeant (or other supervisor) and Watch Commander shall review all reports for accuracy and completeness and shall promptly address any issues, including: policy changes, training needs, weapons or equipment issues, or discipline (*i.e.* an administrative review). Recommendations to modify policy, apply remedial training beyond what can be performed by the supervisor, change weapons, equipment, or tactics, or apply discipline shall be thoroughly documented and forwarded through the chain of command.

a. Sergeants have the following responsibilities:

- Ensure all required paper reports and related documents are complete and submitted, review them for accuracy and completeness, and either reject and return for immediate corrections or approve;
- Review all relevant documents and information, including body-worn camera video and photographs, in order to assess the underlying incident and complete an Administrative Review Report;
- Log into Blue Team, review the submitted Blue Team Report, and either reject and return for corrections or approve; *and*
- Assemble all reports and relevant documents and immediately submit them to the Watch Commander.

b. Watch Commanders have the following responsibilities:

- Review all submitted reports, body-worn camera video, photographs, and any other relevant information or documents;
- Log into Blue Team, review the submitted Blue Team Report, and either reject and return for corrections or approve;
- Complete the Use of Force Command Review Report and forward it to Executive Command personnel;
- Scan and attach the Use of Force Command Review Report and all submitted documents to the Blue Team report; *and*
- Forward the Blue Team Report with attachments to the Internal Affairs Unit in Blue Team and forward all paper documents to the Internal Affairs Office (2nd Floor) via inter-office mail.

38. Use of force records shall be retained and available according to state law. All use of force reports shall be retained as required by the New Jersey Division of Revenue and Enterprise Services, Bureau of Records Management (BRM) records retention schedules. Use of force reports are subject to discovery and access through the New Jersey Open Public Records Act.

INTERNAL AFFAIRS USE OF FORCE REVIEW

39. Use of force incidents will be reviewed by Internal Affairs according to set procedure.

Once a Use of Force Administrative Review Packet has been completed and submitted from the Watch Commander to Internal Affairs, the following procedure will be followed:

- a.** Review the Use of Force Administrative Review Packet to ensure all relevant documents are attached and signed, including:
 - Command Review Report
 - Sergeant Administrative Review
 - Incident Report
 - Use of Force Card
 - Use of Force Report
 - Blue Team Report
 - CAD Ticket
 - Arrest Report (if applicable)
 - Tickets/Summons
 - Impound Report
 - Victim Notification Report
 - Medical Discharge Forms (if applicable)
 - Victim Notification Form
 - Photographs
 - Any other additional documentation
- b.** Review the Command Review Report for the Watch Commander's findings and whether the officer(s) involved followed Department policy and procedures;
- c.** Review the Sergeant's Administrative Review for its findings and whether the officer(s) utilized the Critical Decision-Making model;
- d.** Review the Incident Report to gain a situational understanding of the reason force was utilized;
- e.** Review the officer's body-worn camera footage to ensure the force was necessary, proportionate, and reasonable;
- f.** Compare the officer's actions as displayed on the body-worn camera footage with the officer's Incident or Additional Information Report, Use of Force Report, and Blue Team Report (repeat for all officers who utilize force in each incident);
- g.** Review all other body-worn camera footage, including from responding officers, to gain a full panoramic view of the incident;
- h.** Upload and link all documents into IAPro, along with all body-worn camera footage, Audio Log Transmissions, Blue Team Reports, witness officers involved, and Administrative Review forms;
- i.** If there are no issues identified with the incident or the Administrative Review Packet, the incident is routed (via IAPro) and the hard copy of the Review Packet is provided to the Internal Affairs Commander for review;
- j.** If there are any issue(s) identified with any application of force, documentation, or body-worn cameras, the Watch Commander (who reviewed the incident) and the reviewing supervisor are contacted and made aware of the issue(s) and provided a date as to when the issue(s) must be resolved and corrected;
- k.** If training issues are identified, the issues are brought to the attention of the Internal

Affairs Commander (once the issue is confirmed, the Professional Development and Training Division is contacted, via an EIS Request for Training, for corrective actions);

- I. If any criminal or rule violations are identified, an Internal Affairs complaint is generated. Rule infractions are forward to Command Level for investigation. Criminal or serious violations are investigated within the Office of Internal Affairs.

USE OF FORCE DATA COLLECTION & ANALYSIS

40. The Department shall collect and analyze use of force data. This Department collects, analyzes, and makes public data regarding uses of force. The Department does so in order to ensure our enforcement practices are fair, non-discriminatory, and involve the minimum amount of force necessary to accomplish a legitimate law enforcement objective.

41. The Professional Standards Division shall issue an annual use of force report and analysis.

- a. The Professional Standards Division is responsible for completing an annual use of force summary report in a manner prescribed by the Camden County Prosecutor. This summary report shall be published and made available to the public upon request.
- b. The Professional Standards Division is responsible for completing an annual analysis of the previous calendar year's use of force incidents, Department polices, and use of force practices. Examples of some analytical categories may include, but are not limited to:
 - Use of force by time of day and day of week;
 - Use of force by type of location (*e.g.*, business, residential, or industrial);
 - Use of force by type of incident;
 - Use of force by officer/detective involved;
 - Use of force by division, bureau, unit;
 - Use of force by person's actions;
 - Use of force by type (*e.g.*, deadly force);
 - Use of force resulting in injury to personnel;
 - Use of force resulting in injury to actors;
 - Use of force resulting in arrests;
 - Percentage of use of force vs. total number of custodial arrests.
- c. The Professional Standards Division's annual analysis is designed to: (1) identify any broad patterns or trends that could indicate policy ineffectiveness, training needs, equipment upgrade needs, and/or policy modification needs; and (2) identify any pattern or practice of behavior by particular officers that could warrant intervention, remediation, and/or re-training.

TRAINING REGARDING USE OF FORCE

- 42. All officers shall be issued this directive and receive use of force training.** Prior to being authorized to carry a weapon, all personnel shall receive training regarding use of force and a copy of this directive. The training and issuance of the directive shall be documented and forwarded to the training unit.
- a.** A certified instructor shall train all employees who are or may be assigned to duties that require the application of less lethal force.
 - b.** Training in the use of chemical or natural agents, such as oleoresin capsicum (OC), mace, gas, etc., shall include procedures for the treatment of persons exposed to such chemical/natural agents, as well as safe handling and storage procedures.
 - c.** Prior to being authorized to carry and use less lethal ammunition or control and restraint techniques, employees must demonstrate proficiency in the deployment and/or use of such authorized less lethal ammunition and approved control and restraint techniques.
- 43. The Department shall conduct semiannual use of force trainings.** Use of force training shall be conducted semiannually, in concert with the Attorney General's Guidelines. This training must:
- a.** Reflect current standards established by statutory and case law, as well as state, county, and Departmental policies, directives, and guidelines;
 - b.** Be scenario based;
 - c.** Include the use of force in general, levels of force, the use of deadly force, definitions of critical terms, critical decision making, crisis recognition and response, tactical communications, operational safety tactics, the limitations that govern the use of force and deadly force, and all applicable aspects of Departmental directives;
 - d.** Integrate the Integrating Communications Assessment and Tactics Training Guide, published by the Police Executive Research Forum; and
 - e.** Be documented (electronically is permitted) each time it is conducted, listing all personnel being trained.
- 44. Officers have an ongoing obligation to review Department directives and trainings on use of force.** All officers have an ongoing obligation to review the Department's use of force directives and training materials, and to seek clarification any time they have questions or need guidance. This ongoing review may take place via formal supervisor-led training sessions as well as through mentoring opportunities to reinforce the content and philosophies.

DEFINITIONS

<p>1. Active Assailant: A person who is using or imminently threatening the use of force against another person, with or without a weapon, in an aggressive manner that poses an imminent danger to an officer or another person.</p>
<p>2. Active Resistance: A person who is uncooperative and fails to comply with directions from an officer, and instead attempts to avoid physical control and/or arrest by creating distance between themselves and the officer or the officer's reach. This type of resistance includes but is not limited to evasive movement of the arm, flailing arms, and full flight by running.</p>
<p>3. Canine Apprehension: A properly trained police canine may be used to apprehend an Active Resister whenever the handler has probable cause to believe the person has committed a crime, and less intrusive means of apprehension have been exhausted or, under the circumstances, determined to be ineffective or unavailable. Additional guidance may be found in Department directive CCV4C5.</p>
<p>4. Chokehold: Sometimes referred to as a Neck or Carotid Restraint, a chokehold is a technique that involves applying direct pressure to a person's trachea (windpipe) or airway (front of the neck) with the intention of reducing the intake of air. A Carotid Restraint is a technique that applies direct pressure to the carotid artery (on the side of the neck) restricting the flow of blood to the brain and causing a temporary loss of consciousness.</p>
<p>5. Compliance Techniques: Physical techniques that involve the use of non-impact pressure to sensitive areas of the body (mainly areas of skin covering bone) in order to elicit and maintain control of a person. Compliance techniques include joint manipulation and pressure point techniques, but do not include any technique that restricts blood flow to carotid arteries, causing a person to lose oxygen to the brain.</p>
<p>6. Conducted Energy Devices (CED): A CED is any device approved by the New Jersey Attorney General that is capable of firing darts/electrodes that transmit an electrical charge or current intended to temporarily disable a person. Additional guidance may be found in Department directive CCV4C3.</p>
<p>7. Control Instruments: Tools (such as a baton) applied with non-impact pressure to joints and sensitive areas of the body (mainly areas of skin covering bone) in order to elicit and maintain control of a person. Additional guidance may be found in Department directive CCV3C3.</p>
<p>8. Cooperation: Responsiveness to and compliance with officer requests.</p>
<p>9. Critical Decision-Making Model: The Critical Decision-Making model or "CDM" is an organized way of making decisions about how an officer will act in any situation, including situations that may involve potential uses of force.</p>
<p>10. Deadly Force: Force that an officer uses with the purpose of causing, or which the officer knows to create a substantial risk of causing, death or serious bodily harm. Deadly force is not limited to firing a firearm in the direction of another person, but also includes other particularly dangerous tactics as discussed in Section 20 of this directive.</p>
<p>11. De-escalation (De-escalation Techniques): Actions taken by an officer meant to stabilize a situation and reduce the immediacy of a potential threat so that a potentially dangerous situation with voluntary compliance and without resorting to force.</p>

<p>12. Employee: Any employee of the Camden County Police Department, full or part-time, sworn and non-sworn.</p>
<p>13. Holding Techniques: Holding techniques include a firm grip or grab of an arm, wristlocks, come-along holds (<i>i.e.</i> escort holds that are not elevated to compliance techniques), controlled take-downs, and pins against the ground or objects, as well as any combination of the above.</p>
<p>14. Imminent Danger: Imminent danger describes threatened actions or outcomes that are immediately likely to cause death or serious bodily harm to an officer or another person, unless action is taken. In order to be <i>imminent</i>, the person threatening danger must have the means/instruments and opportunity/ability to cause death or serious bodily harm. The threatened harm does not have to be instantaneous. The period of time involved is dependent on the circumstances and facts of each situation and is not the same in all situations.</p>
<p>15. Impact Weapons: Weapons designed to establish control by means of applying mechanical impact to a person to disable elements of his or her musculoskeletal structure. Impact weapons include batons and less lethal ammunition. The Department trains officers to avoid the use of flashlights, radios, firearms, or any item not specifically designed as an impact weapon, unless immediately necessary and no other practical options are available. Additional guidance may be found in Department directive CCV3C3.</p>
<p>16. Officer: Also known as a law enforcement officer. Any person sworn to enforce the criminal laws of the State of New Jersey, who is certified by the Police Training Commission, or is currently employed by a public safety agency and is authorized to carry a firearm under N.J.S.A. 2C:39-6.</p>
<p>17. Oleoresin Capsicum Spray: Also known as OC Spray or Pepper Spray, this is an inflammatory chemical agent that causes an intense burning sensation of the skin, eyes, and mucous membranes. Direct exposure to a person's eyes will likely result in the eyes closing, tearing, and swelling. When inhaled, a person experiences choking, gagging, gasping for breath, or, on rare occasion, unconsciousness. As a result of these symptoms, a person may experience nausea or temporarily impaired thought processes, or may become disoriented or lose his or her balance.</p>
<p>18. Passive Resistance: A person who is not cooperative, in that the person fails to comply (in a non-movement way) with verbal or other direction from an officer.</p>
<p>19. Physical Contact: Routine or procedural contact necessary to effectively accomplish a legitimate law enforcement objective. Examples include, guiding a subject into a police vehicle, holding the subject's arm while transporting, handcuffing a subject and maneuvering or securing a subject for a frisk.</p>
<p>20. Physical Force: Forceful, concentrated striking movements such as punching and kicking, or focused pressure strikes and pressures. These techniques can be combined with take-downs or pins against the ground or other objects.</p>
<p>21. Police Presence: Police presence established through identification of authority and proximity to the person.</p>
<p>22. Proportionate Force: Actions, including de-escalation and force, which correspond appropriately with the particular circumstances confronting the officer.</p>
<p>23. Professional Standards Division: Division within CCPD that includes the Internal Affairs</p>

<p>Section, which is responsible for the investigation of all internal complaints, and the Quality Assurance Section, which is responsible for managing the department's in-service training curriculum as well as completing various audits of department processes.</p>
<p>24. Real-Time Tactical Operations and Intelligence Center: The RT-TOIC maintains a real-time awareness of conditions of certain places within the Department's integrated technology platform and monitors the tactical deployment of all Department assets in the field to ensure compliance with the Department's weekly crime reduction plan. RT-TOIC also deploys virtual patrollers utilizing the Department's CCTV camera system, and manages police dispatch and 911 functions.</p>
<p>25. Substantial Risk: A substantial risk is one that is foreseeably likely to occur. That is, the risk is one that a reasonable officer in the same circumstances should anticipate as the likely outcome.</p>
<p>26. Tactical Communication: Verbal communications techniques that are designed to avoid or minimize the use of force. Such techniques include attempts to exercise persuasion, advice, instruction, and warning prior to the use of physical force.</p>
<p>27. Tactical Positioning: Making advantageous use of positioning, distance, and cover to isolate and contain a person and avoid the need to resort to force.</p>
<p>28. Threatening Assailant: A person who is using or threatening the use of force against another person, with or without a weapon, in an aggressive manner that may cause physical injury. Examples may include: (1) a person who puts an officer in fear of a battery by advancing on the officer in a threatening manner or closing the distance between the assailant and the officer, thereby reducing the officer's reaction time, and (2) a person who fails to disarm, thereby increasing the likelihood the person's actions are likely to cause physical injury.</p>
<p>29. Time as a Tactic: Establishing a zone of safety around a person that creates an opportunity for an assessment and action, when feasible, thereby decreasing the need to resort to force.</p>
<p>30. Verbal Control Techniques: Consists of persuasion, advice, instruction, and warning in the form of verbal statements or commands that may result in compliant behavior. Whenever it is safe and feasible, officers shall attempt to de-escalate confrontations by utilizing verbal control techniques prior to, during, and after the use of physical force.</p>

Seattle Police Department Manual

Adrian Diaz, Chief of Police

8.000 - Use of Force Core Principles

Effective Date: 04/15/21

This section outlines the Seattle Police Department's core principles relating to the use of force. These general core principles provide the foundation for the more specific policies governing the application, reporting, investigation and review of force. The Department recognizes that officers will face unique and challenging circumstances not specifically addressed in this policy. Officers are expected to apply these core principles reasonably in unanticipated situations.

It is the policy of the Seattle Police Department that officers hold the highest regard for the dignity and liberty of all persons. The Department respects the sanctity of every human life, and the application of deadly force is a measure to be employed in the most extreme circumstances where lesser means of force have failed or could not be reasonably considered.

The Seattle Police Department is committed to protecting people, their property and rights while providing the best in public safety and service. The proper use of force is essential for ensuring impartial policing and for building trust in the community. While there are circumstances where individuals will not comply with the law unless compelled or controlled by police officers through the use of force, officers must remain mindful that they derive their authority from the community and that unreasonable force degrades the legitimacy of that authority.

The Department seeks to manage use of force by officers beyond the *Graham v. Connor* (1989) standard and its minimum requirements by establishing further parameters for the application of force and to offer explicit direction to officers. Sound judgment, the appropriate exercise of discretion, and the adherence to Department policy will always be the foundation of officer decision-making in the broad range of possible use of force situations.

8.000 - POL

1. Every Member of the Seattle Police Department is Committed to Upholding the Constitution, Laws of the United States, Laws of the State of Washington, and Defending the Civil Rights and Dignity of All Individuals, While Protecting All Human Life and Property and Maintaining Civil Order

It is the policy of the Seattle Police Department to accomplish the police mission with the cooperation of the public and as effectively as possible, and with minimal reliance upon the use of physical force.

The community expects and the Seattle Police Department requires that officers use only the force necessary to perform their duties and that such force be proportional to the threat or resistance of the subject under the circumstances.

An officer's commitment to public safety includes the welfare of members of the public, the officer, and fellow officers, with an emphasis on respect, professionalism, and protection of human life, even when force is necessary.

Officers who violate those values by using objectively unreasonable force degrade the confidence of the community, violate the rights of individuals upon whom unreasonable force is used, and may expose the Department and fellow officers to legal and physical hazards.

Conversely, officers who fail to use timely and adequate force when it is necessary may endanger themselves, the community and fellow officers.

2. When Safe, Under the Totality of the Circumstances, and Time and Circumstances Permit, Officers Will Use De-Escalation Tactics to Reduce the Need for Force

Additional guidance on how to reduce the need to use force may be found in **8.100**.

3. Sometimes the Use of Force Is Unavoidable, and an Officer Must Exercise Physical Control of a Violent, Assaultive, or Resistive Individual to Make an Arrest, or to Protect Members of the Public and Officers from Risk of Harm

In doing so:

- Officers will recognize that their conduct prior to the use of force, including the display of a weapon, may be a factor which can influence the level of force necessary in a given situation.

Additional guidance on how to reduce the need to use force may be found in **8.100**.

- Officers will take reasonable care that their actions do not precipitate an unnecessary, unreasonable, or disproportionate use of force, by placing themselves or others in jeopardy.
- Officers will continually assess the situation and changing circumstances and modulate the use- of-force appropriately.

4. An Officer Will Use Only Force That Is Objectively Reasonable, Necessary, and Proportional to the Threat or Resistance of a Subject

Definitions of objectively reasonable, necessary and proportional may be found in [8.050](#)

Guidance on when force is authorized may be found in [8.200](#)

5. Each Officer Is Responsible for Explaining and Articulating the Specific Facts, and Reasonable Inferences From Those Facts, Which Justify the Officer's Use Of Force

The officer's justification will be reviewed to determine whether or not the force used was in or out of policy.

Failure to adequately document and explain the facts, circumstances, and inferences when reporting force may lead to the conclusion that the force used was out of policy.

Additional guidance on reporting force may be found in [8.400](#).

6. The Department Is Committed to Upholding Lawful, Professional, and Ethical Standards Through Assertive Leadership and Supervision Before, During, and After Every Force Incident

The Seattle Police Department recognizes the magnitude of the responsibility that comes with the constitutional authority to use force. This responsibility includes maintaining vigorous standards and transparent oversight systems to ensure accountability to the community in order to maintain their trust. This includes:

- Force prevention efforts,
- Effective tactics, and
- Objective review and analysis of all incidents of reportable force

Additional guidance on the Department's review of force may be found in [8.500](#).

7. A Strong Partnership Between the Department and the Community Is Essential for Effective Law Enforcement and Public Safety

Uses of force, even if lawful and proper, can have a damaging effect on the public's perception of the Department and the Department's relationship with the community.

Both the Department and individual officers need to be aware of the negative effects of use-of-force incidents and be empowered to take appropriate action to mitigate these effects, such as:

- Explaining actions to subjects or members of the public, when feasible
- Offering reasonable aid to those affected by a use-of-force
- Treating subjects, witnesses, and bystanders with professionalism and courtesy
- Department follow-up with neighbors or family to explain police actions and hear concerns and feedback
- Department follow-up with the involved officer(s) and support, as needed, throughout the process

Seattle Police Department Manual

Adrian Diaz, Chief of Police

8.100 - De-Escalation

Effective Date: 04/15/21

De-escalation may take the form of scene management, team tactics, and/or individual engagement. Even when individual engagement is not feasible, de-escalation techniques including scene management and team tactics that utilize time, distance, and shielding, will still be used unless doing so would create undue risk of harm to any person due to the exigency/threat of a situation.

De-escalation tactics and techniques are actions used by officers, when safe and feasible without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance. See definition of de-escalation in [8.050](#).

The overall goal of this policy is to promote thoughtful resolutions to situations and to reduce the likelihood of harm to all persons involved. De-escalation is reviewed and evaluated under the totality of the circumstances present at the time of the incident.

1. When Safe, Feasible, and Without Compromising Law Enforcement Priorities, Officers Will Use De-Escalation Tactics in Order to Reduce the Need for Force

- (a). Officers will conduct a threat assessment so as not to precipitate an unnecessary, unreasonable, or disproportionate use of force by placing themselves or others in undue jeopardy.
- (b). Team approaches to de-escalation are encouraged and will consider officer training and skill level, number of officers, and whether any officer has successfully established rapport with the subject. Where officers use a team approach to de-escalation, each individual officer's obligation to de-escalate will be satisfied as long as the officer's actions complement the overall approach.
- (c). Selection of de-escalation options will be guided by the totality of the circumstances with the goal of attaining voluntary compliance; considerations include:

Communication

Using communication intended to gain voluntary compliance, such as:

- Verbal persuasion
 - Advisements and warnings (including TASER spark display to explain/warn prior to TASER application), given in a calm and explanatory manner.

Exception: Warnings given as a threat of force are not considered part of de-escalation.
- Clear instructions
- Using verbal techniques, such as Listen and Explain with Equity and Dignity (LEED) to calm an agitated subject and promote rational decision making
- Avoiding language that could escalate the incident. Taunts and insults are prohibited.
- Use of pattern interrupts, when appropriate
- Consideration of whether any lack of compliance is a deliberate attempt to resist rather than a perceived physical or psychological inability to comply based on factors including, but not limited to:
 - Medical conditions
 - Mental impairment
 - Developmental disability
 - Physical limitation
 - Language barrier
 - Drug interaction
 - Behavioral crisis

- Fear or anxiety

Time

Attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.

- Scene stabilization assists in transitioning incidents from dynamic to static by limiting access to unsecured areas, limiting mobility and preventing the introduction of non-involved community members
- Avoiding or minimizing physical confrontation, unless necessary (for example, to protect someone, or stop dangerous behavior)
- Calling extra resources or officers to assist, such as CIT or Less-Lethal trained officers

Distance

Maximizing tactical advantage by increasing distance to allow for greater reaction time.

Shielding

Utilizing cover and concealment for tactical advantage, such as:

- Placing barriers between an uncooperative subject and officers
- Using natural barriers in the immediate environment



PATROL GUIDE

Section: General Regulations		Procedure No: 203-25	
DEPARTMENT POLICY PROHIBITING RACIAL PROFILING AND BIAS-BASED POLICING			
DATE ISSUED: 06/02/16	DATE EFFECTIVE: 06/02/16	REVISION NUMBER:	PAGE: 1 of 2

1. Members of the service are reminded that the New York City Police Department is committed both to the impartial enforcement of law and to the protection of constitutional rights. To reinforce these commitments and to ensure that all members of the service engage only in constitutionally sound policing practices, the Department prohibits the use of racial and bias-based profiling in law enforcement actions. Conducting enforcement activities in an unbiased manner fosters and strengthens relationships between police officers and members of the community, and inspires confidence in, and support for, policing efforts.

2. Police-initiated enforcement actions, including, but not limited to, arrests, Level 3 Terry stops, frisks, searches, summonses, and motor vehicle stops, must be based on the standards required by the Fourth and Fourteenth Amendments of the U.S. Constitution, Sections 11 and 12 of Article I of the New York State Constitution, Section 14-151 of the New York City Administrative Code, and other applicable laws.

3. Race, color, ethnicity, or national origin may not be used as a motivating factor for initiating police enforcement action. When an officer’s decision to initiate enforcement action against a person is motivated even in part by a person’s actual or perceived race, color, ethnicity or national origin, that enforcement action violates Department policy unless the officer’s decision is based on a specific and reliable suspect description that includes not just race, age, and gender, but other identifying characteristics or information.

4. The law confers on police officers the authority to stop, question, and if warranted, frisk an individual whom an officer reasonably suspects has committed, is committing, or is about to commit a felony or Penal Law misdemeanor. Police officers must be able to articulate the factors which led them to take enforcement action, in particular those factors leading to reasonable suspicion for stopping, questioning, and, if appropriate, frisking a person, or probable cause for arresting or issuing a summons to a person. Individuals may not be targeted for any enforcement action, including stops, because they are members of a racial or ethnic group that appears more frequently in local crime suspect data. Race, color, ethnicity, or national origin may only be considered when the stop is based on a specific and reliable suspect description that includes not just race, gender, and age, but other identifying characteristics or information. When an officer carries out a stop based on reasonable suspicion that a person fits such a description, the officer may consider the race, color, ethnicity, or national origin of the suspect, just as the officer may consider the suspect’s height or hair color. In accordance with Department policy, when a stop is not based on a specific suspect description, however, race, ethnicity or national origin may not be used at all as a motivation or justification for the stop.

5. Section 14-151 of the New York City Administrative Code and Department policy prohibit bias-based profiling and include demographic categories in addition to race, color, and national origin. The Administrative Code and Department policy prohibit the Department and individual officers from intentionally engaging in bias-based profiling, which is defined as “an act of a member of the force of the police department or other law enforcement officer that relies on actual or perceived race, national origin, color, creed, age, alienage or citizenship status, gender, sexual

PATROL GUIDE

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orientation, disability, or housing status as the determinative factor in initiating law enforcement action against an individual, rather than an individual’s behavior or other information or circumstances that links a person or persons to suspected unlawful activity.” With respect to race, color, ethnicity and national origin, the standards of conduct described in paragraphs “3” and “4” must always be met by the Department and its officers.

6. Commanding officers will continue to ensure that self-inspections are conducted within their commands regarding stop, question, and frisk activity. The Quality Assurance Division will continue to monitor compliance with self-inspection protocols in all of its command inspections and will continue to audit stop, question, and frisk activity Department-wide.

7. Commanding officers will ensure that members of their command comply with the Department’s policy regarding investigative encounters as per Patrol Guide 212-11, “Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops.”

HOUSE BILL 670

E4

(11r1071)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **The Speaker (By Request – Police Reform and Accountability in MD, Workgroup to Address)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 ~~**Police Reform and Accountability Act of 2021**~~ ***Maryland Police Accountability***
3 ***Act of 2021 – Police Discipline and Law Enforcement Programs and Procedures***

4 FOR the purpose of repealing the Law Enforcement Officers’ Bill of Rights; ~~providing that~~
5 ~~the Police Department of Baltimore City is an agency and instrumentality of the City~~
6 ~~of Baltimore, instead of the State; providing that certain police officers have the~~
7 ~~authority conferred under a certain provision of law; requiring that an application~~
8 ~~for a certain search warrant be approved in writing by a police supervisor and the~~
9 ~~State’s Attorney; altering a certain ground for issuance of a certain search warrant;~~
10 ~~repealing a certain ground for issuance of a certain search warrant; authorizing a~~
11 ~~judge to issue a certain “no-knock” search warrant only under certain circumstances;~~
12 ~~requiring that an application for a certain search warrant contain certain items;~~
13 ~~altering the number of days within which a certain search and seizure shall be made;~~
14 ~~providing that a warrant to search a residence shall be executed between certain~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 ~~times, absent certain circumstances; imposing certain restrictions on a police officer~~
2 ~~when executing a search warrant; requiring a police officer to take a certain action~~
3 ~~and provide certain information to certain individuals at the commencement of a~~
4 ~~certain stop, with a certain exception; providing that a police officer's failure to~~
5 ~~comply with a certain requirement may be grounds for a certain disciplinary action~~
6 ~~against the officer and may not serve as the basis for the exclusion of certain evidence~~
7 ~~under a certain rule; prohibiting a police officer from prohibiting or preventing a~~
8 ~~citizen from recording the police officer's actions if the citizen is otherwise acting~~
9 ~~lawfully and safely; providing that an individual attending a certain institution of~~
10 ~~higher education is exempt from paying tuition under certain circumstances;~~
11 ~~requiring an individual who has received a certain exemption from tuition payment~~
12 ~~to pay a certain value to a certain institution under certain circumstances;~~
13 ~~establishing the Maryland Loan Assistance Repayment Program for Police Officers;~~
14 ~~requiring the Office of Student Financial Assistance in the Maryland Higher~~
15 ~~Education Commission to assist in the repayment of certain loans owed by certain~~
16 ~~eligible individuals; requiring the Office to adopt certain regulations; specifying that~~
17 ~~funds for the Program shall be provided in the State budget; requiring the Office to~~
18 ~~submit a certain report to the General Assembly on or before a certain date;~~
19 ~~establishing the Maryland Police Officers Scholarship Program; providing for the~~
20 ~~purpose of the Maryland Police Officers Scholarship; requiring the Office to publicize~~
21 ~~the availability of the Maryland Police Officers Scholarship; establishing the~~
22 ~~eligibility of the Maryland Police Officers Scholarship; requiring a certain recipient~~
23 ~~to repay the Commission under certain circumstances; establishing the amount of~~
24 ~~the annual scholarship award; requiring the Governor to include a certain~~
25 ~~appropriation in the State budget for the Maryland Police Officers Scholarship;~~
26 ~~requiring the Commission to use a certain appropriation for a certain purpose;~~
27 ~~requiring the Office to publicize the availability of the Maryland Police Officers~~
28 ~~Scholarship; requiring the Commission to submit a certain report on or before a~~
29 ~~certain date; altering the limits on liability of a local government and the State and~~
30 ~~its units for claims arising from tortious acts or omissions or violations of~~
31 ~~constitutional rights committed by a law enforcement officer; requiring the State~~
32 ~~Public Information Act Compliance Board to receive, review, and resolve certain~~
33 ~~complaints filed from a certain custodian, issue a certain decision, and issue a certain~~
34 ~~order under certain circumstances; requiring a certain custodian to allow inspection~~
35 ~~of certain records by the United States Attorney, the Attorney General, the State~~
36 ~~Prosecutor, and a State's Attorney; providing that a certain record is not a personnel~~
37 ~~record for a certain purpose, with a certain exception; authorizing a certain custodian~~
38 ~~to deny inspection of certain records; requiring a certain custodian to deny inspection~~
39 ~~of a certain record under certain circumstances; requiring a custodian to notify a~~
40 ~~certain person in interest when a certain record is inspected; prohibiting a certain~~
41 ~~custodian from disclosing the identity of a certain requestor to a certain person in~~
42 ~~interest; altering the membership of the Maryland Police Training and Standards~~
43 ~~Commission; requiring the Commission to develop and administer certain tests and~~
44 ~~training programs on certain matters for citizens individuals who intend to qualify~~
45 ~~to participate as a member of a certain administrative charging committee and~~
46 ~~citizens who are appointed to serve as members of the Commission; requiring the~~
47 ~~Commission to take certain actions in response to certain violations of a certain Use~~

1 of Force Statute; ~~requiring the Commission to develop a test and training for implicit~~
2 ~~bias, require certain law enforcement agencies to use the implicit bias test at a~~
3 ~~certain time, and require certain police officers to complete implicit bias testing and~~
4 ~~training at certain times; requiring the Commission to revoke the certification of a~~
5 ~~police officer under certain circumstances; requiring the Commission to create a~~
6 ~~certain database;~~ altering a certain requirement for police officer certification that
7 an individual submit to a psychological evaluation to require that an individual
8 submit to a mental health screening by a certain professional; adding as a
9 requirement for police officer certification that an individual submit to a certain
10 physical agility assessment; requiring a police officer, as a condition of certification,
11 to submit to a mental health assessment and a physical agility assessment at a
12 certain time for a certain purpose; establishing that prior marijuana use is not a
13 disqualifier for certification as a police officer and may not be the basis for
14 disqualifying an applicant for a position as police officer; establishing certain
15 requirements for an individual who applies for a position as a police officer; requiring,
16 at certain intervals beginning on a certain date, a law enforcement agency that
17 maintains a SWAT team to report certain information to the Governor's Office of
18 Crime Prevention, Youth, and Victim Services using a certain format; requiring the
19 Commission, in consultation with the Office, to develop a standardized format that
20 certain law enforcement agencies shall use in reporting certain data relating to the
21 activation and deployment of certain SWAT teams to the Office and to certain local
22 officials; requiring a law enforcement agency to compile certain information as a
23 report in a certain format and to submit the report to the Office no later than a
24 certain date following the period that is the subject of the report; requiring the Office
25 to analyze and summarize certain reports of law enforcement agencies and to submit
26 a report of the analyses and summaries to the Governor, the General Assembly, and
27 each law enforcement agency before a certain date each year; providing that, if a law
28 enforcement agency fails to comply with certain reporting requirements, the Office
29 shall report the noncompliance to the Commission; providing that the Commission
30 shall contact a certain law enforcement agency and request that the agency comply
31 with certain reporting requirements under certain circumstances; providing that, if
32 a certain law enforcement agency fails to comply with certain reporting requirements
33 within a certain period after being contacted by the Commission, the Office and the
34 Commission jointly shall make a certain report to the Governor and the Legislative
35 Policy Committee of the General Assembly and publish the report on its website;
36 ~~requiring each law enforcement agency to require the use of body worn cameras on~~
37 ~~or before a certain date; requiring that a certain body worn camera automatically~~
38 ~~record and save certain video footage; requiring law enforcement agencies to submit~~
39 ~~certain reports to the Commission; requiring the Commission to post certain~~
40 ~~information on its website; prohibiting the Governor's Office of Crime Prevention,~~
41 ~~Youth, and Victim Services from making certain funds available under certain~~
42 ~~circumstances; requiring each law enforcement agency to post in a certain location~~
43 ~~an explanation of certain procedures; altering a certain provision of law requiring~~
44 ~~each law enforcement agency to establish a certain early intervention policy to~~
45 ~~require a system instead of a policy, repeal the requirement that the system be~~
46 ~~confidential and nonpunitive, and alter the purpose and function of the system;~~
47 ~~requiring the Commission to develop guidelines for a certain early intervention~~

HOUSE BILL 670

~~system; establishing the Independent Investigative Agency as an independent unit of State government for a certain purpose; authorizing the Independent Investigative Agency to employ certain police officers and civilians for a certain purpose; requiring that a certain shooting or other incident be investigated by a certain investigative agency; requiring a law enforcement agency to notify a certain investigative agency of a certain shooting or other incident at a certain time and cooperate with the investigative agency in a certain investigation; requiring a certain investigative agency to submit a certain report to a certain State's Attorney and publicize the report at a certain time; requiring the Governor to annually include certain funding in the State budget; requiring each police officer to sign a certain pledge; providing that a police officer may only use certain force establishing certain use of force standards; requiring a police officer to take certain steps to gain compliance and de-escalate conflict under certain circumstances; requiring a police officer to intervene to prevent or terminate the use of certain force by a certain police officer; requiring a police officer to render certain first aid to a certain subject and request certain assistance at a certain time; requiring a police supervisor to respond to the scene of a certain incident and gather and review certain recordings; requiring a police officer to document certain incidents in a certain manner; requiring a law enforcement agency to adopt a certain policy; requiring a police officer to undergo certain training; requiring a police officer to sign a certain training completion document; providing that a police officer may only use deadly force for a certain purpose; requiring all police officers to undergo less lethal force training and be trained and equipped with certain less lethal weapons; prohibiting a police officer from shooting at a certain vehicle except under certain circumstances; prohibiting a police officer from using a chokehold, neck restraint, or a certain other type of restraint; prohibiting a law enforcement agency from acquiring a certain armored or weaponized vehicle receiving certain equipment from a surplus program; requiring a law enforcement agency to have a written de-escalation of force policy; prohibiting a police officer from knowingly and willfully violating certain provisions of this Act; prohibiting a police officer from recklessly violating certain provisions of this Act; authorizing a person to file a certain civil action for a certain use of force; requiring each law enforcement agency to develop and implement a certain program to protect the mental health of police officers; establishing certain requirements for a certain program; requiring each law enforcement agency to develop a policy to minimize certain costs to police officers; establishing certain penalties for a violation of certain provisions of this Act; requiring the Governor's Office of Crime Prevention, Youth, and Victim Services to withhold grant funding from a certain law enforcement agency; establishing that a certain provision of law shall be known as the Maryland Use of Force Statute; requiring the Maryland Police Training and Standards Commission to submit a certain annual report to the Governor and General Assembly; requiring each law enforcement agency to establish and implement a certain police discipline process with certain requirements; requiring each law enforcement agency to post the police discipline process on the agency's public website; requiring certain members of trial boards and administrative charging committees to receive certain training; prohibiting a law enforcement agency from negating or altering certain requirements of a and policies established in accordance with certain ~~provision~~ provisions of law through collective bargaining; providing for~~

1 ~~the establishment, composition, and duties of an administrative charging committee;~~
2 ~~requiring that on completion of a certain investigation, a law enforcement agency~~
3 ~~forward the investigatory files for certain matters to an administrative charging~~
4 ~~committee; requiring that a certain allegation proceed in accordance with the policies~~
5 ~~and procedures of a certain law enforcement agency; providing that the meetings of~~
6 ~~an administrative charging committee are not subject to the requirements of the~~
7 ~~Open Meetings Act; requiring each county to have a police accountability board to~~
8 ~~take certain actions; providing for the membership, staffing, budget, and procedures~~
9 ~~of a police accountability board; establishing requirements for a certain complaint~~
10 ~~filed with a police accountability board~~ requiring a police accountability board to
11 make a certain report and recommendations annually; authorizing an individual to
12 file a certain complaint with a certain law enforcement agency; establishing
13 requirements for a certain complaint; requiring each county to have a certain
14 administrative charging committee; providing for the membership of certain
15 administrative charging committees; requiring that there be at least one statewide
16 administrative charging committee applicable to certain law enforcement agencies;
17 requiring an individual to receive certain training prior to serving as a member of an
18 administrative charging committee; requiring a certain law enforcement agency to
19 forward certain investigatory files to a certain administrative charging committee at
20 a certain time; requiring and authorizing an administrative charging committee to
21 take certain actions at certain times; requiring an administrative charging
22 committee to meet at certain times; requiring a member of an administrative
23 charging committee to maintain confidentiality relating to a certain matter at a
24 certain time; requiring the Maryland Police Training and Standards Commission to
25 develop and adopt, by regulation, a certain disciplinary matrix for a certain purpose;
26 requiring each law enforcement agency to adopt a certain disciplinary matrix;
27 requiring a certain chief to offer certain discipline to a certain police officer at a
28 certain time; ~~requiring~~ authorizing certain discipline to be imposed under certain
29 circumstances; requiring a certain matter to be referred to a trial board under certain
30 circumstances; ~~requiring a police officer to be provided certain items and notified of~~
31 certain information before a trial board proceeding begins; requiring each law
32 enforcement agency to establish a certain trial board process; authorizing a small
33 law enforcement agency to use the trial board process of another law enforcement
34 agency under certain circumstances; providing for the membership of a trial board;
35 requiring an individual to receive certain training prior to serving as a member of a
36 trial board; requiring that proceedings of a trial board be open to the public, with
37 certain exceptions; authorizing a trial board to administer oaths and issue subpoenas
38 under certain circumstances; providing that a complainant has the right to be
39 notified of and attend a certain hearing, with certain exceptions; *providing that a*
40 *law enforcement agency has the burden of proof by a preponderance of the evidence in*
41 *certain proceedings; providing that a police officer may be disciplined only for cause;*
42 providing for the appeal of a trial board decision; providing that a trial board decision
43 that is not appealed is final; ~~authorizing and requiring~~ a certain chief to impose a
44 certain emergency suspension under certain circumstances; requiring *and*
45 *authorizing* a certain chief to terminate the employment of a certain police officer;
46 providing that a certain police officer is entitled to receive back pay under certain
47 circumstances; providing that a police officer may be required to submit to certain

1 tests, examinations, or interrogations under certain circumstances; authorizing a
 2 certain law enforcement agency to commence an action that may lead to a certain
 3 punitive measure under certain circumstances; providing that the results of a certain
 4 test, examination, or interrogation are not admissible or discoverable in a certain
 5 proceeding under certain circumstances; ~~providing that forfeiture of a law~~
 6 ~~enforcement officer's pension may be imposed as a disciplinary action under certain~~
 7 ~~circumstances;~~ requiring a law enforcement agency to designate a certain victims'
 8 rights advocate for a certain purpose; providing for the duties of a victims' rights
 9 advocate; requiring each law enforcement agency to create a certain database;
 10 ~~requiring a certain investigating unit to review a certain complaint at a certain time;~~
 11 ~~requiring an administrative charging committee to take certain actions within a~~
 12 ~~certain time period; requiring a certain process of review to be completed within a~~
 13 ~~certain time period;~~ *requiring the Maryland Police Training and Standards*
 14 *Commission to adopt certain regulations;* providing that a certain police officer ~~and~~
 15 ~~a complainant have the right to representation~~ *may have the assistance of a*
 16 *representative in connection with certain proceedings;* prohibiting the taking of
 17 certain adverse employment actions against a police officer because the police officer
 18 took certain actions; prohibiting the denial of a police officer's right to bring suit
 19 arising out of certain duties; providing that a police officer has certain rights to
 20 engage in political activity; prohibiting a law enforcement agency from prohibiting
 21 secondary employment by police officers; *prohibiting certain records from being*
 22 *expunged or destroyed;* authorizing a law enforcement agency to adopt certain
 23 regulations; ~~authorizing a court to order the forfeiture of pension benefits, in whole~~
 24 ~~or in part, for a law enforcement officer who is convicted of a qualifying crime;~~
 25 ~~requiring the Attorney General or the State's Attorney to file a certain complaint in~~
 26 ~~circuit court; establishing certain findings that shall be made when entering an order~~
 27 ~~requiring the forfeiture of benefits; requiring the forfeiture order to indicate the~~
 28 ~~amount of benefits forfeited; requiring a court to consider certain factors when~~
 29 ~~determining the amount of benefits subject to forfeiture; authorizing a court to order~~
 30 ~~a law enforcement officer subject to a forfeiture order to request a return of~~
 31 ~~accumulated contributions to be used for restitution relating to a qualifying crime;~~
 32 ~~providing that certain forfeiture provisions do not apply to certain contributions~~
 33 ~~made, service earned, or crimes committed before a certain date;~~ requiring the
 34 Emergency Number Systems Board to conduct a certain study and submit a certain
 35 report; ~~providing for the application of a certain provision of this Act;~~ requiring a
 36 certain publisher, in consultation with and subject to the approval of the Department
 37 of Legislative Services, to correct certain cross-references and terminology and
 38 describe a certain correction in a certain manner; providing for the intent of the
 39 General Assembly that the Maryland Higher Education Commission adopt certain
 40 regulations; ~~providing for a delayed effective date for certain provisions of this Act;~~
 41 providing for the application of certain provisions of this Act; *making certain*
 42 *provisions of this Act contingent on the taking effect of another Act;* making
 43 conforming changes; defining certain terms; and generally relating to police reform.

44 BY renumbering

45 Article – Public Safety

46 Section 1–101(c) and (d) and 3–101(e), respectively

- 1 to be Section 1–101(d) and (e) and (c), respectively
 2 Annotated Code of Maryland
 3 (2018 Replacement Volume and 2020 Supplement)
- 4 BY repealing
 5 Article – Public Safety
 6 Section 3–101 through 3–113 and the subtitle “Subtitle 1. Law Enforcement Officers’
 7 Bill of Rights”
 8 Annotated Code of Maryland
 9 (2018 Replacement Volume and 2020 Supplement)
- 10 ~~BY repealing and reenacting, with amendments,~~
 11 ~~The Public Local Laws of Baltimore City~~
 12 ~~Section 16–2(a) and 16–3~~
 13 ~~Article 4 – Public Local Laws of Maryland~~
 14 ~~(1979 Edition and 1997 Supplement and 2000 Supplement, as amended)~~
- 15 ~~BY repealing and reenacting, with amendments,~~
 16 ~~Article – Criminal Procedure~~
 17 ~~Section 1–203(a)(2)(vi) 1–203(a)~~
 18 ~~Annotated Code of Maryland~~
 19 ~~(2018 Replacement Volume and 2020 Supplement)~~
- 20 ~~BY adding to~~
 21 ~~Article – Criminal Procedure~~
 22 ~~Section 1–203(a)(7)~~
 23 ~~Annotated Code of Maryland~~
 24 ~~(2018 Replacement Volume and 2020 Supplement)~~
- 25 BY adding to
 26 Article – Criminal Procedure
 27 Section 2–109
 28 Annotated Code of Maryland
 29 (2018 Replacement Volume and 2020 Supplement)
- 30 BY repealing and reenacting, without amendments,
 31 Article – Education
 32 Section 18–101
 33 Annotated Code of Maryland
 34 (2018 Replacement Volume and 2020 Supplement)
- 35 BY adding to
 36 Article – Education
 37 Section ~~15–106.11~~ 18–3701 through 18–3705 to be under the new subtitle “Subtitle
 38 37. Maryland Loan Assistance Repayment Program for Police Officers”; and
 39 18–3801 through 18–3807 to be under the new subtitle “Subtitle 38. Maryland
 40 Police Officers Scholarship Program”

1 Annotated Code of Maryland
2 (2018 Replacement Volume and 2020 Supplement)

3 ~~BY repealing and reenacting, with amendments,~~
4 ~~Article – Public Safety~~
5 ~~Section 3-203, 3-207(g), 3-209, 3-215, 3-511, and 3-516~~
6 ~~Annotated Code of Maryland~~
7 ~~(2018 Replacement Volume and 2020 Supplement)~~

8 ~~BY adding to~~
9 ~~Article – Public Safety~~
10 ~~Section 3-207(j) and (k), 3-508, and 3-523 through 3-526~~
11 ~~Annotated Code of Maryland~~
12 ~~(2018 Replacement Volume and 2020 Supplement)~~

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings
15 Section 5-303(a)
16 Annotated Code of Maryland
17 (2020 Replacement Volume)

18 BY repealing and reenacting, with amendments,
19 Article – State Government
20 Section 12-104(a)
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2020 Supplement)

23 ~~BY repealing and reenacting, without amendments,~~
24 ~~Article – General Provisions~~
25 ~~Section 4-101(a) and (e)~~
26 ~~Annotated Code of Maryland~~
27 ~~(2019 Replacement Volume and 2020 Supplement)~~

28 ~~BY adding to~~
29 ~~Article – General Provisions~~
30 ~~Section 4-101(i) and (l)~~
31 ~~Annotated Code of Maryland~~
32 ~~(2019 Replacement Volume and 2020 Supplement)~~

33 ~~BY repealing and reenacting, with amendments,~~
34 ~~Article – General Provisions~~
35 ~~Section 4-101(i) and (j), 4-1A-04, 4-311, and 4-351~~
36 ~~Annotated Code of Maryland~~
37 ~~(2019 Replacement Volume and 2020 Supplement)~~

38 BY adding to
39 Article – Public Safety

1 Section 3-101 through ~~3-113~~ 3-114 to be under the new subtitle “Subtitle 1. Police
 2 Accountability and Discipline”; 3-207(j) and (k), ~~3-508, 3-523, and 3-524 and~~
 3 3-508
 4 Annotated Code of Maryland
 5 (2018 Replacement Volume and 2020 Supplement)

6 BY repealing and reenacting, with amendments,
 7 Article – Public Safety
 8 Section 3-203, 3-207(a)(16) and (g), 3-209, 3-212, 3-215, ~~3-511, 3-514, 3-515, and~~
 9 ~~3-516~~ 3-514, and 3-515
 10 Annotated Code of Maryland
 11 (2018 Replacement Volume and 2020 Supplement)

12 ~~BY adding to~~
 13 ~~Article – State Personnel and Pensions~~
 14 ~~Section 20-210~~
 15 ~~Annotated Code of Maryland~~
 16 ~~(2015 Replacement Volume and 2020 Supplement)~~

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 18 That Section(s) 1-101(c) and (d) and 3-101(e), respectively, of Article – Public Safety of the
 19 Annotated Code of Maryland be renumbered to be Section(s) 1-101(d) and (e) and (c),
 20 respectively.

21 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3-101 through
 22 3-113 and the subtitle “Subtitle 1. Law Enforcement Officers’ Bill of Rights” of Article –
 23 Public Safety of the Annotated Code of Maryland be repealed.

24 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 25 as follows:

26 **~~Article 4 – Baltimore City~~**

27 ~~16-2.~~

28 ~~(a) The Police Department of Baltimore City is hereby constituted and~~
 29 ~~established as an agency and instrumentality of the [State of Maryland] CITY OF~~
 30 ~~BALTIMORE. The purpose generally of the department shall be to safeguard the lives and~~
 31 ~~safety of all persons within the City of Baltimore, to protect property therein, and to assist~~
 32 ~~in securing to all persons the equal protection of the laws. The department shall have,~~
 33 ~~within the boundaries of said city, the specific duty and responsibility to preserve the public~~
 34 ~~peace; to detect and prevent the commission of crime; to enforce the laws of this State, and~~
 35 ~~of the Mayor and City Council of Baltimore not inconsistent with the provisions of this~~
 36 ~~subtitle; to apprehend and arrest criminals and persons who violate or are lawfully accused~~
 37 ~~of violating such laws and ordinances; to preserve order at public places; to maintain the~~
 38 ~~orderly flow of traffic on public streets and highways; to assist law enforcement agencies of~~
 39 ~~this State, any municipality of the United States in carrying out their respective duties;~~

1 ~~and to discharge its duties and responsibilities with the dignity and manner which will~~
 2 ~~inspire public confidence and respect.~~

3 ~~16-3.~~

4 ~~(a) All police officers of the department, including such other members thereof~~
 5 ~~who may be designated by the Commissioner from time to time to exercise the powers and~~
 6 ~~duties of police officers, shall [be peace officers and shall have the same powers, with~~
 7 ~~respect to criminal matters, and the enforcement of the laws related thereto, as sheriffs,~~
 8 ~~constables, police and peace officers possessed at common law and have in their respective~~
 9 ~~jurisdictions. Any person charged with commission of crime in the City of Baltimore, or in~~
 10 ~~those areas outside the corporate limits of Baltimore City owned, controlled, operated or~~
 11 ~~leased by the Mayor and City Council of Baltimore, and against whom criminal process~~
 12 ~~shall have issued, may be arrested upon the same in any part of the State by police officers~~
 13 ~~of the department, as constituted and established by this subtitle] **HAVE THE AUTHORITY**~~
 14 ~~**CONFERRED UNDER TITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE OF THE**~~
 15 ~~**ANNOTATED CODE OF MARYLAND.**~~

16 ~~(b) All police officers of the department shall have and enjoy all the immunities~~
 17 ~~and matters of defense now available, or such as hereafter may be made available, to~~
 18 ~~sheriffs, constables, police and peace officers in any suit, civil or criminal, brought against~~
 19 ~~them in consequence of acts done in the course of their official duties.~~

20 ~~Article Criminal Procedure~~

21 ~~1-203.~~

22 ~~(a) (2) (vi) (1) **IN THIS SUBSECTION, "NO KNOCK SEARCH**~~
 23 ~~**WARRANT" MEANS A SEARCH WARRANT THAT AUTHORIZES THE EXECUTING LAW**~~
 24 ~~**ENFORCEMENT OFFICER TO ENTER A BUILDING, APARTMENT, PREMISES, PLACE, OR**~~
 25 ~~**THING TO BE SEARCHED WITHOUT GIVING NOTICE OF THE OFFICER'S AUTHORITY**~~
 26 ~~**OR PURPOSE.**~~

27 ~~(2) A circuit court judge or District Court judge may issue forthwith a~~
 28 ~~search warrant whenever it is made to appear to the judge, by application as described in~~
 29 ~~paragraph ~~(2)~~ **(3)** of this subsection, that there is probable cause to believe that:~~

30 ~~(i) a misdemeanor or felony is being committed by a person or in a~~
 31 ~~building, apartment, premises, place, or thing within the territorial jurisdiction of the~~
 32 ~~judge; or~~

33 ~~(ii) property subject to seizure under the criminal laws of the State~~
 34 ~~is on the person or in or on the building, apartment, premises, place, or thing.~~

35 ~~**(2)** **(3)** (i) An application for a search warrant shall be:~~

1 ~~1. in writing;~~

2 ~~2. signed, dated, and sworn to by the applicant; and~~

3 ~~3. accompanied by an affidavit that:~~

4 ~~A. sets forth the basis for probable cause as described in~~
5 ~~paragraph (1) of this subsection; and~~

6 ~~B. contains facts within the personal knowledge of the affiant~~
7 ~~that there is probable cause.~~

8 ~~(ii) An application for a search warrant may be submitted to a judge:~~

9 ~~1. by in-person delivery of the application, the affidavit, and~~
10 ~~a proposed search warrant;~~

11 ~~2. by secure fax, if a complete and printable image of the~~
12 ~~application, the affidavit, and a proposed search warrant are submitted; or~~

13 ~~3. by secure electronic mail, if a complete and printable~~
14 ~~image of the application, the affidavit, and a proposed search warrant are submitted.~~

15 ~~(iii) The applicant and the judge may converse about the search~~
16 ~~warrant application:~~

17 ~~1. in person;~~

18 ~~2. via telephone; or~~

19 ~~3. via video.~~

20 ~~(iv) The judge may issue the search warrant:~~

21 ~~1. by signing the search warrant, indicating the date and~~
22 ~~time of issuance on the search warrant, and physically delivering the signed and dated~~
23 ~~search warrant, the application, and the affidavit to the applicant;~~

24 ~~2. by signing the search warrant, writing the date and time~~
25 ~~of issuance on the search warrant, and sending complete and printable images of the signed~~
26 ~~and dated search warrant, the application, and the affidavit to the applicant by secure fax;~~
27 ~~or~~

28 ~~3. by signing the search warrant, either electronically or in~~
29 ~~writing, indicating the date and time of issuance on the search warrant, and sending~~
30 ~~complete and printable images of the signed and dated search warrant, the application, and~~
31 ~~the affidavit to the applicant by secure electronic mail.~~

1 ~~(v) The judge shall file a copy of the signed and dated search~~
 2 ~~warrant, the application, and the affidavit with the court.~~

3 ~~(vi) 1. An IF APPROVED IN WRITING BY A POLICE~~
 4 ~~SUPERVISOR AND THE STATE'S ATTORNEY, AN~~ application for a search warrant may
 5 contain a request that the search warrant authorize the executing law enforcement officer
 6 to enter the building, apartment, premises, place, or thing to be searched without giving
 7 notice of the officer's authority or purpose ~~BE A NO-KNOCK SEARCH WARRANT,~~ on the
 8 ~~[grounds] GROUND~~ that there is ~~[reasonable suspicion to believe] CLEAR AND~~
 9 ~~CONVINCING EVIDENCE~~ that, without the authorization~~;~~:

10 ~~1. the property subject to seizure may be destroyed, disposed~~
 11 ~~of, or secreted; or~~

12 ~~2.] the life or safety of the executing officer or another person~~
 13 ~~may be endangered.~~

14 ~~2. AN APPLICATION FOR A NO-KNOCK SEARCH~~
 15 ~~WARRANT UNDER THIS SUBPARAGRAPH SHALL CONTAIN:~~

16 ~~A. A DESCRIPTION OF THE CLEAR AND CONVINCING~~
 17 ~~EVIDENCE IN SUPPORT OF THE APPLICATION;~~

18 ~~B. AN EXPLANATION OF THE INVESTIGATIVE ACTIVITIES~~
 19 ~~THAT HAVE BEEN UNDERTAKEN AND THE INFORMATION THAT HAS BEEN GATHERED~~
 20 ~~TO SUPPORT THE REQUEST FOR A NO-KNOCK SEARCH WARRANT;~~

21 ~~C. AN EXPLANATION OF WHY THE AFFIANT IS UNABLE TO~~
 22 ~~DETAIN THE SUSPECT OR SEARCH THE PREMISES USING OTHER, LESS INVASIVE~~
 23 ~~METHODS;~~

24 ~~D. ACKNOWLEDGMENT THAT ANY POLICE OFFICERS~~
 25 ~~WHO WILL EXECUTE THE SEARCH WARRANT HAVE SUCCESSFULLY COMPLETED THE~~
 26 ~~SAME TRAINING IN BREACH AND CALL-OUT ENTRY PROCEDURES AS SWAT TEAM~~
 27 ~~MEMBERS;~~

28 ~~E. A STATEMENT AS TO WHETHER THE SEARCH~~
 29 ~~WARRANT CAN EFFECTIVELY BE EXECUTED DURING DAYLIGHT HOURS AND, IF NOT,~~
 30 ~~WHAT FACTS OR CIRCUMSTANCES PRECLUDE EFFECTIVE EXECUTION IN DAYLIGHT~~
 31 ~~HOURS; AND~~

32 ~~F. A LIST OF ANY ADDITIONAL OCCUPANTS OF THE~~
 33 ~~PREMISES BY AGE AND GENDER, AS WELL AS AN INDICATION AS TO WHETHER ANY~~

~~INDIVIDUALS WITH COGNITIVE OR PHYSICAL DISABILITIES OR PETS RESIDE AT THE PREMISES, IF KNOWN.~~

~~(3)(4) The search warrant shall:~~

~~(i) be directed to a duly constituted police officer, the State Fire Marshal, or a full-time investigative and inspection assistant of the Office of the State Fire Marshal and authorize the police officer, the State Fire Marshal, or a full-time investigative and inspection assistant of the Office of the State Fire Marshal to search the suspected person, building, apartment, premises, place, or thing and to seize any property found subject to seizure under the criminal laws of the State;~~

~~(ii) name or describe, with reasonable particularity:~~

~~1. the person, building, apartment, premises, place, or thing to be searched;~~

~~2. the grounds for the search; and~~

~~3. the name of the applicant on whose application the search warrant was issued; and~~

~~(iii) if warranted by application as described in paragraph (2)(3) of this subsection, authorize the executing law enforcement officer to enter the building, apartment, premises, place, or thing to be searched without giving notice of the officer's authority or purpose.~~

~~(4)(5) (i) The search and seizure under the authority of a search warrant shall be made within [15] 7 calendar days after the day that the search warrant is issued.~~

~~(ii) After the expiration of the [15 day] 7-DAY period, the search warrant is void.~~

~~(5)(6) The executing law enforcement officer shall give a copy of the search warrant, the application, and the affidavit to an authorized occupant of the premises searched or leave a copy of the search warrant, the application, and the affidavit at the premises searched.~~

~~(6)(7) (i) The executing law enforcement officer shall prepare a detailed search warrant return which shall include the date and time of the execution of the search warrant.~~

~~(ii) The executing law enforcement officer shall:~~

1 ~~1. give a copy of the search warrant return to an authorized~~
2 ~~occupant of the premises searched or leave a copy of the return at the premises searched;~~
3 ~~and~~

4 ~~2. file a copy of the search warrant return with the court in~~
5 ~~person, by secure fax, or by secure electronic mail.~~

6 ~~(7)(8) (I) IN THIS PARAGRAPH, "EXIGENT CIRCUMSTANCES"~~
7 ~~RETAINS ITS JUDICIALLY DETERMINED MEANING.~~

8 ~~(II) A WARRANT TO SEARCH A RESIDENCE SHALL BE EXECUTED~~
9 ~~BETWEEN 8:00 A.M. AND 7:00 P.M., ABSENT EXIGENT CIRCUMSTANCES.~~

10 ~~(III) WHILE EXECUTING A SEARCH WARRANT, A POLICE OFFICER~~
11 ~~SHALL BE CLEARLY RECOGNIZABLE AND IDENTIFIABLE AS A POLICE OFFICER,~~
12 ~~WEARING A UNIFORM, BADGE, AND TAG BEARING THE NAME AND IDENTIFICATION~~
13 ~~NUMBER OF THE POLICE OFFICER.~~

14 ~~(IV) A POLICE OFFICER EXECUTING A SEARCH WARRANT SHALL~~
15 ~~USE A BODY CAMERA DURING THE COURSE OF THE SEARCH IN ACCORDANCE WITH~~
16 ~~THE POLICIES ESTABLISHED BY THE POLICE OFFICER'S LAW ENFORCEMENT~~
17 ~~AGENCY.~~

18 ~~(V) UNLESS EXECUTING A NO-KNOCK SEARCH WARRANT, A~~
19 ~~POLICE OFFICER SHALL ALLOW A MINIMUM OF 30 SECONDS FOR THE OCCUPANTS~~
20 ~~OF A RESIDENCE TO RESPOND AND OPEN THE DOOR BEFORE THE POLICE OFFICER~~
21 ~~ATTEMPTS TO ENTER THE RESIDENCE, ABSENT EXIGENT CIRCUMSTANCES.~~

22 ~~(VI) A POLICE OFFICER MAY NOT USE FLASH BANG, STUN,~~
23 ~~DISTRACTION, OR OTHER SIMILAR MILITARY-STYLE DEVICES WHEN EXECUTING A~~
24 ~~SEARCH WARRANT, ABSENT EXIGENT CIRCUMSTANCES.~~

25 *Article - Criminal Procedure*

26 **2-109.**

27 **(A) AT THE COMMENCEMENT OF A TRAFFIC STOP OR OTHER STOP, ABSENT**
28 **EXIGENT CIRCUMSTANCES, A POLICE OFFICER SHALL:**

29 **(1) DISPLAY PROPER IDENTIFICATION TO THE STOPPED INDIVIDUAL;**
30 **AND**

31 **(2) PROVIDE THE FOLLOWING INFORMATION TO THE STOPPED**
32 **INDIVIDUAL:**

1 ~~(3) INTENDS TO BECOME A POLICE OFFICER AFTER GRADUATION.~~

2 ~~(C) AN INDIVIDUAL WHO HAS RECEIVED AN EXEMPTION FROM TUITION~~
3 ~~PAYMENT UNDER SUBSECTION (B) OF THIS SECTION SHALL PAY TO THE~~
4 ~~INSTITUTION THE TOTAL VALUE OF THE TUITION EXEMPTION RECEIVED IF THE~~
5 ~~INDIVIDUAL FAILS TO:~~

6 ~~(1) EARN A 4-YEAR DEGREE IN CRIMINAL LAW, CRIMINOLOGY, OR~~
7 ~~CRIMINAL JUSTICE WITHIN 7 YEARS AFTER STARTING THE PROGRAM; AND~~

8 ~~(2) WORK AS A POLICE OFFICER FOR AT LEAST 5 YEARS DURING THE~~
9 ~~8-YEAR PERIOD AFTER GRADUATION.~~

10 ~~(D) THE MARYLAND HIGHER EDUCATION COMMISSION SHALL ADOPT~~
11 ~~REGULATIONS TO IMPLEMENT THIS SECTION.~~

12 18-101.

13 (a) In this title the following words have the meanings indicated.

14 (b) “Commission” means the Maryland Higher Education Commission.

15 (c) “Office” means the Office of Student Financial Assistance.

16 (d) “Secretary” means the Secretary of Higher Education.

17 SUBTITLE 37. MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR POLICE
18 OFFICERS.

19 18-3701.

20 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (B) “ELIGIBLE EMPLOYMENT” MEANS TO WORK AS A POLICE OFFICER IN
23 THE STATE FOR AT LEAST 2 YEARS.

24 (C) “HIGHER EDUCATION LOAN” MEANS A LOAN THAT IS OBTAINED FOR
25 TUITION FOR UNDERGRADUATE STUDY LEADING TO A DEGREE IN CRIMINAL LAW,
26 CRIMINOLOGY, OR CRIMINAL JUSTICE.

27 (D) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THE
28 PUBLIC SAFETY ARTICLE.

1 **(E) "PROGRAM" MEANS THE MARYLAND LOAN ASSISTANCE REPAYMENT**
2 **PROGRAM FOR POLICE OFFICERS.**

3 **18-3702.**

4 **(A) THERE IS A MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR**
5 **POLICE OFFICERS IN THE STATE.**

6 **(B) THE OFFICE SHALL DISTRIBUTE FUNDS FROM THE PROGRAM TO ASSIST**
7 **IN THE REPAYMENT OF A HIGHER EDUCATION LOAN OWED BY A POLICE OFFICER**
8 **WHO:**

9 **(1) RECEIVES A GRADUATE, PROFESSIONAL, OR UNDERGRADUATE**
10 **DEGREE FROM A PUBLIC COLLEGE OR UNIVERSITY IN THE STATE;**

11 **(2) OBTAINS ELIGIBLE EMPLOYMENT; AND**

12 **(3) SATISFIES ANY OTHER CRITERIA ESTABLISHED BY THE OFFICE.**

13 **18-3703.**

14 **(A) THE OFFICE SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
15 **SUBTITLE.**

16 **(B) THE REGULATIONS SHALL INCLUDE A LIMIT ON THE TOTAL AMOUNT OF**
17 **ASSISTANCE PROVIDED BY THE OFFICE IN REPAYING THE LOAN OF AN ELIGIBLE**
18 **INDIVIDUAL, BASED ON THE INDIVIDUAL'S TOTAL INCOME AND OUTSTANDING**
19 **HIGHER EDUCATION LOAN BALANCE.**

20 **18-3704.**

21 **THE GOVERNOR SHALL INCLUDE AN ANNUAL APPROPRIATION OF AT LEAST**
22 **\$1,500,000 IN THE STATE BUDGET FOR THE PROGRAM.**

23 **18-3705.**

24 **SUBJECT TO § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE OFFICE**
25 **SHALL REPORT TO THE GENERAL ASSEMBLY BY JANUARY 1 EACH YEAR ON THE**
26 **IMPLEMENTATION OF THE PROGRAM.**

27 **SUBTITLE 38. MARYLAND POLICE OFFICERS SCHOLARSHIP PROGRAM.**

28 **18-3801.**

1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) “ELIGIBLE INSTITUTION” MEANS A PUBLIC SENIOR HIGHER EDUCATION
4 INSTITUTION IN THE STATE.

5 (C) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THE
6 PUBLIC SAFETY ARTICLE.

7 (D) “SERVICE OBLIGATION” MEANS TO WORK AS A POLICE OFFICER IN THE
8 STATE NOT LESS THAN 5 YEARS DURING THE 8-YEAR PERIOD AFTER GRADUATION.
9 18-3802.

10 (A) THERE IS A MARYLAND POLICE OFFICERS SCHOLARSHIP PROGRAM.

11 (B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE TUITION ASSISTANCE
12 FOR STUDENTS:

13 (1) ATTENDING A ~~4-YEAR~~ DEGREE PROGRAM ~~IN CRIMINAL LAW,~~
14 ~~CRIMINOLOGY, OR CRIMINAL JUSTICE~~ THAT WOULD FURTHER THE STUDENT’S
15 CAREER IN LAW ENFORCEMENT AT AN ELIGIBLE INSTITUTION WITH THE INTENT TO
16 BE A POLICE OFFICER AFTER GRADUATION; OR

17 (2) WHO ARE CURRENTLY POLICE OFFICERS ATTENDING A ~~4-YEAR~~
18 DEGREE PROGRAM ~~IN CRIMINAL LAW, CRIMINOLOGY, OR CRIMINAL JUSTICE~~ THAT
19 WOULD FURTHER THE POLICE OFFICER’S CAREER IN LAW ENFORCEMENT AT AN
20 ELIGIBLE INSTITUTION.

21 (C) THE OFFICE SHALL PUBLICIZE THE AVAILABILITY OF THE MARYLAND
22 POLICE OFFICERS SCHOLARSHIP.

23 18-3803.

24 (A) THE OFFICE SHALL ANNUALLY SELECT ELIGIBLE STUDENTS AND
25 OFFER A SCHOLARSHIP TO EACH STUDENT SELECTED TO BE USED AT AN ELIGIBLE
26 INSTITUTION OF THE STUDENT’S CHOICE.

27 (B) A RECIPIENT OF THE MARYLAND POLICE OFFICERS SCHOLARSHIP
28 SHALL:

29 (1) BE A MARYLAND RESIDENT OR HAVE GRADUATED FROM A
30 MARYLAND HIGH SCHOOL;

1 (2) BE ACCEPTED FOR ADMISSION OR CURRENTLY ENROLLED AT AN
2 ELIGIBLE INSTITUTION AS A FULL-TIME OR PART-TIME UNDERGRADUATE OR
3 GRADUATE STUDENT PURSUING A COURSE OF STUDY OR PROGRAM ~~IN CRIMINAL~~
4 ~~LAW, CRIMINOLOGY, OR CRIMINAL JUSTICE~~ THAT WOULD FURTHER THE
5 RECIPIENT'S CAREER IN LAW ENFORCEMENT;

6 (3) SIGN A LETTER OF INTENT TO PERFORM THE SERVICE
7 OBLIGATION ON COMPLETION OF THE RECIPIENT'S REQUIRED STUDIES; AND

8 (4) SATISFY ANY ADDITIONAL CRITERIA THE COMMISSION MAY
9 ESTABLISH.

10 (C) A CURRENT POLICE OFFICER SHALL BE ELIGIBLE FOR A MARYLAND
11 POLICE OFFICERS SCHOLARSHIP IF THEY MEET THE ELIGIBILITY CRITERIA UNDER
12 SUBSECTION (B) OF THIS SECTION.

13 18-3804.

14 THE RECIPIENT OF A MARYLAND POLICE OFFICERS SCHOLARSHIP SHALL
15 REPAY THE COMMISSION THE FUNDS RECEIVED AS SET FORTH IN § 18-112 OF THIS
16 TITLE IF THE RECIPIENT DOES NOT:

17 (1) SATISFY THE DEGREE REQUIREMENTS OF THE ELIGIBLE COURSE
18 OF STUDY OR PROGRAM OR FULFILL OTHER REQUIREMENTS AS PROVIDED IN THIS
19 SUBTITLE; OR

20 (2) PERFORM THE SERVICE OBLIGATION TO WORK AS A POLICE
21 OFFICER FOR AT LEAST 5 YEARS DURING THE 8-YEAR PERIOD AFTER GRADUATION.

22 18-3805.

23 THE ANNUAL SCHOLARSHIP AWARD SHALL BE 50% OF THE EQUIVALENT
24 ANNUAL TUITION AND MANDATORY FEES OF A RESIDENT UNDERGRADUATE
25 STUDENT AT THE ELIGIBLE INSTITUTION.

26 18-3806.

27 THE GOVERNOR SHALL ANNUALLY INCLUDE IN THE BUDGET BILL AN
28 APPROPRIATION OF AT LEAST \$8,500,000 TO THE COMMISSION TO AWARD
29 SCHOLARSHIPS UNDER THIS SUBTITLE, AND THE COMMISSION SHALL USE:

30 (1) \$6,000,000 FOR SCHOLARSHIPS TO STUDENTS INTENDING TO
31 BECOME POLICE OFFICERS AFTER GRADUATION; AND

1 ~~(2) CRISIS COUNSELING;~~

2 ~~(3) STRESS MANAGEMENT COUNSELING;~~

3 ~~(4) RESILIENCY SESSIONS; AND~~

4 ~~(5) PEER SUPPORT SERVICES FOR POLICE OFFICERS.~~

5 ~~(D) IN ADDITION TO THE REQUIREMENTS OF § 3-516 OF THIS SUBTITLE, AS~~
 6 ~~PART OF THE EMPLOYEE ASSISTANCE PROGRAM REQUIRED BY THIS SECTION, EACH~~
 7 ~~LAW ENFORCEMENT AGENCY SHALL PROVIDE TO ALL POLICE OFFICERS THE~~
 8 ~~AGENCY EMPLOYS A VOLUNTARY MENTAL HEALTH CONSULTATION OR COUNSELING~~
 9 ~~SERVICES BEFORE THE POLICE OFFICER RETURNS TO FULL DUTY FOLLOWING ANY~~
 10 ~~INCIDENT INVOLVING:~~

11 ~~(1) A SERIOUS INJURY TO THE POLICE OFFICER;~~

12 ~~(2) AN OFFICER INVOLVED SHOOTING;~~

13 ~~(3) AN ACCIDENT RESULTING IN A FATALITY; OR~~

14 ~~(4) ANY USE OF FORCE RESULTING IN A FATALITY OR SERIOUS~~
 15 ~~INJURY.~~

16 ~~(E) THE EMPLOYEE ASSISTANCE PROGRAM REQUIRED BY THIS SECTION~~
 17 ~~SHALL INCLUDE A COMPONENT DESIGNED TO PROTECT THE MENTAL HEALTH OF~~
 18 ~~POLICE OFFICERS DURING PERIODS OF PUBLIC DEMONSTRATIONS AND UNREST.~~

19 ~~(F) EACH LAW ENFORCEMENT AGENCY SHALL DEVELOP A POLICY TO~~
 20 ~~PROVIDE ACCESS TO THE SERVICES REQUIRED BY THIS SECTION AT MINIMAL COST~~
 21 ~~TO A POLICE OFFICER.~~

22 ~~SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read~~
 23 ~~as follows:~~

24 Article – Courts and Judicial Proceedings

25 5-303.

26 (a) (1) [Subject to paragraph (2)] EXCEPT AS PROVIDED IN PARAGRAPHS
 27 (2) AND (3) of this subsection, the liability of a local government may not exceed \$400,000
 28 per an individual claim, and \$800,000 per total claims that arise from the same occurrence
 29 for damages resulting from tortious acts or omissions, or liability arising under subsection
 30 (b) of this section and indemnification under subsection (c) of this section.

1 (2) (I) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
 2 PARAGRAPH, THE liability of the State and its units may not exceed \$400,000 to a single
 3 claimant for injuries arising from a single incident or occurrence.

4 (II) IF LIABILITY OF THE STATE OR ITS UNITS ARISES FROM
 5 INTENTIONAL TORTIOUS ACTS OR OMISSIONS OR A VIOLATION OF A
 6 CONSTITUTIONAL RIGHT COMMITTED BY A LAW ENFORCEMENT OFFICER, THE
 7 FOLLOWING LIMITS ON LIABILITY SHALL APPLY:

8 1. ~~A.~~ SUBJECT TO ~~ITEM B OF THIS ITEM AND ITEM 2~~
 9 ~~OF THIS SUBPARAGRAPH, THE COMBINED AWARD FOR BOTH ECONOMIC AND~~
 10 ~~NONECONOMIC DAMAGES SHALL MAY NOT EXCEED A TOTAL OF \$890,000 FOR ALL~~
 11 ~~CLAIMS ARISING OUT OF THE SAME INCIDENT OR OCCURRENCE, REGARDLESS OF~~
 12 ~~THE NUMBER OF CLAIMANTS OR BENEFICIARIES WHO SHARE IN THE AWARD; AND~~

13 ~~B.~~ THE LIMITATION ON NONECONOMIC DAMAGES

14 ~~PROVIDED UNDER ITEM A OF THIS ITEM SHALL INCREASE BY \$15,000 ON OCTOBER~~
 15 ~~1 EACH YEAR BEGINNING OCTOBER 1, 2022; AND~~

16 ~~C.~~ THE INCREASED AMOUNT SHALL APPLY TO CAUSES

17 ~~OF ACTION ARISING BETWEEN OCTOBER 1 OF THAT YEAR AND SEPTEMBER 30 OF~~
 18 ~~THE FOLLOWING YEAR, INCLUSIVE; AND~~

19 ~~2. A.~~ THE LIMITATION ESTABLISHED UNDER ITEM 1

20 ~~OF THIS SUBPARAGRAPH SHALL APPLY IN A PERSONAL INJURY ACTION TO EACH~~
 21 ~~DIRECT VICTIM OF TORTIOUS CONDUCT AND ALL PERSONS WHO CLAIM INJURY BY~~
 22 ~~OR THROUGH THAT VICTIM; AND~~

23 ~~B. 2.~~ IN A WRONGFUL DEATH ACTION IN WHICH THERE ARE
 24 ~~TWO OR MORE CLAIMANTS OR BENEFICIARIES, AN AWARD FOR NONECONOMIC~~
 25 ~~DAMAGES MAY NOT EXCEED 150% OF THE LIMITATION ESTABLISHED UNDER ITEM 1~~
 26 ~~OF THIS ITEM, REGARDLESS OF THE NUMBER OF CLAIMANTS OR BENEFICIARIES~~
 27 ~~WHO SHARE IN THE AWARD.~~

28 ~~SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read~~
 29 ~~as follows:~~

30 ~~Article—General Provisions~~

31 ~~4-101.~~

32 ~~(a) In this title the following words have the meanings indicated.~~

33 ~~(c) “Board” means the State Public Information Act Compliance Board.~~

~~(I) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THE PUBLIC SAFETY ARTICLE.~~

~~(i) (J) "Political subdivision" means:~~

~~(1) a county;~~

~~(2) a municipal corporation;~~

~~(3) an unincorporated town;~~

~~(4) a school district; or~~

~~(5) a special district.~~

~~(i) (K) (1) "Public record" means the original or any copy of any documentary material that:~~

~~(i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and~~

~~(ii) is in any form, including:~~

~~1. a card;~~

~~2. a computerized record;~~

~~3. correspondence;~~

~~4. a drawing;~~

~~5. film or microfilm;~~

~~6. a form;~~

~~7. a map;~~

~~8. a photograph or photostat;~~

~~9. a recording; or~~

~~10. a tape.~~

~~(2) "Public record" includes a document that lists the salary of an employee of a unit or an instrumentality of the State or of a political subdivision.~~

~~(3) "Public record" does not include a digital photographic image or signature of an individual, or the actual stored data of the image or signature, recorded by the Motor Vehicle Administration.~~

~~(L) "TECHNICAL INFRACTION" MEANS A MINOR RULE VIOLATION BY AN INDIVIDUAL SOLELY RELATED TO THE ENFORCEMENT OF ADMINISTRATIVE RULES THAT:~~

~~(1) DOES NOT INVOLVE AN INTERACTION BETWEEN A MEMBER OF THE PUBLIC AND THE INDIVIDUAL;~~

~~(2) DOES NOT RELATE TO THE INDIVIDUAL'S INVESTIGATIVE, ENFORCEMENT, TRAINING, SUPERVISION, OR REPORTING RESPONSIBILITIES; AND~~

~~(3) IS NOT OTHERWISE A MATTER OF PUBLIC CONCERN.~~

~~4-1A-04.~~

~~(a) The Board shall:~~

~~(1) receive, review, and, subject to § 4-1A-07 of this subtitle, resolve complaints filed under § 4-1A-05 of this subtitle from any applicant or the applicant's designated representative alleging that a custodian charged an unreasonable fee under § 4-206 of this title;~~

~~(2) issue a written opinion as to whether a violation has occurred; and~~

~~(3) if the Board finds that the custodian charged an unreasonable fee under § 4-206 of this title, order the custodian to reduce the fee to an amount determined by the Board to be reasonable and refund the difference.~~

~~(B) THE BOARD SHALL:~~

~~(1) RECEIVE, REVIEW, AND RESOLVE COMPLAINTS FILED FROM ANY CUSTODIAN ALLEGING THAT AN APPLICANT'S REQUEST OR PATTERN OF REQUESTS IS FRIVOLOUS, VEXATIOUS, OR IN BAD FAITH;~~

~~(2) ISSUE A WRITTEN DECISION AS TO WHETHER THE APPLICANT'S REQUEST OR PATTERN OF REQUESTS IS FRIVOLOUS, VEXATIOUS, OR IN BAD FAITH; AND~~

~~(3) IF THE BOARD FINDS THAT THE APPLICANT'S REQUEST OR PATTERN OF REQUESTS IS FRIVOLOUS, VEXATIOUS, OR IN BAD FAITH, BASED ON THE TOTALITY OF THE CIRCUMSTANCES INCLUDING THE NUMBER AND SCOPE OF THE~~

1 ~~APPLICANT'S PAST REQUESTS AND THE CUSTODIAN'S RESPONSES TO PAST~~
 2 ~~REQUESTS AND EFFORTS TO COOPERATE WITH THE APPLICANT, ISSUE AN ORDER~~
 3 ~~AUTHORIZING THE CUSTODIAN TO:~~

4 ~~(I) IGNORE THE REQUEST THAT IS THE SUBJECT OF THE~~
 5 ~~CUSTODIAN'S COMPLAINT; OR~~

6 ~~(II) RESPOND TO A LESS BURDENSOME VERSION OF THE~~
 7 ~~REQUEST WITHIN A REASONABLE TIME FRAME, AS DETERMINED BY THE BOARD.~~

8 ~~(b)(C) The Board shall:~~

9 ~~(1) study ongoing compliance with this title by custodians; and~~

10 ~~(2) make recommendations to the General Assembly for improvements to~~
 11 ~~this title.~~

12 ~~(c)(D) (1) On or before October 1 of each year, the Board shall submit a~~
 13 ~~report to the Governor and, subject to § 2-1257 of the State Government Article, the~~
 14 ~~General Assembly.~~

15 ~~(2) The report shall:~~

16 ~~(i) describe the activities of the Board;~~

17 ~~(ii) describe the opinions of the Board;~~

18 ~~(iii) state the number and nature of complaints filed with the Board;~~
 19 ~~and~~

20 ~~(iv) recommend any improvements to this title.~~

21 ~~4-311.~~

22 ~~(a) Subject to subsection (b) of this section, a custodian shall deny inspection of a~~
 23 ~~personnel record of an individual, including an application, a performance rating, or~~
 24 ~~scholastic achievement information.~~

25 ~~(b) A custodian shall allow inspection by:~~

26 ~~(1) the person in interest;~~

27 ~~(2) an elected or appointed official who supervises the work of the~~
 28 ~~individual; [or]~~

~~(3) an employee organization described in Title 6 of the Education Article of the portion of the personnel record that contains the individual's:~~

~~(i) home address;~~

~~(ii) home telephone number; and~~

~~(iii) personal cell phone number;~~

~~(4) THE UNITED STATES ATTORNEY;~~

~~(5) THE ATTORNEY GENERAL;~~

~~(6) THE STATE PROSECUTOR; OR~~

~~(7) A STATE'S ATTORNEY.~~

~~(c) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A RECORD RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF MISCONDUCT BY A POLICE OFFICER, INCLUDING AN INTERNAL AFFAIRS INVESTIGATORY RECORD, A HEARING RECORD, AND RECORDS RELATING TO A DISCIPLINARY DECISION, IS NOT A PERSONNEL RECORD FOR PURPOSES OF THIS SECTION.~~

~~(2) A RECORD OF A TECHNICAL INFRACTION IS A PERSONNEL RECORD FOR THE PURPOSES OF THIS SECTION.~~

~~4-351.~~

~~(a) Subject to [subsection (b)] SUBSECTIONS (B), (C), AND (D) of this section, a custodian may deny inspection of:~~

~~(1) records of investigations conducted by the Attorney General, a State's Attorney, a municipal or county attorney, a police department, or a sheriff;~~

~~(2) an investigatory file compiled for any other law enforcement, judicial, correctional, or prosecution purpose; [or]~~

~~(3) records that contain intelligence information or security procedures of the Attorney General, a State's Attorney, a municipal or county attorney, a police department, a State or local correctional facility, or a sheriff; OR~~

~~(4) RECORDS, OTHER THAN A RECORD OF A TECHNICAL INFRACTION, RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF MISCONDUCT~~

1 ~~BY A POLICE OFFICER, INCLUDING AN INTERNAL AFFAIRS INVESTIGATORY RECORD,~~
2 ~~A HEARING RECORD, AND RECORDS RELATING TO A DISCIPLINARY DECISION.~~

3 ~~(b) A custodian may deny inspection by a person in interest only to the extent~~
4 ~~that the inspection would:~~

5 ~~(1) interfere with a valid and proper law enforcement proceeding;~~

6 ~~(2) deprive another person of a right to a fair trial or an impartial~~
7 ~~adjudication;~~

8 ~~(3) constitute an unwarranted invasion of personal privacy;~~

9 ~~(4) disclose the identity of a confidential source;~~

10 ~~(5) disclose an investigative technique or procedure;~~

11 ~~(6) prejudice an investigation; or~~

12 ~~(7) endanger the life or physical safety of an individual.~~

13 ~~(c) A CUSTODIAN SHALL ALLOW INSPECTION OF A RECORD DESCRIBED IN~~
14 ~~SUBSECTION (A)(4) OF THIS SECTION BY:~~

15 ~~(1) THE UNITED STATES ATTORNEY;~~

16 ~~(2) THE ATTORNEY GENERAL;~~

17 ~~(3) THE STATE PROSECUTOR; OR~~

18 ~~(4) A STATE'S ATTORNEY.~~

19 ~~(d) EXCEPT AS PROVIDED IN SUBSECTION (c) OF THIS SECTION, A~~
20 ~~CUSTODIAN SHALL DENY INSPECTION OF A RECORD DESCRIBED IN SUBSECTION~~
21 ~~(A)(4) OF THIS SECTION:~~

22 ~~(1) IF THE RECORD RELATES TO AN ACTIVE INVESTIGATION; OR~~

23 ~~(2) TO THE EXTENT THAT THE RECORD REFLECTS:~~

24 ~~(I) MEDICAL INFORMATION;~~

25 ~~(II) PERSONAL CONTACT INFORMATION OF THE PERSON IN~~
26 ~~INTEREST;~~

1 ~~(H) INFORMATION RELATING TO THE FAMILY OF THE PERSON IN~~
 2 ~~INTEREST; OR~~

3 ~~(IV) WITNESS INFORMATION.~~

4 ~~(E) A CUSTODIAN SHALL NOTIFY THE PERSON IN INTEREST OF A RECORD~~
 5 ~~DESCRIBED IN SUBSECTION (A)(4) OF THIS SECTION WHEN THE RECORD IS~~
 6 ~~INSPECTED, BUT MAY NOT DISCLOSE THE IDENTITY OF THE REQUESTOR TO THE~~
 7 ~~PERSON IN INTEREST.~~

8 ~~SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland read~~
 9 ~~as follows:~~

10 Article – Public Safety

11 SUBTITLE 1. POLICE ACCOUNTABILITY AND DISCIPLINE.

12 3-101.

13 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 14 INDICATED.

15 (B) “ADMINISTRATIVELY CHARGED” MEANS THAT A POLICE OFFICER HAS
 16 BEEN FORMALLY ACCUSED OF MISCONDUCT IN AN ADMINISTRATIVE PROCEEDING.

17 (C) “DISCIPLINARY MATRIX” MEANS A WRITTEN, CONSISTENT,
 18 PROGRESSIVE, AND TRANSPARENT TOOL OR RUBRIC THAT PROVIDES RANGES OF
 19 DISCIPLINARY ACTIONS FOR DIFFERENT TYPES OF MISCONDUCT.

20 (D) “EXONERATED” MEANS THAT A POLICE OFFICER ACTED IN
 21 ACCORDANCE WITH THE LAW AND AGENCY POLICY.

22 ~~(E) “INDEPENDENT INVESTIGATIVE AGENCY” MEANS THE AGENCY~~
 23 ~~ESTABLISHED UNDER § 3-102 OF THIS SUBTITLE.~~

24 ~~(F) (E)~~ “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §
 25 3-201 OF THIS TITLE.

26 ~~(G) (F)~~ “NOT ADMINISTRATIVELY CHARGED” MEANS THAT A
 27 DETERMINATION HAS BEEN MADE NOT TO ADMINISTRATIVELY CHARGE A POLICE
 28 OFFICER IN CONNECTION WITH ALLEGED MISCONDUCT.

29 ~~(H) (G)~~ “POLICE MISCONDUCT” MEANS A PATTERN, A PRACTICE, OR
 30 CONDUCT BY A POLICE OFFICER OR LAW ENFORCEMENT AGENCY THAT INCLUDES:

1 (1) DEPRIVING PERSONS OF RIGHTS PROTECTED BY THE
2 CONSTITUTION OR LAWS OF THE STATE OR THE UNITED STATES;

3 (2) A VIOLATION OF A CRIMINAL STATUTE; AND

4 (3) A VIOLATION OF LAW ENFORCEMENT AGENCY STANDARDS AND
5 POLICIES.

6 ~~(H)~~ (H) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THIS
7 TITLE.

8 ~~(I)~~ (I) “SERIOUS PHYSICAL INJURY” HAS THE MEANING STATED IN §
9 3-201 OF THE CRIMINAL LAW ARTICLE.

10 ~~(J)~~ (J) “SUPERIOR GOVERNMENTAL AUTHORITY” MEANS THE
11 GOVERNING BODY THAT OVERSEES A LAW ENFORCEMENT AGENCY.

12 ~~(K)~~ (K) “UNFOUNDED” MEANS THAT THE ALLEGATIONS AGAINST A
13 POLICE OFFICER ARE NOT SUPPORTED BY FACT.

14 3-102.

15 ~~(A) THE INDEPENDENT INVESTIGATIVE AGENCY IS ESTABLISHED AS AN~~
16 ~~INDEPENDENT UNIT OF STATE GOVERNMENT FOR THE PURPOSE OF INVESTIGATING~~
17 ~~USE OF FORCE INCIDENTS INVOLVING POLICE OFFICERS.~~

18 ~~(B) THE INDEPENDENT INVESTIGATIVE AGENCY MAY EMPLOY SWORN~~
19 ~~POLICE OFFICERS AND CIVILIANS TO CONDUCT ITS WORK.~~

20 ~~(C) A SHOOTING INVOLVING A POLICE OFFICER OR ANOTHER INCIDENT~~
21 ~~INVOLVING THE USE OF PHYSICAL FORCE BY A POLICE OFFICER CAUSING DEATH OR~~
22 ~~SERIOUS PHYSICAL INJURY SHALL BE INVESTIGATED BY THE INDEPENDENT~~
23 ~~INVESTIGATIVE AGENCY.~~

24 ~~(D) A LAW ENFORCEMENT AGENCY SHALL:~~

25 ~~(1) NOTIFY THE INDEPENDENT INVESTIGATIVE AGENCY OF ANY~~
26 ~~ALLEGED OR POTENTIAL SHOOTING INVOLVING A POLICE OFFICER OR ANOTHER~~
27 ~~INCIDENT INVOLVING THE USE OF PHYSICAL FORCE BY A POLICE OFFICER CAUSING~~
28 ~~DEATH OR SERIOUS PHYSICAL INJURY AS SOON AS THE LAW ENFORCEMENT AGENCY~~
29 ~~BECOMES AWARE OF THE INCIDENT; AND~~

1 ~~(2) COOPERATE WITH THE INDEPENDENT INVESTIGATIVE AGENCY IN~~
2 ~~THE INVESTIGATION OF THE INCIDENT.~~

3 ~~(E) (1) ON COMPLETION OF AN INVESTIGATION UNDER THIS SECTION,~~
4 ~~THE INDEPENDENT INVESTIGATIVE AGENCY SHALL SUBMIT A REPORT CONTAINING~~
5 ~~THE FINDINGS OF THE INVESTIGATION TO THE STATE'S ATTORNEY WITH~~
6 ~~JURISDICTION OVER THE MATTER.~~

7 ~~(2) AFTER THE STATE'S ATTORNEY MAKES A DECISION WHETHER OR~~
8 ~~NOT TO PROSECUTE, THE INDEPENDENT INVESTIGATIVE AGENCY SHALL PUBLICIZE~~
9 ~~THE REPORT.~~

10 ~~(F) THE GOVERNOR ANNUALLY SHALL INCLUDE FUNDING IN THE STATE~~
11 ~~BUDGET SUFFICIENT TO PROVIDE FOR THE FULL AND PROPER OPERATION OF THE~~
12 ~~INDEPENDENT INVESTIGATIVE AGENCY.~~

13 ~~3-103.~~

14 (A) EACH COUNTY SHALL HAVE A POLICE ACCOUNTABILITY BOARD TO:

15 (1) HOLD QUARTERLY MEETINGS WITH HEADS OF LAW
16 ENFORCEMENT AGENCIES AND OTHERWISE WORK WITH LAW ENFORCEMENT
17 AGENCIES AND THE COUNTY GOVERNMENT TO IMPROVE MATTERS OF POLICING;

18 (2) APPOINT CIVILIAN MEMBERS TO CHARGING COMMITTEES AND
19 TRIAL BOARDS;

20 (3) RECEIVE COMPLAINTS OF POLICE MISCONDUCT FILED BY
21 MEMBERS OF THE PUBLIC; AND

22 (4) (I) ON A QUARTERLY BASIS, REVIEW OUTCOMES OF
23 DISCIPLINARY MATTERS CONSIDERED BY CHARGING COMMITTEES; AND

24 (II) ON OR BEFORE DECEMBER 31 EACH YEAR, SUBMIT A
25 REPORT TO THE GOVERNING BODY OF THE COUNTY THAT:

26 1. IDENTIFIES ANY TRENDS IN THE DISCIPLINARY
27 PROCESS OF POLICE OFFICERS IN THE COUNTY; AND

28 2. MAKES RECOMMENDATIONS ON CHANGES TO POLICY
29 THAT WOULD IMPROVE POLICE ACCOUNTABILITY IN THE COUNTY.

1 **(B) (1) (i) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ~~THE~~**
2 **MEMBERSHIP OF A POLICE ACCOUNTABILITY BOARD SHALL BE DETERMINED BY THE**
3 **LOCAL LEGISLATIVE BODY GOVERNING BODY SHALL:**

4 **1. ESTABLISH THE MEMBERSHIP OF A POLICE**
5 **ACCOUNTABILITY BOARD;**

6 **2. ESTABLISH THE BUDGET AND STAFF FOR A POLICE**
7 **ACCOUNTABILITY BOARD;**

8 **3. APPOINT A CHAIR OF THE POLICE ACCOUNTABILITY**
9 **BOARD WHO HAS RELEVANT EXPERIENCE TO THE POSITION; AND**

10 **4. ESTABLISH THE PROCEDURES FOR RECORD KEEPING**
11 **BY A POLICE ACCOUNTABILITY BOARD.**

12 **(II) AN ACTIVE POLICE OFFICER MAY NOT BE A MEMBER OF A**
13 **POLICE ACCOUNTABILITY BOARD.**

14 **(2) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF A POLICE**
15 **ACCOUNTABILITY BOARD SHALL REFLECT THE RACIAL, GENDER, AND CULTURAL**
16 **DIVERSITY OF THE COUNTY.**

17 **(C) (1) A COMPLAINT OF POLICE MISCONDUCT FILED WITH A POLICE**
18 **ACCOUNTABILITY BOARD SHALL INCLUDE:**

19 **(i) THE NAME OF THE POLICE OFFICER ACCUSED OF**
20 **MISCONDUCT;**

21 **(ii) A DESCRIPTION OF THE FACTS ON WHICH THE COMPLAINT**
22 **IS BASED; AND**

23 **(iii) CONTACT INFORMATION OF THE COMPLAINANT OR A**
24 **PERSON FILING ON BEHALF OF THE COMPLAINANT FOR INVESTIGATIVE**
25 **FOLLOW-UP.**

26 **(2) A COMPLAINT NEED NOT:**

27 **(i) INCLUDE IDENTIFYING INFORMATION OF THE**
28 **COMPLAINANT IF THE COMPLAINANT WISHES TO REMAIN ANONYMOUS; OR**

29 **(ii) BE NOTARIZED OR SWORN TO UNDER THE PENALTY OF**
30 **PERJURY.**

1 (D) A COMPLAINT OF POLICE MISCONDUCT FILED WITH A POLICE
 2 ACCOUNTABILITY BOARD SHALL BE FORWARDED TO THE APPROPRIATE LAW
 3 ENFORCEMENT AGENCY WITHIN 3 DAYS AFTER RECEIPT BY THE BOARD.

4 ~~3-104.~~ 3-103.

5 (A) AN INDIVIDUAL MAY FILE A COMPLAINT OF POLICE MISCONDUCT WITH
 6 THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE POLICE OFFICER WHO IS THE
 7 SUBJECT OF THE COMPLAINT.

8 (B) (1) A COMPLAINT OF POLICE MISCONDUCT FILED WITH A LAW
 9 ENFORCEMENT AGENCY SHALL INCLUDE:

10 (I) THE NAME OF THE POLICE OFFICER ACCUSED OF
 11 MISCONDUCT;

12 (II) A DESCRIPTION OF THE FACTS ON WHICH THE COMPLAINT
 13 IS BASED; AND

14 (III) CONTACT INFORMATION OF THE COMPLAINANT OR A
 15 PERSON FILING ON BEHALF OF THE COMPLAINANT FOR INVESTIGATIVE
 16 FOLLOW-UP.

17 (2) A COMPLAINT NEED NOT:

18 ~~(I) INCLUDE IDENTIFYING INFORMATION OF THE~~
 19 ~~COMPLAINANT IF THE COMPLAINANT WISHES TO REMAIN ANONYMOUS; OR~~

20 ~~(II) BE NOTARIZED OR SWORN TO UNDER THE PENALTY OF~~
 21 ~~PERJURY.~~

22 ~~3-105.~~ 3-104.

23 (A) (1) EACH COUNTY SHALL HAVE ONE ADMINISTRATIVE CHARGING
 24 COMMITTEE TO SERVE COUNTYWIDE LAW ENFORCEMENT AGENCIES AND LOCAL
 25 LAW ENFORCEMENT AGENCIES WITHIN THE COUNTY.

26 (2) A COUNTY ADMINISTRATIVE CHARGING COMMITTEE SHALL BE
 27 COMPOSED OF:

28 (I) THE CHAIR OF THE COUNTY'S POLICE ACCOUNTABILITY
 29 BOARD, OR ANOTHER MEMBER OF THE ACCOUNTABILITY BOARD DESIGNATED BY
 30 THE CHAIR OF THE ACCOUNTABILITY BOARD;

~~(H) A DESIGNEE OF THE DISTRICT PUBLIC DEFENDER WHO IS:~~

~~1. A RESIDENT OF THE COUNTY;~~

~~2. NOT EMPLOYED BY THE OFFICE OF THE PUBLIC DEFENDER; AND~~

~~3. NOT CURRENTLY REPRESENTING A PARTY AS AN ATTORNEY IN A CRIMINAL MATTER PENDING IN A COURT IN THE COUNTY;~~

~~(H) A DESIGNEE OF THE STATE'S ATTORNEY FOR THE JURISDICTION WHERE THE ALLEGED MISCONDUCT OCCURRED WHO IS:~~

~~1. A RESIDENT OF THE COUNTY;~~

~~2. NOT EMPLOYED BY THE OFFICE OF THE STATE'S ATTORNEY; AND~~

~~3. NOT CURRENTLY REPRESENTING A PARTY AS AN ATTORNEY IN A CRIMINAL MATTER PENDING IN A COURT IN THE COUNTY;~~

~~(IV) (II) ONE CIVILIAN TWO CIVILIAN MEMBERS SELECTED BY THE COUNTY'S POLICE ACCOUNTABILITY BOARD; AND~~

~~(V) (III) THE LEAD ATTORNEY FOR THE SUPERIOR GOVERNMENTAL AUTHORITY OF THE COUNTY TWO CIVILIAN MEMBERS SELECTED BY THE CHIEF EXECUTIVE OFFICER OF THE COUNTY.~~

(B) (1) THERE SHALL BE AT LEAST ONE STATEWIDE ADMINISTRATIVE CHARGING COMMITTEE TO SERVE STATEWIDE AND BI-COUNTY LAW ENFORCEMENT AGENCIES.

(2) A STATEWIDE ADMINISTRATIVE CHARGING COMMITTEE SHALL BE COMPOSED OF:

~~(I) A DESIGNEE OF THE ATTORNEY GENERAL WHO IS NOT EMPLOYED BY THE OFFICE OF THE ATTORNEY GENERAL, THE OFFICE OF THE STATE PROSECUTOR, OR THE OFFICE OF THE UNITED STATES ATTORNEY;~~

~~(H) A DESIGNEE OF THE PUBLIC DEFENDER OF MARYLAND WHO IS NOT EMPLOYED BY THE OFFICE OF THE PUBLIC DEFENDER;~~

(I) THREE CIVILIAN MEMBERS APPOINTED BY THE GOVERNOR;

1 (II) ONE CIVILIAN MEMBER APPOINTED BY THE PRESIDENT OF
 2 THE SENATE; AND

3 (III) ONE CIVILIAN MEMBER APPOINTED BY THE SPEAKER OF THE
 4 HOUSE.

5 ~~(III) A DESIGNEE OF THE GOVERNOR'S LEGAL COUNSEL;~~

6 ~~(IV) ONE CIVILIAN APPOINTED BY THE GOVERNOR; AND~~

7 ~~(V) ONE CIVILIAN JOINTLY APPOINTED BY THE SPEAKER OF~~
 8 ~~THE HOUSE AND THE PRESIDENT OF THE SENATE.~~

9 (C) BEFORE SERVING AS A MEMBER OF AN ADMINISTRATIVE CHARGING
 10 COMMITTEE, AN INDIVIDUAL SHALL RECEIVE TRAINING ON MATTERS RELATING TO
 11 POLICE PROCEDURES FROM THE MARYLAND POLICE TRAINING AND STANDARDS
 12 COMMISSION.

13 (D) ON COMPLETION OF AN INVESTIGATION OF A COMPLAINT MADE BY A
 14 MEMBER OF THE PUBLIC AGAINST A POLICE OFFICER, THE LAW ENFORCEMENT
 15 AGENCY SHALL FORWARD TO THE APPROPRIATE ADMINISTRATIVE CHARGING
 16 COMMITTEE THE INVESTIGATORY FILES FOR THE MATTER.

17 (E) AN ADMINISTRATIVE CHARGING COMMITTEE SHALL:

18 (1) REVIEW THE FINDINGS OF A LAW ENFORCEMENT AGENCY'S
 19 INVESTIGATION CONDUCTED AND FORWARDED IN ACCORDANCE WITH SUBSECTION
 20 (D) OF THIS SECTION;

21 (2) MAKE A DETERMINATION THAT THE POLICE OFFICER WHO IS
 22 SUBJECT TO INVESTIGATION SHALL BE:

23 (I) ADMINISTRATIVELY CHARGED; OR

24 (II) NOT ADMINISTRATIVELY CHARGED;

25 (3) IF THE POLICE OFFICER IS CHARGED, RECOMMEND DISCIPLINE IN
 26 ACCORDANCE WITH THE LAW ENFORCEMENT AGENCY'S DISCIPLINARY MATRIX
 27 ESTABLISHED IN ACCORDANCE WITH § ~~3-106~~ 3-105 OF THIS SUBTITLE;

28 (4) REVIEW ANY BODY CAMERA FOOTAGE THAT MAY BE RELEVANT TO
 29 THE MATTERS COVERED IN THE COMPLAINT OF MISCONDUCT;

1 (5) AUTHORIZE A POLICE OFFICER CALLED TO APPEAR BEFORE AN
2 ADMINISTRATIVE CHARGING COMMITTEE TO BE ACCOMPANIED BY A
3 REPRESENTATIVE;

4 (4) (6) ISSUE A WRITTEN OPINION THAT DESCRIBES IN DETAIL ITS
5 FINDINGS, DETERMINATIONS, AND RECOMMENDATIONS; AND

6 (5) (7) FORWARD THE WRITTEN OPINION TO THE CHIEF OF THE
7 LAW ENFORCEMENT AGENCY, THE POLICE OFFICER, AND THE COMPLAINANT.

8 (F) IN EXECUTING ITS DUTIES IN ACCORDANCE WITH SUBSECTION (E) OF
9 THIS SECTION, AN ADMINISTRATIVE CHARGING COMMITTEE MAY:

10 (1) REQUEST INFORMATION OR ACTION FROM THE LAW
11 ENFORCEMENT AGENCY THAT CONDUCTED THE INVESTIGATION, INCLUDING
12 REQUIRING ADDITIONAL INVESTIGATION AND THE ISSUANCE OF SUBPOENAS;

13 (2) IF THE POLICE OFFICER IS NOT ADMINISTRATIVELY CHARGED,
14 MAKE A DETERMINATION THAT:

15 (I) THE ALLEGATIONS AGAINST THE POLICE OFFICER ARE
16 UNFOUNDED; OR

17 (II) THE POLICE OFFICER IS EXONERATED; AND

18 (3) RECORD, IN WRITING, A ANY FAILURE OF SUPERVISION THAT
19 CAUSED OR CONTRIBUTED TO A POLICE OFFICER'S MISCONDUCT.

20 (G) AN ADMINISTRATIVE CHARGING COMMITTEE SHALL MEET ONCE PER
21 MONTH AND ADDITIONALLY OR AS NEEDED.

22 (H) A MEMBER OF AN ADMINISTRATIVE CHARGING COMMITTEE SHALL
23 MAINTAIN CONFIDENTIALITY RELATING TO A MATTER BEING CONSIDERED BY THE
24 ADMINISTRATIVE CHARGING COMMITTEE UNTIL FINAL DISPOSITION OF THE
25 MATTER.

26 ~~3-106.~~ 3-105.

27 (A) THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION
28 SHALL DEVELOP AND ADOPT, BY REGULATION, A MODEL UNIFORM DISCIPLINARY
29 MATRIX FOR USE BY EACH LAW ENFORCEMENT AGENCY IN THE STATE.

30 (B) EACH LAW ENFORCEMENT AGENCY SHALL ADOPT THE UNIFORM STATE
31 DISCIPLINARY MATRIX.

1 (C) (1) WITHIN 15 DAYS AFTER AN ADMINISTRATIVE CHARGING
2 COMMITTEE ISSUES AN ADMINISTRATIVE CHARGE AGAINST A POLICE OFFICER, THE
3 CHIEF OF THE LAW ENFORCEMENT AGENCY SHALL OFFER DISCIPLINE TO THE
4 POLICE OFFICER WHO HAS BEEN ADMINISTRATIVELY CHARGED IN ACCORDANCE
5 WITH THE DISCIPLINARY MATRIX.

6 (2) THE CHIEF MAY OFFER THE SAME DISCIPLINE THAT WAS
7 RECOMMENDED BY THE ADMINISTRATIVE CHARGING COMMITTEE OR A HIGHER
8 DEGREE OF DISCIPLINE WITHIN THE APPLICABLE RANGE OF THE DISCIPLINARY
9 MATRIX, BUT MAY NOT DEVIATE BELOW THE DISCIPLINE RECOMMENDED BY THE
10 ADMINISTRATIVE CHARGING COMMITTEE.

11 (3) IF THE POLICE OFFICER ACCEPTS THE CHIEF'S OFFER OF
12 DISCIPLINE, THEN THE OFFERED DISCIPLINE SHALL BE IMPOSED.

13 (4) IF THE POLICE OFFICER DOES NOT ACCEPT THE CHIEF'S OFFER
14 OF DISCIPLINE, THEN THE MATTER SHALL BE REFERRED TO A TRIAL BOARD.

15 (5) AT LEAST 30 DAYS BEFORE A TRIAL BOARD PROCEEDING BEGINS,
16 THE POLICE OFFICER SHALL BE:

17 (I) PROVIDED A COPY OF THE INVESTIGATORY RECORD;

18 (II) NOTIFIED OF THE CHARGES AGAINST THE POLICE OFFICER;

19 AND

20 (III) NOTIFIED OF THE DISCIPLINARY ACTION BEING
21 RECOMMENDED.

22 ~~3-107.~~ 3-106.

23 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
24 EACH LAW ENFORCEMENT AGENCY SHALL ESTABLISH A TRIAL BOARD PROCESS IN
25 ACCORDANCE WITH THIS SECTION TO ADJUDICATE MATTERS FOR WHICH A POLICE
26 OFFICER IS SUBJECT TO DISCIPLINE.

27 (2) A SMALL LAW ENFORCEMENT AGENCY MAY USE THE TRIAL BOARD
28 PROCESS OF ANOTHER LAW ENFORCEMENT AGENCY BY MUTUAL AGREEMENT.

29 (B) A TRIAL BOARD SHALL BE COMPOSED OF:

1 **(1) AN ACTIVELY SERVING OR RETIRED ADMINISTRATIVE LAW JUDGE**
2 **OR A RETIRED JUDGE OF THE DISTRICT COURT OR A CIRCUIT COURT, APPOINTED**
3 **BY THE CHIEF EXECUTIVE OFFICER OF THE COUNTY;**

4 **(2) A CIVILIAN WHO IS NOT A MEMBER OF AN ADMINISTRATIVE**
5 **CHARGING COMMITTEE, APPOINTED BY THE COUNTY'S POLICE ACCOUNTABILITY**
6 **BOARD; AND**

7 **(3) A POLICE OFFICER OF EQUAL RANK TO THE POLICE OFFICER WHO**
8 **IS ACCUSED OF MISCONDUCT APPOINTED BY THE HEAD OF THE LAW ENFORCEMENT**
9 **AGENCY.**

10 **(C) BEFORE SERVING AS A MEMBER OF A TRIAL BOARD, AN INDIVIDUAL**
11 **SHALL RECEIVE TRAINING ON MATTERS RELATING TO POLICE PROCEDURES FROM**
12 **THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.**

13 **(D) PROCEEDINGS OF A TRIAL BOARD SHALL BE OPEN TO THE PUBLIC,**
14 **EXCEPT TO PROTECT:**

15 **(1) A VICTIM'S IDENTITY;**

16 **(2) THE PERSONAL PRIVACY OF AN INDIVIDUAL;**

17 **(3) A CHILD WITNESS;**

18 **(4) MEDICAL RECORDS;**

19 **(5) THE IDENTITY OF A CONFIDENTIAL SOURCE;**

20 **(6) AN INVESTIGATIVE TECHNIQUE OR PROCEDURE; OR**

21 **(7) THE LIFE OR PHYSICAL SAFETY OF AN INDIVIDUAL.**

22 **(E) A TRIAL BOARD MAY ADMINISTER OATHS AND ISSUE SUBPOENAS AS**
23 **NECESSARY TO COMPLETE ITS WORK.**

24 **(F) ~~A POLICE OFFICER WHO IS THE SUBJECT OF A TRIAL BOARD MAY BE~~**
25 **~~COMPELLED TO:~~**

26 **~~(1) TESTIFY;~~**

27 **~~(2) PRODUCE FINANCIAL RECORDS RELATING TO INCOME AND~~**
28 **~~ASSETS; AND~~**

1 ~~(3) SUBMIT TO A POLYGRAPH EXAMINATION.~~

2 ~~(G) A COMPLAINANT HAS THE RIGHT TO BE NOTIFIED OF A TRIAL BOARD~~
3 ~~HEARING AND, EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE~~
4 ~~RIGHT TO ATTEND A TRIAL BOARD HEARING.~~

5 (G) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LAW
6 ENFORCEMENT AGENCY HAS THE BURDEN OF PROOF BY A PREPONDERANCE OF THE
7 EVIDENCE IN ANY PROCEEDING UNDER THIS SUBTITLE.

8 (H) A POLICE OFFICER MAY BE DISCIPLINED ONLY FOR CAUSE.

9 ~~(H) (G) (I)~~ (1) WITHIN 30 DAYS AFTER THE DATE OF ISSUANCE OF A
10 DECISION OF A TRIAL BOARD, THE DECISION MAY BE APPEALED BY THE EMPLOYEE:

11 (I) IF THE TRIAL BOARD IS FROM A LOCAL LAW ENFORCEMENT
12 AGENCY, TO THE CIRCUIT COURT OF THE COUNTY IN WHICH THE LAW
13 ENFORCEMENT AGENCY IS LOCATED; AND

14 (II) IF THE TRIAL BOARD IS FROM A STATEWIDE OR BI-COUNTY
15 LAW ENFORCEMENT AGENCY, TO THE CIRCUIT COURT FOR ANNE ARUNDEL
16 COUNTY.

17 (2) AN APPEAL TAKEN UNDER THIS SUBSECTION SHALL BE ON THE
18 RECORD.

19 ~~(I) (H) (J)~~ (J) A TRIAL BOARD DECISION THAT IS NOT APPEALED IS FINAL.

20 ~~3-108. 3-107.~~

21 (A) (1) PENDING AN INVESTIGATORY, ADMINISTRATIVE CHARGING
22 COMMITTEE, AND TRIAL BOARD PROCESS, THE CHIEF MAY IMPOSE AN EMERGENCY
23 SUSPENSION WITH OR WITHOUT PAY IF THE CHIEF DETERMINES THAT SUCH A
24 SUSPENSION IS IN THE BEST INTEREST OF THE PUBLIC.

25 (2) AN EMERGENCY SUSPENSION WITHOUT PAY UNDER THIS
26 SUBSECTION MAY NOT EXCEED 30 DAYS.

27 (3) A POLICE OFFICER WHO IS SUSPENDED WITHOUT PAY UNDER
28 THIS SUBSECTION IS ENTITLED TO RECEIVE BACK PAY IF AN ADMINISTRATIVE
29 CHARGING COMMITTEE DETERMINES NOT TO ADMINISTRATIVELY CHARGE THE
30 POLICE OFFICER IN CONNECTION WITH THE MATTER ON WHICH THE SUSPENSION IS
31 BASED.

~~(B) (1) PENDING AN INVESTIGATORY, ADMINISTRATIVE CHARGING COMMITTEE, TRIAL BOARD, AND CRIMINAL PROSECUTION PROCESS, THE CHIEF SHALL IMPOSE AN EMERGENCY SUSPENSION WITHOUT PAY IF THE POLICE OFFICER IN QUESTION IS CRIMINALLY CHARGED WITH:~~

~~(I) A FELONY;~~

~~(II) A MISDEMEANOR COMMITTED IN THE PERFORMANCE OF DUTIES AS A POLICE OFFICER;~~

~~(III) A MISDEMEANOR RELATED TO DOMESTIC VIOLENCE; OR~~

~~(IV) A MISDEMEANOR INVOLVING DISHONESTY, FRAUD, THEFT, OR MISREPRESENTATION.~~

(B) (1) A CHIEF OR A CHIEF'S DESIGNEE MAY SUSPEND A POLICE OFFICER WITHOUT PAY AND SUSPEND THE POLICE OFFICER'S POLICE POWERS ON AN EMERGENCY BASIS IF THE POLICE OFFICER IS CHARGED WITH:

(I) A DISQUALIFYING CRIME, AS DEFINED IN § 5-101 OF THIS ARTICLE;

(II) A MISDEMEANOR COMMITTED IN THE PERFORMANCE OF DUTIES AS A POLICE OFFICER; OR

(III) A MISDEMEANOR INVOLVING DISHONESTY, FRAUD, THEFT, OR MISREPRESENTATION.

(2) A POLICE OFFICER WHO WAS SUSPENDED WITHOUT PAY UNDER THIS SUBSECTION IS ENTITLED TO RECEIVE BACK PAY IF THE POLICE OFFICER IS FOUND NOT GUILTY OF THE CRIMINAL CHARGE OR CHARGES ON WHICH THE SUSPENSION WAS BASED CRIMINAL CHARGE OR CHARGES AGAINST THE POLICE OFFICER RESULT IN:

(I) A FINDING OF NOT GUILTY;

(II) AN ACQUITTAL;

(III) A DISMISSAL; OR

(IV) A NOLLE PROSEQUI.

(C) (1) THE CHIEF SHALL TERMINATE THE EMPLOYMENT OF A POLICE OFFICER WHO IS CONVICTED OF ~~OR~~ A FELONY.

1 **(2) THE CHIEF MAY TERMINATE THE EMPLOYMENT OF A POLICE**
 2 **OFFICER WHO:**

3 **(I) RECEIVES A PROBATION BEFORE JUDGMENT ~~FOR:~~ FOR**

4 **(1) A FELONY; OR**

5 **(2) (II) ~~A~~ IS CONVICTED OF:**

6 **1. A MISDEMEANOR COMMITTED IN THE PERFORMANCE**
 7 **OF DUTIES AS A POLICE OFFICER;**

8 **(3) ~~A MISDEMEANOR RELATED TO DOMESTIC VIOLENCE; OR~~**

9 **2. MISDEMEANOR SECOND DEGREE ASSAULT; OR**

10 **(4) 3. A MISDEMEANOR INVOLVING DISHONESTY, FRAUD,**
 11 **THEFT, OR MISREPRESENTATION.**

12 **(D) (1) IN CONNECTION WITH A DISCIPLINARY MATTER UNDER THIS**
 13 **SUBTITLE, A POLICE OFFICER MAY BE REQUIRED TO SUBMIT TO BLOOD ALCOHOL**
 14 **TESTS, BLOOD, BREATH, OR URINE TESTS FOR CONTROLLED DANGEROUS**
 15 **SUBSTANCES, POLYGRAPH EXAMINATIONS, OR INTERROGATIONS THAT**
 16 **SPECIFICALLY RELATE TO THE SUBJECT MATTER OF THE INVESTIGATION.**

17 **(2) IF A POLICE OFFICER IS REQUIRED TO SUBMIT TO A TEST,**
 18 **EXAMINATION, OR INTERROGATION ~~DESCRIBED IN~~ UNDER PARAGRAPH (1) OF THIS**
 19 **SUBSECTION AND THE POLICE OFFICER REFUSES TO DO SO, THE LAW**
 20 **ENFORCEMENT AGENCY MAY COMMENCE AN ACTION THAT MAY LEAD TO A PUNITIVE**
 21 **MEASURE AS A RESULT OF THE REFUSAL.**

22 **(3) (I) IF A POLICE OFFICER IS REQUIRED TO SUBMIT TO A TEST,**
 23 **EXAMINATION, OR INTERROGATION ~~DESCRIBED IN~~ UNDER PARAGRAPH (1) OF THIS**
 24 **SUBSECTION, THE RESULTS OF THE TEST, EXAMINATION, OR INTERROGATION ARE**
 25 **NOT ADMISSIBLE OR DISCOVERABLE IN A CRIMINAL PROCEEDING AGAINST THE**
 26 **POLICE OFFICER.**

27 **(II) IF A POLICE OFFICER IS REQUIRED TO SUBMIT TO A**
 28 **POLYGRAPH EXAMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE**
 29 **RESULTS OF THE POLYGRAPH EXAMINATION ARE NOT ADMISSIBLE OR**
 30 **DISCOVERABLE IN A CRIMINAL OR CIVIL PROCEEDING AGAINST THE POLICE**
 31 **OFFICER.**

~~(E) IN CONNECTION WITH A DISCIPLINARY MATTER UNDER THIS SUBTITLE, FORFEITURE OF A POLICE OFFICER'S PENSION MAY BE IMPOSED AS A DISCIPLINARY ACTION IN ACCORDANCE WITH § 20-210 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.~~

~~3-109. 3-108.~~

(A) (1) A LAW ENFORCEMENT AGENCY SHALL DESIGNATE AN EMPLOYEE AS A VICTIMS' RIGHTS ADVOCATE TO ACT AS THE CONTACT FOR THE PUBLIC WITHIN THE AGENCY ON MATTERS RELATED TO POLICE MISCONDUCT.

(2) A VICTIMS' RIGHTS ADVOCATE SHALL:

(I) EXPLAIN TO A COMPLAINANT:

1. THE COMPLAINT, INVESTIGATION, ADMINISTRATIVE CHARGING COMMITTEE, AND TRIAL BOARD PROCESS;

2. ANY DECISION TO TERMINATE AN INVESTIGATION;

3. AN ADMINISTRATIVE CHARGING COMMITTEE'S DECISION OF ADMINISTRATIVELY CHARGED, NOT ADMINISTRATIVELY CHARGED, UNFOUNDED, OR EXONERATED; AND

4. A TRIAL BOARD'S DECISION;

(II) PROVIDE A COMPLAINANT WITH AN OPPORTUNITY TO REVIEW A POLICE OFFICER'S STATEMENT, IF ANY, BEFORE COMPLETION OF AN INVESTIGATION BY A LAW ENFORCEMENT AGENCY'S INVESTIGATIVE UNIT;

(III) NOTIFY A COMPLAINANT OF THE STATUS OF THE CASE AT EVERY STAGE OF THE PROCESS; AND

(IV) PROVIDE A CASE SUMMARY TO A COMPLAINANT WITHIN 30 DAYS AFTER FINAL DISPOSITION OF THE CASE.

(B) EACH LAW ENFORCEMENT AGENCY SHALL CREATE A DATABASE THAT ENABLES A COMPLAINANT TO ENTER THE COMPLAINANT'S CASE NUMBER TO FOLLOW THE STATUS OF THE CASE AS IT PROCEEDS THROUGH:

(1) INVESTIGATION;

(2) CHARGING;

1 **(3) OFFER OF DISCIPLINE;**

2 **(4) TRIAL BOARD;**

3 **(5) ULTIMATE DISCIPLINE; AND**

4 **(6) APPEAL.**

5 ~~**(c) (1) THE INVESTIGATING UNIT OF A LAW ENFORCEMENT AGENCY**~~
 6 ~~**SHALL IMMEDIATELY REVIEW A COMPLAINT BY A MEMBER OF THE PUBLIC**~~
 7 ~~**ALLEGING POLICE OFFICER MISCONDUCT.**~~

8 ~~**(2) AN ADMINISTRATIVE CHARGING COMMITTEE SHALL REVIEW AND**~~
 9 ~~**MAKE A DETERMINATION OR ASK FOR FURTHER REVIEW WITHIN 30 DAYS OF**~~
 10 ~~**COMPLETION OF THE INVESTIGATING UNIT'S REVIEW.**~~

11 ~~**(3) THE PROCESS OF REVIEW BY THE INVESTIGATING UNIT THROUGH**~~
 12 ~~**DISPOSITION BY THE ADMINISTRATIVE CHARGING COMMITTEE SHALL BE**~~
 13 ~~**COMPLETED WITHIN 1 YEAR AND 1 DAY AFTER THE FILING OF A COMPLAINT BY A**~~
 14 ~~**CITIZEN.**~~

15 ~~**3-110, 3-109.**~~

16 **A POLICE OFFICER WHO IS THE SUBJECT OF A COMPLAINT OF POLICE**
 17 ~~**MISCONDUCT AND A COMPLAINANT HAVE THE RIGHT TO REPRESENTATION MAY**~~
 18 ~~**HAVE THE ASSISTANCE OF A REPRESENTATIVE IN CONNECTION WITH PROCEEDINGS**~~
 19 ~~**UNDER THIS SUBTITLE.**~~

20 ~~**3-111, 3-110.**~~

21 **(A) A POLICE OFFICER MAY NOT BE DISCHARGED, DISCIPLINED, DEMOTED,**
 22 ~~**OR DENIED PROMOTION, TRANSFER, OR REASSIGNMENT, OR OTHERWISE**~~
 23 ~~**DISCRIMINATED AGAINST OR THREATENED IN REGARD TO THE POLICE OFFICER'S**~~
 24 ~~**EMPLOYMENT BECAUSE THE POLICE OFFICER:**~~

25 **(1) DISCLOSED INFORMATION THAT EVIDENCES:**

26 **(I) MISMANAGEMENT;**

27 **(II) A WASTE OF GOVERNMENT RESOURCES;**

28 **(III) A DANGER TO PUBLIC HEALTH OR SAFETY; OR**

1 (IV) A VIOLATION OF LAW OR POLICY COMMITTED BY ANOTHER
2 POLICE OFFICER; OR

3 (2) LAWFULLY EXERCISED CONSTITUTIONAL RIGHTS.

4 (B) A POLICE OFFICER MAY NOT BE DENIED THE RIGHT TO BRING SUIT
5 ARISING OUT OF THE POLICE OFFICER'S OFFICIAL DUTIES.

6 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A POLICE
7 OFFICER HAS THE SAME RIGHTS TO ENGAGE IN POLITICAL ACTIVITY AS A STATE
8 EMPLOYEE.

9 (2) THIS RIGHT TO ENGAGE IN POLITICAL ACTIVITY DOES NOT APPLY
10 WHEN THE POLICE OFFICER IS ON DUTY OR ACTING IN AN OFFICIAL CAPACITY.

11 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LAW
12 ENFORCEMENT AGENCY MAY NOT PROHIBIT SECONDARY EMPLOYMENT BY POLICE
13 OFFICERS.

14 (2) A LAW ENFORCEMENT AGENCY MAY ADOPT REASONABLE
15 REGULATIONS THAT RELATE TO SECONDARY EMPLOYMENT BY POLICE OFFICERS.

16 ~~3-112.~~ 3-111.

17 A LAW ENFORCEMENT AGENCY MAY NOT NEGATE OR ALTER ANY OF THE
18 REQUIREMENTS OF THIS SUBTITLE THROUGH COLLECTIVE BARGAINING.

19 ~~3-113.~~ 3-112.

20 ~~A RECORD RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION~~
21 ~~OF MISCONDUCT BY A POLICE OFFICER, INCLUDING AN INTERNAL AFFAIRS~~
22 ~~INVESTIGATORY RECORD, A HEARING RECORD, AND RECORDS RELATING TO A~~
23 ~~DISCIPLINARY DECISION, MAY NOT BE:~~

24 ~~(1) EXPUNGED; OR~~

25 ~~(2) DESTROYED BY A LAW ENFORCEMENT AGENCY.~~

26 A RECORD RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION
27 OF MISCONDUCT BY A POLICE OFFICER, INCLUDING AN INTERNAL AFFAIRS
28 INVESTIGATORY RECORD, A HEARING RECORD, AND RECORDS RELATING TO A
29 DISCIPLINARY DECISION, MAY NOT BE:

30 (1) EXPUNGED; OR

1 (7) one member representing the Maryland State's Attorneys' Association;

2 (8) ~~the~~ Chair of the Maryland Municipal League Police Executive
3 Association;

4 ~~(9) the President of Maryland Law Enforcement Officers, Inc.;~~

5 ~~(10)~~ **(9)** the Police Commissioner of Baltimore City;

6 ~~(11)~~ **(10)** the President of the Police Chiefs' Association of Prince George's
7 County;

8 ~~(12)~~ **(11)** a CIVILIAN representative from the Wor-Wic Program Advisory
9 Committee – Criminal Justice; AND

10 ~~(13) two members of the Senate of Maryland, appointed by the President of~~
11 ~~the Senate;~~

12 ~~(14) two members of the House of Delegates, appointed by the Speaker of~~
13 ~~the House;] and~~

14 **[(15)]** ~~(9)~~ **(12)** the following individuals, appointed by the Governor with
15 the advice and consent of the Senate:

16 (i) ~~three~~ police officers, representing different geographic areas of
17 the State;

18 (ii) ~~one individual~~ CIVILIAN with expertise in community policing
19 WHO DOES NOT HAVE RELATIONSHIPS TO LAW ENFORCEMENT;

20 (iii) ~~(ii)~~ one individual CIVILIAN with expertise in policing
21 standards WHO DOES NOT HAVE RELATIONSHIPS TO LAW ENFORCEMENT;

22 (iv) ~~(iii)~~ one individual CIVILIAN with expertise in mental health
23 ~~WITHOUT~~ WHO DOES NOT HAVE RELATIONSHIPS TO LAW ENFORCEMENT; and

24 (v) ~~(iv)~~ **[two]** ~~NINE~~ THREE citizens of the State ~~without~~ WHO
25 REPRESENT DIFFERENT GEOGRAPHIC AREAS OF THE STATE AND DO NOT HAVE
26 relationships to law enforcement.

27 (b) (1) The term of an appointed member is 3 years.

28 (2) The terms of the appointed members are staggered as required by the
29 terms provided for members of the Commission on October 1, 2016.

1 (3) At the end of a term, an appointed member continues to serve until a
2 successor is appointed and qualifies.

3 (4) A member who is appointed after a term has begun serves only for the
4 remainder of the term and until a successor is appointed and qualifies.

5 (c) Except for the appointed members, a member of the Commission may serve
6 personally at a Commission meeting or may designate a representative from the member's
7 unit, agency, or association who may act at any meeting to the same effect as if the member
8 were personally present.

9 [(d) The members of the Commission appointed from the Senate of Maryland and
10 the House of Delegates shall serve in an advisory capacity only.]

11 3-207.

12 (a) The Commission has the following powers and duties:

13 (16) to require, for entrance-level police training and, as determined by the
14 Commission, for in-service level training conducted by the State and each county and
15 municipal police training school, that the curriculum and minimum courses of study
16 include, consistent with established law enforcement standards and federal and State
17 constitutional provisions:

18 (i) training in lifesaving techniques, including Cardiopulmonary
19 Resuscitation (CPR);

20 (ii) training in the proper level and use of force AS SET FORTH IN
21 THE MARYLAND USE OF FORCE STATUTE UNDER § 3-524 OF THIS TITLE;

22 (iii) training regarding sensitivity to cultural and gender diversity;
23 and

24 (iv) training regarding individuals with physical, intellectual,
25 developmental, and psychiatric disabilities;

26 (g) The Commission shall develop and administer:

27 (1) a training program on [the Law Enforcement Officers' Bill of Rights
28 and] matters relating to police procedures for ~~citizens~~ **INDIVIDUALS** who intend to qualify
29 to participate as a member of a [hearing board under § 3-107 of this title] **TRIAL BOARD**
30 **OR ADMINISTRATIVE CHARGING COMMITTEE UNDER § 3-525 SUBTITLE 1 OF THIS**
31 **TITLE; AND**

1 (2) A TRAINING PROGRAM ON MATTERS RELATING TO POLICE
2 TRAINING AND STANDARDS FOR CITIZENS WHO ARE APPOINTED TO SERVE AS
3 MEMBERS OF THE COMMISSION.

4 (J) THE COMMISSION SHALL:

5 (1) ~~(H)~~ HOLD LAW ENFORCEMENT AGENCIES ACCOUNTABLE FOR
6 VIOLATIONS OF THE USE OF FORCE STATUTE UNDER § 3-524 OF THIS TITLE; AND

7 ~~(H)~~ (2) WORK WITH THE COMPTROLLER AND THE
8 GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES TO
9 ENSURE THAT STATE GRANT FUNDING IS WITHHELD FROM A LAW ENFORCEMENT
10 AGENCY THAT VIOLATES THE USE OF FORCE STATUTE UNDER § 3-524 OF THIS
11 TITLE;

12 ~~(2)~~ ~~REVOKE THE CERTIFICATION OF A POLICE OFFICER WHO HAS~~
13 ~~BEEN:~~

14 ~~(I)~~ ~~FOUND TO HAVE VIOLATED THE USE OF FORCE STATUTE~~
15 ~~UNDER § 3-524 OF THIS TITLE;~~

16 ~~(II)~~ ~~CONVICTED OF A FELONY;~~

17 ~~(III)~~ ~~CONVICTED OF PERJURY OR ANOTHER MISDEMEANOR~~
18 ~~RELATING TO TRUTHFULNESS AND VERACITY; OR~~

19 ~~(IV)~~ ~~PREVIOUSLY FIRED OR RESIGNED WHILE BEING~~
20 ~~INVESTIGATED FOR SERIOUS MISCONDUCT OR USE OF EXCESSIVE FORCE; AND~~

21 ~~(3)~~ ~~CREATE A STATEWIDE DATABASE TO TRACK POLICE OFFICER~~
22 ~~DE CERTIFICATIONS DUE TO IMPROPER USE OF FORCE.~~

23 (K) THE COMMISSION SHALL:

24 (1) DEVELOP A TEST AND TRAINING FOR IMPLICIT BIAS, SUBJECT TO
25 THE AVAILABILITY OF IMPLICIT BIAS TESTING STANDARDS THAT ARE GENERALLY
26 ACCEPTED BY EXPERTS IN THE FIELD OF POLICE PSYCHOLOGY;

27 (2) REQUIRE ALL LAW ENFORCEMENT AGENCIES TO USE THE
28 IMPLICIT BIAS TEST IN THE HIRING PROCESS;

29 (3) REQUIRE ALL NEW POLICE OFFICERS TO COMPLETE IMPLICIT
30 BIAS TESTING AND TRAINING; AND

1 **(4) REQUIRE ALL INCUMBENT POLICE OFFICERS TO UNDERGO**
2 **IMPLICIT BIAS TESTING AND TRAINING ON AN ANNUAL BASIS.**

3 3–209.

4 (a) The Commission shall certify as a police officer each individual who:

5 (1) (i) satisfactorily meets the standards of the Commission; or

6 (ii) provides the Commission with sufficient evidence that the
7 individual has satisfactorily completed a training program in another state of equal quality
8 and content as required by the Commission;

9 (2) submits to a [psychological evaluation] **MENTAL HEALTH SCREENING**
10 **BY A LICENSED MENTAL HEALTH PROFESSIONAL;**

11 **(3) SUBMITS TO A PHYSICAL AGILITY ASSESSMENT AS DETERMINED**
12 **BY THE COMMISSION;**

13 **[(3)] (4)** submits to a criminal history records check in accordance with §
14 3–209.1 of this subtitle; and

15 **[(4)] (5)** (i) is a United States citizen; or

16 (ii) subject to subsection (b) of this section, is a permanent legal
17 resident of the United States and an honorably discharged veteran of the United States
18 armed forces, provided that the individual has applied to obtain United States citizenship
19 and the application is still pending approval.

20 (b) The certification of a police officer who fails to obtain United States citizenship
21 as required by subsection (a)(4)(ii) of this section shall be terminated by the Commission.

22 (c) The Commission may certify as a police officer an individual who is not
23 considered a police officer under § 3–201(f)(3) of this subtitle if the individual meets the
24 selection and training standards of the Commission.

25 (d) Each certificate issued to a police officer under this subtitle remains the
26 property of the Commission.

27 **(E) AS A CONDITION OF CERTIFICATION, A POLICE OFFICER SHALL**
28 **~~ANNUALLY~~ SUBMIT TO A MENTAL HEALTH ASSESSMENT EVERY 2 YEARS AND ~~A AN~~**
29 **ANNUAL PHYSICAL AGILITY ASSESSMENT TO ESTABLISH CONTINUING FITNESS TO**
30 **CARRY OUT ~~THE DUTIES OF~~ THE OFFICER'S ASSIGNED DUTIES AS A POLICE OFFICER.**

31 **(F) PRIOR MARIJUANA USE IS NOT A DISQUALIFIER FOR CERTIFICATION AS**
32 **A POLICE OFFICER.**

1 3-212.

2 (a) **(1)** Subject to the hearing provisions of subsection (b) of this section, the
3 Commission may suspend or revoke the certification of a police officer if the police officer:

4 **[(1)] (I)** violates or fails to meet the Commission's standards;

5 **(II)** VIOLATES THE MARYLAND USE OF FORCE STATUTE UNDER
6 § 3-524 OF THIS TITLE; OR

7 **[(2)] (III)** knowingly fails to report suspected child abuse in violation of §
8 5-704 of the Family Law Article.

9 **(2)** THE COMMISSION SHALL REVOKE THE CERTIFICATION OF A
10 POLICE OFFICER WHO WAS:

11 **(I)** CONVICTED OF A FELONY;

12 **(II)** CONVICTED OF PERJURY OR ANOTHER MISDEMEANOR
13 RELATING TO TRUTHFULNESS AND VERACITY; OR

14 **(III)** PREVIOUSLY FIRED OR RESIGNED WHILE BEING
15 INVESTIGATED FOR SERIOUS MISCONDUCT OR USE OF EXCESSIVE FORCE.

16 (b) (1) Except as otherwise provided in Title 10, Subtitle 2 of the State
17 Government Article, before the Commission takes any final action under subsection [(a)]
18 (A)(1) of this section, the Commission shall give the individual against whom the action is
19 contemplated an opportunity for a hearing before the Commission.

20 (2) The Commission shall give notice and hold the hearing in accordance
21 with Title 10, Subtitle 2 of the State Government Article.

22 (c) A police officer aggrieved by the findings and order of the Commission may
23 take an appeal as allowed in §§ 10-222 and 10-223 of the State Government Article.

24 **(D)** THE COMMISSION SHALL CREATE A STATEWIDE DATABASE TO TRACK
25 POLICE OFFICER DECERTIFICATIONS DUE TO IMPROPER USE OF FORCE.

26 SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
27 as follows:

28 Article – Public Safety

29 3-215.

1 (a) (1) In this section the following words have the meanings indicated.

2 (2) “Permanent appointment” means the appointment of an individual who
3 has satisfactorily met the minimum standards of the Commission and is certified as a police
4 officer.

5 (3) “Police administrator” means a police officer who has been promoted to
6 first–line administrative duties up to but not exceeding the rank of captain.

7 (4) “Police supervisor” means a police officer who has been promoted to
8 first–line supervisory duties.

9 (b) An individual may not be given or accept a probationary appointment or
10 permanent appointment as a police officer, police supervisor, or police administrator unless
11 the individual satisfactorily meets the qualifications established by the Commission.

12 (C) (1) AN INDIVIDUAL WHO APPLIES FOR A POSITION AS POLICE
13 OFFICER SHALL:

14 (I) UNDER PENALTY OF PERJURY, DISCLOSE TO THE HIRING
15 LAW ENFORCEMENT AGENCY ALL PRIOR INSTANCES OF EMPLOYMENT AS A POLICE
16 OFFICER AT OTHER LAW ENFORCEMENT AGENCIES; AND

17 (II) AUTHORIZE THE HIRING LAW ENFORCEMENT AGENCY TO
18 OBTAIN THE POLICE OFFICER’S FULL PERSONNEL AND DISCIPLINARY RECORD
19 FROM EACH LAW ENFORCEMENT AGENCY THAT PREVIOUSLY EMPLOYED THE
20 POLICE OFFICER.

21 (2) THE HIRING LAW ENFORCEMENT AGENCY SHALL CERTIFY TO THE
22 COMMISSION THAT THE LAW ENFORCEMENT AGENCY HAS REVIEWED THE
23 APPLICANT’S DISCIPLINARY RECORD.

24 ~~(D)~~ (D) A probationary appointment as a police officer, police supervisor, or
25 police administrator may be made for a period not exceeding 1 year to enable the individual
26 seeking permanent appointment to take a training course required by this subtitle.

27 ~~(E)~~ (E) A probationary appointee is entitled to a leave of absence with pay
28 during the period of the training program.

29 ~~(F)~~ (F) PRIOR MARIJUANA USE MAY NOT BE THE BASIS FOR
30 DISQUALIFYING AN APPLICANT FOR A POSITION AS A POLICE OFFICER.

31 3–508.

1 (II) WHETHER PROPERTY WAS SEIZED;

2 (III) WHETHER A FORCIBLE ENTRY WAS MADE;

3 (IV) WHETHER A WEAPON WAS DISCHARGED BY A SWAT TEAM
4 MEMBER; AND

5 (V) WHETHER A PERSON OR DOMESTIC ANIMAL WAS INJURED
6 OR KILLED BY A SWAT TEAM MEMBER.

7 (C) THE COMMISSION, IN CONSULTATION WITH THE OFFICE, SHALL
8 DEVELOP A STANDARDIZED FORMAT THAT EACH LAW ENFORCEMENT AGENCY
9 SHALL USE IN REPORTING DATA TO THE OFFICE UNDER SUBSECTION (B) OF THIS
10 SECTION.

11 (D) A LAW ENFORCEMENT AGENCY SHALL:

12 (1) COMPILE THE DATA DESCRIBED IN SUBSECTION (B) OF THIS
13 SECTION FOR EACH 6-MONTH PERIOD AS A REPORT IN THE FORMAT REQUIRED
14 UNDER SUBSECTION (C) OF THIS SECTION; AND

15 (2) NOT LATER THAN THE 15TH DAY OF THE MONTH FOLLOWING THE
16 6-MONTH PERIOD THAT IS THE SUBJECT OF THE REPORT, SUBMIT THE REPORT TO:

17 (I) THE OFFICE; AND

18 (II) 1. THE LOCAL GOVERNING BODY OF THE JURISDICTION
19 SERVED BY THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE SWAT TEAM
20 THAT IS THE SUBJECT OF THE REPORT; OR

21 2. IF THE JURISDICTION SERVED BY THE LAW
22 ENFORCEMENT AGENCY THAT EMPLOYS THE SWAT TEAM THAT IS THE SUBJECT OF
23 THE REPORT IS A MUNICIPAL CORPORATION, THE CHIEF EXECUTIVE OFFICER OF
24 THE JURISDICTION.

25 (E) (1) THE OFFICE SHALL ANALYZE AND SUMMARIZE THE REPORTS OF
26 LAW ENFORCEMENT AGENCIES SUBMITTED UNDER SUBSECTION (D) OF THIS
27 SECTION.

28 (2) BEFORE SEPTEMBER 1 EACH YEAR, THE OFFICE SHALL:

29 (I) SUBMIT A REPORT OF THE ANALYSES AND SUMMARIES OF
30 THE REPORTS OF LAW ENFORCEMENT AGENCIES DESCRIBED IN PARAGRAPH (1) OF
31 THIS SUBSECTION TO THE GOVERNOR, THE GENERAL ASSEMBLY AS PROVIDED IN §

1 **2-1257 OF THE STATE GOVERNMENT ARTICLE, AND EACH LAW ENFORCEMENT**
2 **AGENCY; AND**

3 (II) PUBLISH THE REPORT ON ITS WEBSITE.

4 (F) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE
5 REPORTING PROVISIONS OF THIS SECTION, THE OFFICE SHALL REPORT THE
6 NONCOMPLIANCE TO THE COMMISSION.

7 (2) ON RECEIPT OF A REPORT OF NONCOMPLIANCE, THE
8 COMMISSION SHALL CONTACT THE LAW ENFORCEMENT AGENCY AND REQUEST
9 THAT THE AGENCY COMPLY WITH THE REQUIRED REPORTING PROVISIONS.

10 (3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE
11 REQUIRED REPORTING PROVISIONS OF THIS SECTION WITHIN 30 DAYS AFTER BEING
12 CONTACTED BY THE COMMISSION WITH A REQUEST TO COMPLY, THE OFFICE AND
13 THE COMMISSION JOINTLY SHALL REPORT THE NONCOMPLIANCE TO THE
14 GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL
15 ASSEMBLY.

16 ~~§ 511.~~

17 ~~(A) On or before January 1, 2016, the Maryland Police Training and Standards~~
18 ~~Commission shall develop and publish online a policy for the issuance and use of a~~
19 ~~body worn camera by a law enforcement officer that addresses:~~

20 ~~(1) the testing of body worn cameras to ensure adequate functioning;~~

21 ~~(2) the procedure for the law enforcement officer to follow if the camera~~
22 ~~fails to properly operate at the beginning of or during the law enforcement officer's shift;~~

23 ~~(3) when recording is mandatory;~~

24 ~~(4) when recording is prohibited;~~

25 ~~(5) when recording is discretionary;~~

26 ~~(6) when recording may require consent of a subject being recorded;~~

27 ~~(7) when a recording may be ended;~~

28 ~~(8) providing notice of recording;~~

29 ~~(9) access to and confidentiality of recordings;~~

1 ~~(10) the secure storage of data from a body worn camera;~~

2 ~~(11) review and use of recordings;~~

3 ~~(12) retention of recordings;~~

4 ~~(13) dissemination and release of recordings;~~

5 ~~(14) consequences for violations of the agency's body worn camera policy;~~

6 ~~(15) notification requirements when another individual becomes a party to~~
7 ~~the communication following the initial notification;~~

8 ~~(16) specific protections for individuals when there is an expectation of~~
9 ~~privacy in private or public places; and~~

10 ~~(17) any additional issues determined to be relevant in the implementation~~
11 ~~and use of body worn cameras by law enforcement officers.~~

12 ~~(B) ON OR BEFORE JANUARY 1, 2025, EACH LAW ENFORCEMENT AGENCY~~
13 ~~SHALL REQUIRE THE USE OF BODY WORN CAMERAS.~~

14 ~~(C) A BODY WORN CAMERA THAT POSSESSES THE TECHNOLOGICAL~~
15 ~~CAPABILITY SHALL AUTOMATICALLY RECORD AND SAVE AT LEAST 60 SECONDS OF~~
16 ~~VIDEO FOOTAGE IMMEDIATELY PRIOR TO THE OFFICER ACTIVATING THE RECORD~~
17 ~~BUTTON ON THE DEVICE.~~

18 ~~(D) A LAW ENFORCEMENT AGENCY MAY NOT NEGATE OR ALTER ANY OF THE~~
19 ~~REQUIREMENTS OR POLICIES ESTABLISHED IN ACCORDANCE WITH THIS SECTION~~
20 ~~THROUGH COLLECTIVE BARGAINING.~~

21 3-514.

22 (A) Each law enforcement agency shall require a [law enforcement] POLICE
23 officer who was involved in a use of force incident in the line of duty to file an incident
24 report regarding the use of force by the end of the officer's shift unless the officer is disabled.

25 (B) (1) ON OR BEFORE MARCH 1 EACH YEAR, EACH LAW ENFORCEMENT
26 AGENCY SHALL SUBMIT TO THE MARYLAND POLICE TRAINING AND STANDARDS
27 COMMISSION THE NUMBER OF USE OF FORCE COMPLAINTS MADE AGAINST ITS
28 POLICE OFFICERS DURING THE PREVIOUS CALENDAR YEAR, AGGREGATED BY
29 NUMBERS OF COMPLAINTS ADMINISTRATIVELY CHARGED, NOT CHARGED,
30 UNFOUNDED, AND EXONERATED.

1 **(2) ON OR BEFORE JULY 15 EACH YEAR, THE MARYLAND POLICE**
 2 **TRAINING AND STANDARDS COMMISSION SHALL POST ON ITS WEBSITE AND SUBMIT**
 3 **TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE**
 4 **GOVERNMENT ARTICLE, A COMPENDIUM OF THE INFORMATION SUBMITTED BY LAW**
 5 **ENFORCEMENT AGENCIES UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

6 **(3) IF A LAW ENFORCEMENT AGENCY HAS NOT SUBMITTED THE**
 7 **REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION BY JULY 1 FOR**
 8 **THE PREVIOUS CALENDAR YEAR, THE GOVERNOR'S OFFICE OF CRIME**
 9 **PREVENTION, YOUTH, AND VICTIM SERVICES MAY NOT MAKE ANY GRANT FUNDS**
 10 **AVAILABLE TO THAT LAW ENFORCEMENT AGENCY.**

11 ~~3-515.~~

12 (a) **(1) Except as provided in [subsection (b) of this section] PARAGRAPH (2)**
 13 **OF THIS SUBSECTION, each law enforcement agency shall post all of the official policies of**
 14 **the law enforcement agency, including public complaint procedures and collective**
 15 **bargaining agreements:**

16 **[(1)] (I) on the website of the Maryland Police Training and Standards**
 17 **Commission; and**

18 **[(2)] (II) on the agency's own website, if the agency maintains a website.**

19 **[(b)] (2) A chief may prohibit the posting under this [section] SUBSECTION of**
 20 **administrative or operational policies that if disclosed would jeopardize operations or create**
 21 **a risk to public or officer safety, including policies related to high-risk prisoner transport**
 22 **security measures, operational response to active shooters, or the use of confidential**
 23 **informants.**

24 **(B) EACH LAW ENFORCEMENT AGENCY SHALL POST IN A PROMINENT**
 25 **PUBLIC LOCATION AN EXPLANATION OF THE PROCEDURES FOR FILING:**

26 **(1) A COMPLAINT OF POLICE OFFICER MISCONDUCT; AND**

27 **(2) A REQUEST TO OBTAIN RECORDS RELATING TO AN**
 28 **ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF MISCONDUCT BY A POLICE**
 29 **OFFICER UNDER THE PUBLIC INFORMATION ACT.**

30 ~~3-516.~~

31 (a) ~~Each law enforcement agency shall establish a [confidential and nonpunitive]~~
 32 ~~DATA-BASED early intervention [policy for counseling officers who receive three or more~~
 33 ~~citizen complaints within a 12-month period] SYSTEM, BASED ON GUIDELINES~~
 34 ~~DEVELOPED BY THE COMMISSION, TO IDENTIFY POLICE OFFICERS WHO ARE AT RISK~~

~~FOR ENGAGING IN THE USE OF EXCESSIVE FORCE AND TO PROVIDE ALL OFFICERS WHO ARE IDENTIFIED WITH RETRAINING AND BEHAVIORAL INTERVENTIONS, REASSIGNMENTS, OR OTHER APPROPRIATE RESPONSES TO REDUCE THE RISK OF THE USE OF EXCESSIVE FORCE.~~

~~(b) THE COMMISSION SHALL DEVELOP GUIDELINES FOR AN EARLY INTERVENTION SYSTEM REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.~~

~~(c) A policy described in this section may not prevent the investigation of or imposition of discipline for any particular complaint.~~

~~3-523.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) "INDEPENDENT INVESTIGATIVE AGENCY" MEANS AN INDEPENDENT UNIT OF STATE GOVERNMENT THAT MAY EMPLOY SWORN POLICE OFFICERS AND CIVILIANS FOR THE PURPOSE OF INVESTIGATING USE OF FORCE INCIDENTS INVOLVING POLICE OFFICERS.~~

~~(3) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN § 3-201 OF THIS TITLE.~~

~~(4) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THIS TITLE.~~

~~(5) "SERIOUS INJURY" HAS THE MEANING STATED IN § 3-201 OF THE CRIMINAL LAW ARTICLE.~~

~~(B) A SHOOTING INVOLVING A POLICE OFFICER OR OTHER INCIDENT INVOLVING THE USE OF PHYSICAL FORCE BY A POLICE OFFICER CAUSING DEATH OR SERIOUS INJURY SHALL BE INVESTIGATED BY THE INDEPENDENT INVESTIGATIVE AGENCY.~~

~~(C) A LAW ENFORCEMENT AGENCY SHALL:~~

~~(1) NOTIFY THE INDEPENDENT INVESTIGATIVE AGENCY OF ANY ALLEGED OR POTENTIAL SHOOTING INVOLVING A POLICE OFFICER OR OTHER INCIDENT INVOLVING THE USE OF PHYSICAL FORCE BY A POLICE OFFICER CAUSING DEATH OR SERIOUS INJURY AS SOON AS THE LAW ENFORCEMENT AGENCY BECOMES AWARE OF THE INCIDENT; AND~~

1 ~~(2) COOPERATE WITH THE INDEPENDENT INVESTIGATIVE AGENCY IN~~
2 ~~THE INVESTIGATION OF THE INCIDENT.~~

3 ~~(D) (1) ON COMPLETION OF AN INVESTIGATION UNDER THIS SECTION,~~
4 ~~THE INDEPENDENT INVESTIGATIVE AGENCY SHALL SUBMIT A REPORT CONTAINING~~
5 ~~THE FINDINGS OF THE INVESTIGATION TO THE STATE'S ATTORNEY WITH~~
6 ~~JURISDICTION OVER THE MATTER.~~

7 ~~(2) AFTER THE STATE'S ATTORNEY MAKES A DECISION WHETHER OR~~
8 ~~NOT TO PROSECUTE, THE INDEPENDENT INVESTIGATIVE AGENCY SHALL PUBLICIZE~~
9 ~~THE REPORT.~~

10 ~~(E) THE GOVERNOR ANNUALLY SHALL INCLUDE FUNDING IN THE STATE~~
11 ~~BUDGET SUFFICIENT TO PROVIDE FOR THE FULL AND PROPER OPERATION OF THE~~
12 ~~INDEPENDENT INVESTIGATIVE AGENCY.~~

13 ~~§ 524.~~

14 ~~(A) THIS SECTION SHALL BE KNOWN AS THE MARYLAND USE OF FORCE~~
15 ~~STATUTE.~~

16 ~~(B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
17 ~~INDICATED.~~

18 ~~(2) "DEADLY FORCE" MEANS ANY FORCE THAT IS LIKELY TO CAUSE~~
19 ~~DEATH OR SERIOUS INJURY.~~

20 ~~(2) "DESTRUCTIVE DEVICE" HAS THE MEANING STATED IN § 4-501 OF~~
21 ~~THE CRIMINAL LAW ARTICLE.~~

22 ~~(3) "FIREARM SILENCER" HAS THE MEANING STATED IN § 5-621 OF~~
23 ~~THE CRIMINAL LAW ARTICLE.~~

24 ~~(3) (4) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED~~
25 ~~IN § 3-201 OF THIS TITLE.~~

26 ~~(4) (5) "LESS LETHAL WEAPON" MEANS A WEAPON THAT IS~~
27 ~~EXPECTED TO CREATE LESS RISK OF CAUSING SERIOUS INJURY OR DEATH.~~

28 ~~(5) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THIS~~
29 ~~TITLE.~~

30 ~~(6) "SERIOUS INJURY" MEANS PERMANENT IMPAIRMENT OR~~
31 ~~DISFIGUREMENT.~~

1 ~~(6) (i) “LETHAL FORCE” MEANS ANY FORCE THAT CREATES A~~
2 ~~SUBSTANTIAL RISK OF DEATH OR SERIOUS PHYSICAL INJURY, WHETHER OR NOT~~
3 ~~INTENDED TO CAUSE DEATH OR SERIOUS PHYSICAL INJURY.~~

4 ~~(ii) “LETHAL FORCE” INCLUDES:~~

5 ~~1. THE DISCHARGE OF A FIREARM AT A PERSON;~~

6 ~~2. A STRIKE TO A PERSON’S HEAD, NECK, STERNUM,~~
7 ~~SPINE, GROIN, OR KIDNEYS USING ANY HARD OBJECT;~~

8 ~~3. A STRIKE TO A PERSON’S HEAD AGAINST A HARD,~~
9 ~~FIXED OBJECT;~~

10 ~~4. A KICK OR STRIKE TO A PERSON’S HEAD USING A KNEE~~
11 ~~OR FOOT;~~

12 ~~5. A STRIKE TO A PERSON’S THROAT;~~

13 ~~6. A KNEE DROP ON THE HEAD, NECK, OR TORSO OF A~~
14 ~~PERSON IN A PRONE OR SUPINE POSITION;~~

15 ~~7. A MANEUVER THAT RESTRICTS BLOOD OR OXYGEN~~
16 ~~FLOW TO THE BRAIN, INCLUDING CHOKEHOLDS, STRANGLEHOLDS, NECK~~
17 ~~RESTRAINTS, NECK HOLDS, AND CAROTID ARTERY RESTRAINTS;~~

18 ~~8. ANY CONTACT WITH THE NECK THAT MAY INHIBIT~~
19 ~~BREATHING OR BLOOD FLOW, OR THAT APPLIES PRESSURE TO THE FRONT, SIDE, OR~~
20 ~~BACK OF THE NECK;~~

21 ~~9. THE DISCHARGE OF A LESS LETHAL KINETIC IMPACT~~
22 ~~PROJECTILE LAUNCHER AT A PERSON’S HEAD, NECK, CHEST, OR BACK; AND~~

23 ~~10. MORE THAN ONE DISCHARGE OF AN ELECTRONIC~~
24 ~~CONTROL DEVICE ON A PERSON.~~

25 ~~(7) “POLICE OFFICER” MEANS:~~

26 ~~(i) A POLICE OFFICER AS DEFINED IN § 3-201 OF THIS TITLE;~~
27 ~~OR~~

28 ~~(ii) A SPECIAL POLICE OFFICER AS DEFINED IN § 3-301 OF THIS~~
29 ~~TITLE.~~

1 ~~(8) "PROPORTIONAL" MEANS NOT EXCESSIVE IN RELATION TO A~~
2 ~~DIRECT AND LEGITIMATE LAW ENFORCEMENT OBJECTIVE.~~

3 ~~(9) "SERIOUS PHYSICAL INJURY" HAS THE MEANING STATED IN §~~
4 ~~3-201 OF THE CRIMINAL LAW ARTICLE.~~

5 ~~(10) "TOTALITY OF THE CIRCUMSTANCES" MEANS ALL CREDIBLE~~
6 ~~FACTS KNOWN TO A POLICE OFFICER, OR THAT COULD HAVE BEEN ASCERTAINED BY~~
7 ~~THE POLICE OFFICER THROUGH VISUAL OBSERVATION, TOUCH, OR AUDIBLE~~
8 ~~MECHANISMS UNDER THE CIRCUMSTANCES CONFRONTING THE POLICE OFFICER~~
9 ~~LEADING UP TO AND AT THE TIME OF THE USE OF FORCE, INCLUDING:~~

10 ~~(I) ACTIONS OF A PERSON AGAINST WHOM THE POLICE~~
11 ~~OFFICER USES FORCE; AND~~

12 ~~(II) ACTIONS OF THE POLICE OFFICER.~~

13 ~~(C) (1) EACH POLICE OFFICER SHALL SIGN AN AFFIRMATIVE WRITTEN~~
14 ~~SANCTITY OF LIFE PLEDGE TO RESPECT EVERY HUMAN LIFE AND ACT WITH~~
15 ~~COMPASSION TOWARD OTHERS.~~

16 ~~(2) A POLICE OFFICER MAY ONLY USE THE FORCE THAT IS~~
17 ~~OBJECTIVELY REASONABLE AND APPEARS TO BE NECESSARY UNDER THE~~
18 ~~CIRCUMSTANCES IN RESPONSE TO THE THREAT OR RESISTANCE BY ANOTHER~~
19 ~~PERSON.~~

20 ~~(2) (I) A POLICE OFFICER MAY NOT USE FORCE AGAINST A PERSON~~
21 ~~UNLESS THE FORCE IS NECESSARY FORCE AND PROPORTIONAL TO:~~

22 ~~1. PREVENT AN IMMINENT THREAT OF PHYSICAL INJURY~~
23 ~~TO A PERSON; OR~~

24 ~~2. EFFECTUATE AN ARREST OF A PERSON WHO THE~~
25 ~~OFFICER HAS PROBABLE CAUSE TO BELIEVE HAS COMMITTED A CRIME, TAKING~~
26 ~~INTO CONSIDERATION THE SERIOUSNESS OF THE ALLEGED CRIME.~~

27 ~~(II) A POLICE OFFICER MAY USE FORCE ONLY AFTER~~
28 ~~EXHAUSTING REASONABLE ALTERNATIVES TO THE USE OF FORCE, AND ONLY UNTIL~~
29 ~~THE USE OF FORCE ACCOMPLISHES A LEGITIMATE LAW ENFORCEMENT OBJECTIVE.~~

30 ~~(III) A POLICE OFFICER SHALL CEASE THE USE OF FORCE AS~~
31 ~~SOON AS:~~

1 ~~1. THE PERSON ON WHOM FORCE IS USED:~~

2 ~~A. IS UNDER THE POLICE OFFICER'S CONTROL; OR~~

3 ~~B. NO LONGER POSES AN IMMINENT THREAT OF~~
4 ~~PHYSICAL INJURY OR DEATH TO THE POLICE OFFICER OR TO ANOTHER PERSON; OR~~

5 ~~2. THE POLICE OFFICER DETERMINES THAT FORCE WILL~~
6 ~~NO LONGER ACCOMPLISH, OR IS NO LONGER REASONABLE AND PROPORTIONAL TO~~
7 ~~ACCOMPLISH, A LEGITIMATE LAW ENFORCEMENT OBJECTIVE.~~

8 ~~(3) A POLICE OFFICER MAY NOT USE LETHAL FORCE AGAINST A~~
9 ~~PERSON UNLESS:~~

10 ~~(I) LETHAL NECESSARY FORCE IS USED AS A LAST RESORT TO~~
11 ~~PREVENT IMMINENT THREAT OF DEATH OR SERIOUS PHYSICAL INJURY TO THE~~
12 ~~POLICE OFFICER OR ANOTHER PERSON;~~

13 ~~(II) THE USE OF LETHAL FORCE PRESENTS NO SUBSTANTIAL~~
14 ~~RISK OF INJURY TO A THIRD PERSON; AND~~

15 ~~(III) ALL REASONABLE ALTERNATIVES TO THE USE OF DEADLY~~
16 ~~FORCE HAVE BEEN EXHAUSTED.~~

17 ~~(3) (4) A POLICE OFFICER SHALL:~~

18 ~~(I) WHEN TIME, CIRCUMSTANCES, AND SAFETY ALLOW, TAKE~~
19 ~~STEPS TO GAIN COMPLIANCE AND DE-ESCALATE CONFLICT WITHOUT USING~~
20 ~~PHYSICAL FORCE;~~

21 ~~(II) INTERVENE TO PREVENT OR TERMINATE THE USE OF FORCE~~
22 ~~BY ANOTHER POLICE OFFICER BEYOND WHAT IS OBJECTIVELY REASONABLE UNDER~~
23 ~~THE CIRCUMSTANCES AUTHORIZED UNDER PARAGRAPHS (2) AND (3) OF THIS~~
24 ~~SUBSECTION;~~

25 ~~(III) RENDER BASIC FIRST AID TO A PERSON INJURED AS A~~
26 ~~RESULT OF POLICE ACTION AND PROMPTLY REQUEST MEDICAL ASSISTANCE; AND~~

27 ~~(IV) FULLY DOCUMENT ALL USE OF FORCE INCIDENTS THAT THE~~
28 ~~OFFICER OBSERVED OR WAS INVOLVED IN.~~

29 ~~(4) (5) A POLICE SUPERVISOR SHALL:~~

1 ~~(I) RESPOND TO THE SCENE OF ANY INCIDENT DURING WHICH~~
2 ~~A POLICE OFFICER USED PHYSICAL FORCE AND CAUSED PHYSICAL INJURY; AND~~

3 ~~(II) GATHER AND REVIEW ALL KNOWN VIDEO RECORDINGS OF A~~
4 ~~USE OF FORCE INCIDENT.~~

5 ~~(5) (6) A LAW ENFORCEMENT AGENCY SHALL:~~

6 ~~(I) HAVE A WRITTEN DE-ESCALATION OF FORCE POLICY; AND~~

7 ~~(II) ADOPT A WRITTEN POLICY REQUIRING SUPERVISORY AND~~
8 ~~COMMAND LEVEL REVIEW OF ALL USE OF FORCE INCIDENTS.~~

9 ~~(6) (7) A POLICE OFFICER SHALL:~~

10 ~~(I) UNDERGO TRAINING ON WHEN A POLICE OFFICER MAY OR~~
11 ~~MAY NOT DRAW A FIREARM OR POINT A FIREARM AT A PERSON AND ENFORCEMENT~~
12 ~~OPTIONS THAT ARE LESS LIKELY TO CAUSE DEATH OR SERIOUS INJURY, INCLUDING~~
13 ~~SCENARIO BASED TRAINING, DE-ESCALATION TACTICS AND TECHNIQUES, AND~~
14 ~~REASONABLE ALTERNATIVES TO DECREASE PHYSICAL INJURY; AND~~

15 ~~(II) SIGN A TRAINING COMPLETION DOCUMENT STATING THAT~~
16 ~~THE OFFICER UNDERSTANDS AND SHALL COMPLY WITH THE MARYLAND USE OF~~
17 ~~FORCE STATUTE.~~

18 ~~(7) A POLICE OFFICER MAY ONLY USE DEADLY FORCE TO STOP AN~~
19 ~~IMMINENT THREAT OF DEATH OR SERIOUS INJURY TO THE OFFICER OR ANOTHER~~
20 ~~PERSON.~~

21 ~~(8) ALL POLICE OFFICERS SHALL:~~

22 ~~(I) UNDERGO LESS LETHAL FORCE TRAINING; AND~~

23 ~~(II) BE TRAINED AND EQUIPPED WITH LESS LETHAL WEAPONS~~
24 ~~THAT MAY ASSIST THE OFFICER IN CONTROLLING RESISTANT OR ASSAULTIVE~~
25 ~~BEHAVIOR.~~

26 ~~(9) A POLICE OFFICER MAY NOT:~~

27 ~~(I) DISCHARGE A FIREARM AT A MOVING VEHICLE UNLESS:~~

28 ~~1. THE VEHICLE IS BEING USED AS A DEADLY WEAPON~~
29 ~~TOWARD THE OFFICER OR ANOTHER PERSON; AND~~

1 ~~2. DEADLY FORCE IS THE ONLY REASONABLE MEANS~~
2 ~~AVAILABLE TO STOP THE THREAT; OR~~

3 ~~(H) USE A CHOKEHOLD, NECK RESTRAINT, OR ANY OTHER TYPE~~
4 ~~OF RESTRAINT THAT RESTRICTS BLOOD FLOW OR BREATH ON ANOTHER PERSON.~~

5 ~~(10) (9) A LAW ENFORCEMENT AGENCY MAY NOT ACQUIRE A~~
6 ~~SURPLUS ARMORED OR WEAPONIZED VEHICLE RECEIVE THE FOLLOWING,~~
7 ~~WHETHER ASSEMBLED OR IN PARTS, FROM A SURPLUS PROGRAM:~~

8 ~~(I) AN ARMORED OR WEAPONIZED:~~

9 ~~1. AIRCRAFT;~~

10 ~~2. DRONE; OR~~

11 ~~3. VEHICLE;~~

12 ~~(II) A DESTRUCTIVE DEVICE;~~

13 ~~(III) A FIREARM SILENCER; OR~~

14 ~~(IV) A GRENADE LAUNCHER.~~

15 ~~(D) (1) A POLICE OFFICER MAY NOT KNOWINGLY AND WILLFULLY~~
16 ~~VIOLATE SUBSECTION (C) OF THIS SECTION.~~

17 ~~(2) A POLICE OFFICER WHO KNOWINGLY AND WILLFULLY VIOLATES~~
18 ~~SUBSECTION (C) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON~~
19 ~~CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS.~~

20 ~~(E) (1) A POLICE OFFICER MAY NOT RECKLESSLY VIOLATE SUBSECTION~~
21 ~~(C) OF THIS SECTION.~~

22 ~~(2) A POLICE OFFICER WHO RECKLESSLY VIOLATES SUBSECTION (C)~~
23 ~~OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT~~
24 ~~TO IMPRISONMENT NOT EXCEEDING 5 YEARS.~~

25 ~~(D) (1) A POLICE OFFICER WHO USES LETHAL FORCE AGAINST A PERSON~~
26 ~~IN A MANNER INCONSISTENT WITH SUBSECTION (C)(2) OR (3) OF THIS SECTION THAT~~
27 ~~RESULTS IN DEATH MAY BE CHARGED WITH MANSLAUGHTER OR MURDER UNDER~~
28 ~~TITLE 2, SUBTITLE 2 OF THE CRIMINAL LAW ARTICLE.~~

~~(2) A POLICE OFFICER WHO USES LETHAL FORCE AGAINST A PERSON IN A MANNER INCONSISTENT WITH SUBSECTION (C)(2) OR (3) OF THIS SECTION THAT DOES NOT RESULT IN DEATH MAY BE CHARGED WITH RECKLESS ENDANGERMENT OR ASSAULT UNDER TITLE 3, SUBTITLE 2 OF THE CRIMINAL LAW ARTICLE.~~

~~(E) (1) A PERSON MAY SEEK RELIEF BY FILING WITH ANY COURT OF COMPETENT JURISDICTION A CIVIL ACTION FOR DAMAGES ARISING OUT OF THE USE OF FORCE BY A POLICE OFFICER IN A MANNER INCONSISTENT WITH SUBSECTION (C)(2) OR (3) OF THIS SECTION.~~

~~(2) A PERSON IS NOT LIMITED TO OR PRECLUDED FROM PURSUING ANY OTHER LEGAL REMEDY BY PROCEEDING UNDER THIS SUBTITLE.~~

~~(F) THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES SHALL WITHHOLD GRANT FUNDING FROM A LAW ENFORCEMENT AGENCY THAT VIOLATES SUBSECTION (C) OF THIS SECTION.~~

~~(G) ON OR BEFORE DECEMBER 1 EACH YEAR, THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION SHALL SUBMIT A REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THAT:~~

~~(1) LISTS THE LAW ENFORCEMENT AGENCIES THAT VIOLATED SUBSECTION (C) OF THIS SECTION DURING THE PRECEDING 1 YEAR PERIOD; AND~~

~~(2) DESCRIBES THE NATURE OF EACH VIOLATION.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article — Public Safety~~

~~§ 525.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN § 3-201 OF THIS TITLE.~~

~~(3) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THIS TITLE.~~

1 ~~(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH LAW~~
2 ~~ENFORCEMENT AGENCY SHALL ESTABLISH AND IMPLEMENT A DISCIPLINE PROCESS~~
3 ~~THAT:~~

4 ~~(1) IS OPEN AND TRANSPARENT;~~

5 ~~(2) INCLUDES AN ADMINISTRATIVE CHARGING COMMITTEE AS~~
6 ~~SPECIFIED IN § 3-201 OF THIS TITLE;~~

7 ~~(3) INCLUDES THE USE OF A TRIAL BOARD THAT INCLUDES AT LEAST~~
8 ~~ONE-THIRD MEMBERSHIP BY CIVILIANS WITH VOTING POWER;~~

9 ~~(4) BEFORE DISCIPLINARY ACTION IS TAKEN AGAINST A POLICE~~
10 ~~OFFICER, PROVIDES THE RIGHT TO A TRIAL BOARD FOR THE POLICE OFFICER;~~

11 ~~(5) PROHIBITS THE USE OF A TRIAL BOARD FOR THE DISCIPLINE OF A~~
12 ~~POLICE OFFICER WHO HAS RECEIVED A CONVICTION OR PROBATION BEFORE~~
13 ~~JUDGMENT FOR A CRIME; AND~~

14 ~~(6) REQUIRES THE CHIEF OF THE AGENCY TO DETERMINE DISCIPLINE~~
15 ~~FOR A POLICE OFFICER WHO HAS RECEIVED A CONVICTION OR PROBATION BEFORE~~
16 ~~JUDGMENT FOR A CRIME.~~

17 ~~(C) EACH LAW ENFORCEMENT AGENCY SHALL POST THE POLICE~~
18 ~~DISCIPLINE PROCESS ESTABLISHED IN ACCORDANCE WITH THIS SECTION ON THE~~
19 ~~AGENCY'S PUBLIC WEBSITE.~~

20 ~~(D) CIVILIAN MEMBERS OF EACH TRIAL BOARD AND ADMINISTRATIVE~~
21 ~~CHARGING COMMITTEE SHALL RECEIVE TRAINING ADMINISTERED BY THE~~
22 ~~MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ON MATTERS~~
23 ~~RELATING TO POLICE PROCEDURES.~~

24 ~~(E) EACH COUNTY SHALL HAVE AN INDEPENDENT AGENCY THAT~~
25 ~~INVESTIGATES AND REVIEWS COMPLAINTS OF POLICE MISCONDUCT FILED BY~~
26 ~~MEMBERS OF THE PUBLIC.~~

27 ~~(F) A LAW ENFORCEMENT AGENCY MAY NOT NEGATE OR ALTER ANY OF THE~~
28 ~~REQUIREMENTS OF THIS SECTION THROUGH COLLECTIVE BARGAINING.~~

29 ~~§ 5-26.~~

30 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
31 ~~INDICATED.~~

1 ~~(2) "ADMINISTRATIVELY CHARGED" MEANS THAT A POLICE OFFICER~~
2 ~~HAS BEEN FORMALLY ACCUSED OF MISCONDUCT IN AN ADMINISTRATIVE~~
3 ~~PROCEEDING.~~

4 ~~(3) "EXONERATED" MEANS THAT A POLICE OFFICER ACTED IN~~
5 ~~ACCORDANCE WITH THE LAW AND AGENCY POLICY.~~

6 ~~(4) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN §~~
7 ~~3-201 OF THIS TITLE.~~

8 ~~(5) "NOT ADMINISTRATIVELY CHARGED" MEANS THAT A~~
9 ~~DETERMINATION HAS BEEN MADE NOT TO ADMINISTRATIVELY CHARGE A POLICE~~
10 ~~OFFICER IN CONNECTION WITH ALLEGED MISCONDUCT.~~

11 ~~(6) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THIS~~
12 ~~TITLE.~~

13 ~~(7) "SUPERIOR GOVERNMENTAL AUTHORITY" MEANS THE~~
14 ~~GOVERNING BODY THAT OVERSEES A LAW ENFORCEMENT AGENCY.~~

15 ~~(8) "UNFOUNDED" MEANS THAT THE ALLEGATIONS AGAINST A~~
16 ~~POLICE OFFICER ARE NOT SUPPORTED BY FACT.~~

17 ~~(B) (1) AN ADMINISTRATIVE CHARGING COMMITTEE CONSISTS OF:~~

18 ~~(I) THE DIRECTOR OF INTERNAL AFFAIRS OF THE LAW~~
19 ~~ENFORCEMENT AGENCY THAT EMPLOYS THE OFFICER WHO IS SUBJECT TO~~
20 ~~INVESTIGATION, OR THE DIRECTOR'S DESIGNEE;~~

21 ~~(II) THE HEAD ATTORNEY FOR THE SUPERIOR GOVERNMENTAL~~
22 ~~AUTHORITY OF THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE OFFICER OR~~
23 ~~THE HEAD ATTORNEY'S DESIGNEE, IF THE DESIGNEE IS A MEMBER OF THE~~
24 ~~MARYLAND BAR;~~

25 ~~(III) A DESIGNEE OF THE DISTRICT PUBLIC DEFENDER WHO IS A~~
26 ~~MEMBER OF THE MARYLAND BAR;~~

27 ~~(IV) A DESIGNEE OF THE STATE'S ATTORNEY FOR THE~~
28 ~~JURISDICTION WHERE THE ALLEGED MISCONDUCT OCCURRED WHO IS A MEMBER~~
29 ~~OF THE MARYLAND BAR; AND~~

30 ~~(V) ONE CIVILIAN REPRESENTATIVE SELECTED BY THE POLICE~~
31 ~~ACCOUNTABILITY BOARD FOR THE JURISDICTION WHERE THE ALLEGED~~
32 ~~MISCONDUCT OCCURRED.~~

1 ~~(2) THE HEAD ATTORNEY FOR THE SUPERIOR GOVERNMENTAL~~
2 ~~AUTHORITY OR THE HEAD ATTORNEY'S DESIGNEE SHALL SERVE AS THE CHAIR OF~~
3 ~~AN ADMINISTRATIVE CHARGING COMMITTEE.~~

4 ~~(c) (1) ON COMPLETION OF AN INVESTIGATION OF A COMPLAINT~~
5 ~~AGAINST A POLICE OFFICER, THE LAW ENFORCEMENT AGENCY SHALL FORWARD TO~~
6 ~~AN ADMINISTRATIVE CHARGING COMMITTEE THE INVESTIGATORY FILES FOR ALL~~
7 ~~MATTERS INVOLVING:~~

8 ~~(i) ALLEGATIONS OF MISCONDUCT MADE BY A MEMBER OF THE~~
9 ~~PUBLIC; AND~~

10 ~~(ii) ANY ALLEGATION RELATING TO DISHONESTY, THE~~
11 ~~VIOLATION OF A CRIMINAL STATUTE, SEXUAL HARASSMENT, OR RACIAL~~
12 ~~HARASSMENT.~~

13 ~~(2) AN ALLEGATION NOT SPECIFIED UNDER PARAGRAPH (1) OF THIS~~
14 ~~SUBSECTION SHALL PROCEED IN ACCORDANCE WITH THE POLICIES AND~~
15 ~~PROCEDURES OF THE LAW ENFORCEMENT AGENCY.~~

16 ~~(d) AN ADMINISTRATIVE CHARGING COMMITTEE SHALL:~~

17 ~~(1) REVIEW THE FINDINGS OF A LAW ENFORCEMENT AGENCY'S~~
18 ~~INVESTIGATION CONDUCTED AND FORWARDED IN ACCORDANCE WITH SUBSECTION~~
19 ~~(c) OF THIS SECTION;~~

20 ~~(2) MAKE A DETERMINATION THAT THE POLICE OFFICER WHO IS~~
21 ~~SUBJECT TO INVESTIGATION SHALL BE:~~

22 ~~(i) ADMINISTRATIVELY CHARGED; OR~~

23 ~~(ii) NOT ADMINISTRATIVELY CHARGED;~~

24 ~~(3) IF THE POLICE OFFICER IS CHARGED, RECOMMEND DISCIPLINE IN~~
25 ~~ACCORDANCE WITH THE LAW ENFORCEMENT AGENCY'S DISCIPLINARY MATRIX;~~

26 ~~(4) ISSUE A WRITTEN OPINION THAT DESCRIBES IN DETAIL ITS~~
27 ~~FINDINGS, DETERMINATIONS, AND RECOMMENDATIONS; AND~~

28 ~~(5) FORWARD THE WRITTEN OPINION TO THE CHIEF OF THE LAW~~
29 ~~ENFORCEMENT AGENCY.~~

~~(E) IN EXECUTING ITS DUTIES IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION, AN ADMINISTRATIVE CHARGING COMMITTEE MAY:~~

~~(1) REQUEST INFORMATION OR ACTION FROM THE LAW ENFORCEMENT AGENCY THAT CONDUCTED THE INVESTIGATION, INCLUDING REQUIRING ADDITIONAL INVESTIGATION AND THE ISSUANCE OF SUBPOENAS; AND~~

~~(2) IF THE POLICE OFFICER IS NOT CHARGED, MAKE A DETERMINATION THAT:~~

~~(I) THE ALLEGATIONS AGAINST THE POLICE OFFICER ARE UNFOUNDED; OR~~

~~(II) THE POLICE OFFICER IS EXONERATED.~~

~~(F) NOTWITHSTANDING TITLE 3 OF THE GENERAL PROVISIONS ARTICLE, THE MEETINGS OF AN ADMINISTRATIVE CHARGING COMMITTEE ARE NOT SUBJECT TO THE REQUIREMENTS OF THE OPEN MEETINGS ACT.~~

Article State Personnel and Pensions

~~20-210.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) "ACCUMULATED CONTRIBUTIONS" MEANS THE AMOUNTS CREDITED, INCLUDING INTEREST, TO A LAW ENFORCEMENT OFFICER'S INDIVIDUAL ACCOUNT IN THE STATE POLICE RETIREMENT SYSTEM, THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM, OR A LOCAL PENSION SYSTEM.~~

~~(3) "FINAL ADJUDICATION" MEANS FINAL DISPOSITION OF ALL CHARGES THAT CONSTITUTE A QUALIFYING CRIME FROM WHICH NO FURTHER RIGHT TO APPEAL OR REVIEW EXISTS.~~

~~(4) "LAW ENFORCEMENT OFFICER" MEANS AN INDIVIDUAL WHO IS A MEMBER, FORMER MEMBER, OR RETIREE OF:~~

~~(I) THE STATE POLICE RETIREMENT SYSTEM;~~

~~(II) THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM; OR~~

~~(III) A LOCAL PENSION SYSTEM FOR EMPLOYMENT AS A SWORN LAW ENFORCEMENT OFFICER.~~

1 ~~(5) "QUALIFYING CRIME" MEANS ANY OF THE FOLLOWING CRIMINAL~~
2 ~~OFFENSES THAT WERE COMMITTED IN THE COURSE OF THE PERFORMANCE OF A~~
3 ~~LAW ENFORCEMENT OFFICER'S DUTIES:~~

4 ~~(I) A FELONY; OR~~

5 ~~(II) PERJURY OR ANOTHER MISDEMEANOR RELATING TO~~
6 ~~TRUTHFULNESS AND VERACITY.~~

7 ~~(B) THIS SECTION DOES NOT APPLY TO:~~

8 ~~(1) ACCUMULATED CONTRIBUTIONS MADE BEFORE JULY 1, 2022;~~

9 ~~(2) ANY SERVICE EARNED BEFORE JULY 1, 2022; OR~~

10 ~~(3) A QUALIFYING CRIME COMMITTED BEFORE JULY 1, 2022.~~

11 ~~(C) BENEFITS UNDER THIS DIVISION II OF THIS ARTICLE OR A LOCAL~~
12 ~~PENSION SYSTEM PAYABLE TO A LAW ENFORCEMENT OFFICER ARE SUBJECT TO~~
13 ~~FORFEITURE IN WHOLE OR IN PART IN ACCORDANCE WITH THIS SECTION IF THE LAW~~
14 ~~ENFORCEMENT OFFICER IS FOUND GUILTY OF, PLEADS GUILTY TO, OR ENTERS A~~
15 ~~PLEA OF NOLO CONTENDERE TO A QUALIFYING CRIME.~~

16 ~~(D) (1) IF THE FINAL ADJUDICATION OF CHARGES RESULTS IN~~
17 ~~CONVICTION OF A LAW ENFORCEMENT OFFICER, THE LAW ENFORCEMENT~~
18 ~~OFFICER'S RETIREMENT ALLOWANCE MAY BE FORFEITED IN WHOLE OR IN PART IN~~
19 ~~ACCORDANCE WITH THIS SECTION.~~

20 ~~(2) ON CONVICTION OF A LAW ENFORCEMENT OFFICER, THE~~
21 ~~ATTORNEY GENERAL OR THE STATE'S ATTORNEY SHALL FILE A COMPLAINT IN~~
22 ~~CIRCUIT COURT TO FORFEIT THE LAW ENFORCEMENT OFFICER'S BENEFITS IN~~
23 ~~WHOLE OR IN PART.~~

24 ~~(E) THE COURT MAY ENTER AN ORDER REQUIRING THE FORFEITURE, IN~~
25 ~~WHOLE OR IN PART, OF THE LAW ENFORCEMENT OFFICER'S BENEFITS IF THE COURT~~
26 ~~FINDS BY CLEAR AND CONVINCING EVIDENCE THAT:~~

27 ~~(1) THE LAW ENFORCEMENT OFFICER WAS CONVICTED OF A~~
28 ~~QUALIFYING CRIME;~~

29 ~~(2) THE LAW ENFORCEMENT OFFICER WAS A MEMBER OF THE STATE~~
30 ~~POLICE RETIREMENT SYSTEM, THE LAW ENFORCEMENT OFFICERS' PENSION~~
31 ~~SYSTEM, OR A LOCAL PENSION SYSTEM; AND~~

~~(3) THE QUALIFYING CRIME FOR WHICH THE LAW ENFORCEMENT OFFICER WAS CONVICTED WAS COMMITTED WHILE THE LAW ENFORCEMENT OFFICER WAS AN ACTIVE MEMBER OF THE STATE POLICE RETIREMENT SYSTEM, THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM, OR A LOCAL PENSION SYSTEM.~~

~~(F) (1) AN ORDER REQUIRING FORFEITURE OF BENEFITS SHALL INDICATE THE AMOUNT OF BENEFITS TO BE FORFEITED.~~

~~(2) WHEN DETERMINING THE AMOUNT OF BENEFITS TO BE FORFEITED, THE COURT SHALL CONSIDER:~~

~~(I) THE SEVERITY OF THE CRIME;~~

~~(II) THE AMOUNT OF MONETARY LOSS SUFFERED BY THE STATE, A COUNTY, A POLITICAL SUBDIVISION, OR A PERSON AS A RESULT OF THE CRIME;~~

~~(III) THE DEGREE OF PUBLIC TRUST PLACED IN THE LAW ENFORCEMENT OFFICER; AND~~

~~(IV) ANY OTHER FACTORS THE COURT DETERMINES RELEVANT.~~

~~(G) A COURT MAY ORDER A LAW ENFORCEMENT OFFICER SUBJECT TO A FORFEITURE ORDER ISSUED UNDER THIS SECTION TO REQUEST A RETURN OF THE LAW ENFORCEMENT OFFICER'S ACCUMULATED CONTRIBUTIONS, IN WHOLE OR IN PART, TO BE USED FOR RESTITUTION RELATING TO A QUALIFYING CRIME.~~

SECTION ~~5. 7.~~ 6. AND BE IT FURTHER ENACTED, That on or before December 31, ~~2021~~ 2022, the Emergency Number Systems Board shall study and report to the House Judiciary Committee and the Senate Judicial Proceedings Committee, in accordance with § 2-1257 of the State Government Article, regarding whether certain types of calls for 9-1-1 service should be diverted to a person or entity other than law enforcement agencies.

SECTION ~~8.~~ 7. AND BE IT FURTHER ENACTED, That ~~Section 4 of this Act § 5-303 of the Courts and Judicial Proceedings Article, as enacted by Section 3 of this Act, and § 12-103 of the State Government Article, as enacted by Section 3 of this Act,~~ shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claim arising from a tortious act or omission *or violation of a constitutional right* committed by a law enforcement officer on or before ~~September 30, 2021~~ June 30, 2022.

~~SECTION 9. AND BE IT FURTHER ENACTED, That Section 5 of this Act shall be construed to apply prospectively to any Public Information Act request made on or after~~

~~the effective date of this Act regardless of when the record requested to be produced was created.~~

SECTION ~~6, 10, 8~~. AND BE IT FURTHER ENACTED, That ~~Section 4 6 of this Act shall~~ *Title 3, Subtitle 1 of the Public Safety Article, as enacted by Section 3 of this Act, shall* be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to:

(1) any bona fide collective bargaining agreement entered into on or before ~~September 30, 2021~~ June 30, 2022, for the duration of the contract term, excluding any extensions, options to extend, or renewals of the term of the original contract; or

(2) a disciplinary matter against a law enforcement officer based on alleged misconduct occurring before ~~the effective date of this Act~~ July 1, 2022.

SECTION ~~7, 11, 9~~. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. Cross-references to the term “law enforcement officer” as formerly stated under § 3-101(e) of the Public Safety Article of the Annotated Code of Maryland shall be redesignated as cross-references to the term “law enforcement officer” as stated under § 1-101(c) of the Public Safety Article. The publishers shall adequately describe any such correction in an editor’s note following the section affected.

SECTION 12, 10. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Higher Education Commission adopt similar regulations for determining award calculations for the Maryland Police Officers Repayment Program under Title 18, Subtitle 38 of the Education Article as the award calculation regulations in COMAR 13B.08.02.06 for the Janet L. Hoffman Loan Assistance Repayment Program under Title 18, Subtitle 15 of the Education Article.

~~SECTION 8, 13. AND BE IT FURTHER ENACTED, That Sections 1, 2, and 6 of this Act shall take effect October 1, 2021. July 1, 2022.~~

~~SECTION 14. AND BE IT FURTHER ENACTED, That, except as provided in Section 13 of this Act, this Act shall take effect October 1, 2021.~~

SECTION 11. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall take effect July 1, 2022, contingent on the taking effect of Chapter _____ (S.B. 71) of the Acts of the General Assembly of 2021, and if Chapter _____ (S.B. 71) does not take effect, Section 4 of this Act, with no further action required by the General Assembly, shall be null and void.

SECTION 12. AND BE IT FURTHER ENACTED, That, except as provided in Section 11 of this Act, this Act shall take effect July 1, 2022.

SENATE BILL 71

E2, E4

(1lr1465)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by ~~Senator Sydnor~~ Senators Sydnor, Smith, Waldstreicher, Jackson, Carter, Hough, Lee, West, and Hettleman

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~Police Officers Testimony Presumption of Inadmissibility~~

3 ~~(Maryland Police Accountability Act of 2021)~~

4 Maryland Police Accountability Act of 2021 – Body-Worn Cameras, Employee

5 Programs, and Use of Force

6 FOR the purpose of ~~providing that a knowing and willful failure of a certain police officer~~
7 ~~to activate a body worn camera creates a rebuttable presumption that certain~~
8 ~~testimony is inadmissible in a certain proceeding; providing that a certain~~
9 ~~presumption may be rebutted by a certain showing; requiring certain law~~
10 enforcement agencies to require the use of body-worn cameras by certain law
11 enforcement officers on or before a certain date; requiring all law enforcement
12 agencies of a county in the State to require the use of body-worn cameras by certain
13 law enforcement officers on or before a certain date; requiring certain law
14 enforcement agencies to develop and maintain certain policies; ~~establishing the Task~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



~~Force on Statewide Body Camera Implementation; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; requiring a certain body-worn camera to automatically record and save a certain amount of video footage at a certain time; prohibiting a law enforcement agency from negating or altering certain requirements or policies through collective bargaining; altering a certain provision of law requiring each law enforcement agency to establish a certain early intervention policy to instead require a system to identify police officers who are at risk of engaging in certain behavior; requiring each law enforcement agency to provide access to a certain employee assistance program for certain police officers; establishing certain requirements for a certain program; requiring each law enforcement agency to develop a policy to provide access to certain services at no cost to a police officer; requiring each police officer to sign a certain pledge; establishing certain use of force standards; requiring a police officer to take certain steps to gain compliance and de-escalate conflict under certain circumstances; requiring a police officer to intervene to prevent or terminate the use of certain force by a certain police officer; requiring a police officer to render certain first aid to a certain subject and request certain assistance at a certain time; requiring a police supervisor to respond to the scene of a certain incident and gather and review certain recordings; requiring a law enforcement agency to adopt a certain policy; requiring a police officer to undergo certain training; requiring a police officer to sign a certain training completion document; prohibiting a police officer from intentionally violating a certain provision of law, resulting in serious physical injury or death to a person; establishing certain penalties; providing that a certain sentence may be separate from and consecutive to or concurrent with a certain other sentence; altering the termination date for the Law Enforcement Body Camera Task Force; altering the duties of the Task Force; requiring the Task Force to submit an additional report of its findings and recommendations on or before a certain date; providing for a delayed effective date for certain provisions of this Act; providing for the application of this Act; defining certain terms; providing for the termination of a certain provision of this Act; and generally relating to testimony of police officers body-worn cameras, employee programs, and use of force.~~

BY adding to

~~Article — Criminal Procedure~~

~~Section 2-109~~

~~Annotated Code of Maryland~~

~~(2018 Replacement Volume and 2020 Supplement)~~

BY repealing and reenacting, with amendments,

Article — Public Safety

Section 3-511 and 3-516

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

1 BY adding to
 2 Article – Public Safety
 3 Section 3-523 and 3-524
 4 Annotated Code of Maryland
 5 (2018 Replacement Volume and 2020 Supplement)

6 BY repealing and reenacting, with amendments,
 7 Chapter 309 of the Acts of the General Assembly of 2020
 8 Section 1(f) and (g) and 2

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 10 That the Laws of Maryland read as follows:

11 ~~Article – Criminal Procedure~~

12 ~~2-109.~~

13 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
 14 ~~INDICATED.~~

15 ~~(2) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §~~
 16 ~~3-201 OF THE PUBLIC SAFETY ARTICLE.~~

17 ~~(3) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THE~~
 18 ~~PUBLIC SAFETY ARTICLE.~~

19 ~~(B) THIS SECTION APPLIES TO A POLICE OFFICER WHO IS REQUIRED TO USE~~
 20 ~~A BODY WORN CAMERA WHILE ON DUTY BY THE LAW ENFORCEMENT AGENCY THAT~~
 21 ~~EMPLOYS THE POLICE OFFICER.~~

22 ~~(C) (1) THE KNOWING AND WILLFUL SUBJECT TO SUBSECTION (D) OF~~
 23 ~~THIS SECTION, THE INTENTIONAL FAILURE OF A POLICE OFFICER TO ACTIVATE A~~
 24 ~~BODY WORN CAMERA, IN VIOLATION OF THE POLICY OF THE LAW ENFORCEMENT~~
 25 ~~AGENCY THAT EMPLOYS THE POLICE OFFICER, CREATES A REBUTTABLE~~
 26 ~~PRESUMPTION THAT ANY TESTIMONY OF THE POLICE OFFICER SOUGHT TO BE~~
 27 ~~INTRODUCED IN A CRIMINAL PROSECUTION RELATING TO THE INCIDENT THAT WAS~~
 28 ~~NOT RECORDED IS INADMISSIBLE.~~

29 ~~(D) (2) THE PRESUMPTION IN SUBSECTION (C) OF THIS SECTION MAY BE~~
 30 ~~REBUTTED BY A SHOWING THAT:~~

31 ~~(1) (i) THE BODY WORN CAMERA WAS NOT ACTIVATED DUE TO A~~
 32 ~~MALFUNCTION OF THE CAMERA;~~

~~(H) THE POLICE OFFICER WAS:~~

~~1. NOT AWARE OF THE MALFUNCTION; OR~~

~~2. NOT ABLE TO FIX THE MALFUNCTION BEFORE THE INCIDENT; AND~~

~~(III) THE LAW ENFORCEMENT AGENCY'S DOCUMENTATION SHOWS THAT THE POLICE OFFICER CHECKED THE FUNCTIONALITY OF THE BODY WORN CAMERA AT THE BEGINNING OF THE POLICE OFFICER'S SHIFT; OR~~

~~(2) IT WAS UNSAFE, IMPRACTICAL, OR IMPOSSIBLE FOR THE LAW ENFORCEMENT OFFICER TO ACTIVATE THE BODY WORN CAMERA.~~

Article – Public Safety

3-511.

(A) IN THIS SECTION, "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN § 3-201 OF THIS TITLE.

(B) On or before January 1, 2016, the Maryland Police Training and Standards Commission shall develop and publish online a policy for the issuance and use of a body-worn camera by a law enforcement officer that addresses:

(1) the testing of body-worn cameras to ensure adequate functioning;

(2) the procedure for the law enforcement officer to follow if the camera fails to properly operate at the beginning of or during the law enforcement officer's shift;

(3) when recording is mandatory;

(4) when recording is prohibited;

(5) when recording is discretionary;

(6) when recording may require consent of a subject being recorded;

(7) when a recording may be ended;

(8) providing notice of recording;

(9) access to and confidentiality of recordings;

(10) the secure storage of data from a body-worn camera;

1 (11) review and use of recordings;

2 (12) retention of recordings;

3 (13) dissemination and release of recordings;

4 (14) consequences for violations of the agency's body-worn camera policy;

5 (15) notification requirements when another individual becomes a party to
6 the communication following the initial notification;

7 (16) specific protections for individuals when there is an expectation of
8 privacy in private or public places; and

9 (17) any additional issues determined to be relevant in the implementation
10 and use of body-worn cameras by law enforcement officers.

11 **(C) (1) (I) THIS PARAGRAPH APPLIES TO:**

12 **1. THE DEPARTMENT OF STATE POLICE;**

13 **2. THE ANNE ARUNDEL COUNTY POLICE DEPARTMENT;**

14 **3. THE HOWARD COUNTY POLICE DEPARTMENT; AND**

15 **4. THE HARFORD COUNTY SHERIFF'S OFFICE.**

16 **(II) ON OR BEFORE JULY 1, 2023, A LAW ENFORCEMENT**
17 **AGENCY TO WHICH THIS PARAGRAPH APPLIES SHALL REQUIRE THE USE OF**
18 **BODY-WORN CAMERAS, SUBJECT TO THE POLICY ON THE USE OF BODY-WORN**
19 **CAMERAS DEVELOPED BY THE LAW ENFORCEMENT AGENCY, BY EACH LAW**
20 **ENFORCEMENT OFFICER EMPLOYED BY THE LAW ENFORCEMENT AGENCY WHO**
21 **REGULARLY INTERACTS WITH MEMBERS OF THE PUBLIC AS PART OF THE LAW**
22 **ENFORCEMENT OFFICER'S OFFICIAL DUTIES.**

23 **(2) ON OR BEFORE JULY 1, 2025, A LAW ENFORCEMENT AGENCY OF A**
24 **COUNTY, OTHER THAN A LAW ENFORCEMENT AGENCY DESCRIBED IN PARAGRAPH**
25 **(1) OF THIS SUBSECTION, SHALL REQUIRE THE USE OF BODY-WORN CAMERAS,**
26 **SUBJECT TO THE POLICY ON THE USE OF BODY-WORN CAMERAS DEVELOPED BY THE**
27 **LAW ENFORCEMENT AGENCY, BY EACH LAW ENFORCEMENT OFFICER EMPLOYED BY**
28 **THE LAW ENFORCEMENT AGENCY WHO REGULARLY INTERACTS WITH MEMBERS OF**
29 **THE PUBLIC AS PART OF THE LAW ENFORCEMENT OFFICER'S OFFICIAL DUTIES.**

30 **(D) (1) A LAW ENFORCEMENT AGENCY DESCRIBED IN SUBSECTION (C) OF**
31 **THIS SECTION SHALL DEVELOP AND MAINTAIN A WRITTEN POLICY CONSISTENT**

1 WITH THE POLICY PUBLISHED BY THE MARYLAND POLICE TRAINING AND
2 STANDARDS COMMISSION UNDER SUBSECTION (B) OF THIS SECTION FOR THE USE
3 OF BODY-WORN CAMERAS.

4 (2) A POLICY DEVELOPED AND MAINTAINED UNDER PARAGRAPH (1)
5 OF THIS SUBSECTION SHALL SPECIFY WHICH LAW ENFORCEMENT OFFICERS
6 EMPLOYED BY THE LAW ENFORCEMENT AGENCY ARE REQUIRED TO USE
7 BODY-WORN CAMERAS.

8 ~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

9 ~~(a) There is a Task Force on Statewide Body-Camera Implementation.~~

10 ~~(b) The Task Force consists of the following members:~~

11 ~~(1) one member of the Senate of Maryland, appointed by the President of~~
12 ~~the Senate;~~

13 ~~(2) one member of the House of Delegates, appointed by the Speaker of the~~
14 ~~House;~~

15 ~~(3) the Secretary of Information Technology, or the Secretary's designee;~~

16 ~~(4) the Secretary of Budget and Management, or the Secretary's designee;~~

17 ~~(5) the Secretary of General Services, or the Secretary's designee; and~~

18 ~~(6) the following members, appointed by the Governor:~~

19 ~~(i) one representative of the Maryland Municipal League;~~

20 ~~(ii) one representative of the Maryland Association of Counties;~~

21 ~~(iii) one representative of the Maryland Chiefs of Police Association;~~

22 ~~(iv) one representative of the Maryland Sheriffs' Association;~~

23 ~~(v) one representative of the Governor's Office of Homeland~~
24 ~~Security; and~~

25 ~~(vi) one representative of the Governor's Office of Crime Prevention,~~
26 ~~Youth, and Victim Services.~~

27 ~~(c) The Governor shall designate the chair of the Task Force.~~

1 ~~(d) The Governor's Office of Crime Prevention, Youth, and Victim Services shall~~
2 ~~provide staff for the Task Force.~~

3 ~~(e) A member of the Task Force:~~

4 ~~(1) may not receive compensation as a member of the Task Force; but~~

5 ~~(2) is entitled to reimbursement for expenses under the Standard State~~
6 ~~Travel Regulations, as provided in the State budget.~~

7 ~~(f) The Task Force shall:~~

8 ~~(1) study and make findings on the implementation and feasibility of~~
9 ~~requiring the use of body-worn cameras by law enforcement officers in counties and~~
10 ~~municipalities throughout the State, consistent with the requirements of Section 1 of this~~
11 ~~Act; and~~

12 ~~(2) make recommendations regarding requiring the use of body-worn~~
13 ~~cameras by counties and municipalities based on its findings.~~

14 ~~(g) On or before July 1, 2022, the Task Force shall report its findings and~~
15 ~~recommendations to the Governor and, in accordance with § 2-1257 of the State~~
16 ~~Government Article, the General Assembly.~~

17 ~~SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
18 ~~October June 1, 2021. Section 2 of this Act shall remain effective for a period of 1 year and~~
19 ~~6 months and, at the end of December 31, 2022, Section 2 of this Act, with no further action~~
20 ~~required by the General Assembly, shall be abrogated and of no further force and effect.~~

21 ~~***(E) A BODY-WORN CAMERA THAT POSSESSES THE REQUISITE***~~
22 ~~***TECHNOLOGICAL CAPABILITY SHALL AUTOMATICALLY RECORD AND SAVE AT LEAST***~~
23 ~~***60 SECONDS OF VIDEO FOOTAGE IMMEDIATELY PRIOR TO THE OFFICER ACTIVATING***~~
24 ~~***THE RECORD BUTTON ON THE DEVICE.***~~

25 ~~***(F) A LAW ENFORCEMENT AGENCY MAY NOT NEGATE OR ALTER ANY OF THE***~~
26 ~~***REQUIREMENTS OR POLICIES ESTABLISHED IN ACCORDANCE WITH THIS SECTION***~~
27 ~~***THROUGH COLLECTIVE BARGAINING.***~~

28 ~~3-516.~~

29 ~~*(a) Each law enforcement agency shall establish a confidential and nonpunitive*~~
30 ~~*early intervention [policy for counseling officers who receive three or more citizen complaints*~~
31 ~~*within a 12-month period] ***SYSTEM TO IDENTIFY POLICE OFFICERS WHO ARE AT RISK****~~
32 ~~***OF ENGAGING IN THE USE OF EXCESSIVE FORCE AND TO PROVIDE THE OFFICERS***~~
33 ~~***WITH TRAINING, BEHAVIORAL INTERVENTIONS, REASSIGNMENTS, OR OTHER***~~
34 ~~***APPROPRIATE RESPONSES TO REDUCE THE RISK OF THE USE OF EXCESSIVE FORCE.***~~

1 **(b) A [policy] SYSTEM described in this section may not prevent the investigation**
2 **of or imposition of discipline for any particular complaint.**

3 **3-523.**

4 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
5 **INDICATED.**

6 **(2) "EMPLOYEE ASSISTANCE PROGRAM" MEANS A WORK-BASED**
7 **PROGRAM OFFERED TO ALL POLICE OFFICERS THAT PROVIDES ACCESS TO**
8 **VOLUNTARY AND CONFIDENTIAL SERVICES TO ADDRESS THE MENTAL HEALTH**
9 **ISSUES OF A POLICE OFFICER STEMMING FROM PERSONAL AND WORK-RELATED**
10 **CONCERNS, INCLUDING STRESS, FINANCIAL ISSUES, LEGAL ISSUES, FAMILY**
11 **PROBLEMS, OFFICE CONFLICTS, AND ALCOHOL AND SUBSTANCE ABUSE DISORDERS.**

12 **(3) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN §**
13 **3-201 OF THIS TITLE.**

14 **(4) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THIS**
15 **TITLE.**

16 **(B) EACH LAW ENFORCEMENT AGENCY SHALL PROVIDE ACCESS TO AN**
17 **EMPLOYEE ASSISTANCE PROGRAM FOR ALL POLICE OFFICERS WHOM THE LAW**
18 **ENFORCEMENT AGENCY EMPLOYS.**

19 **(C) THE EMPLOYEE ASSISTANCE PROGRAM REQUIRED BY THIS SECTION**
20 **SHALL PROVIDE POLICE OFFICERS ACCESS TO CONFIDENTIAL MENTAL HEALTH**
21 **SERVICES, INCLUDING:**

22 **(1) COUNSELING SERVICES;**

23 **(2) CRISIS COUNSELING;**

24 **(3) STRESS MANAGEMENT COUNSELING;**

25 **(4) RESILIENCY SESSIONS; AND**

26 **(5) PEER SUPPORT SERVICES FOR POLICE OFFICERS.**

27 **(D) (1) IN ADDITION TO THE REQUIREMENTS OF § 3-516 OF THIS**
28 **SUBTITLE AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AS PART OF THE**
29 **EMPLOYEE ASSISTANCE PROGRAM REQUIRED BY THIS SECTION, BEFORE A POLICE**
30 **OFFICER RETURNS TO FULL DUTY, A LAW ENFORCEMENT AGENCY SHALL PROVIDE:**

1 (I) A VOLUNTARY MENTAL HEALTH CONSULTATION AND
2 VOLUNTARY COUNSELING SERVICES TO THE POLICE OFFICER IF THE POLICE
3 OFFICER IS INVOLVED IN AN INCIDENT INVOLVING AN ACCIDENT RESULTING IN A
4 FATALITY; AND

5 (II) A MANDATORY MENTAL HEALTH CONSULTATION AND
6 VOLUNTARY COUNSELING SERVICES TO THE POLICE OFFICER IF THE POLICE
7 OFFICER IS INVOLVED IN AN INCIDENT INVOLVING:

8 1. A SERIOUS INJURY TO THE POLICE OFFICER;

9 2. AN OFFICER-INVOLVED SHOOTING; OR

10 3. ANY USE OF FORCE RESULTING IN A FATALITY OR
11 SERIOUS INJURY.

12 (2) A MENTAL HEALTH CONSULTATION AND COUNSELING SERVICE
13 PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONFIDENTIAL.

14 (E) THE EMPLOYEE ASSISTANCE PROGRAM REQUIRED BY THIS SECTION
15 SHALL INCLUDE A COMPONENT DESIGNED TO PROTECT THE MENTAL HEALTH OF
16 POLICE OFFICERS DURING PERIODS OF PUBLIC DEMONSTRATIONS AND UNREST.

17 (F) EACH LAW ENFORCEMENT AGENCY SHALL DEVELOP A POLICY TO
18 PROVIDE ACCESS TO THE SERVICES REQUIRED BY THIS SECTION AT NO COST TO A
19 POLICE OFFICER.

20 3-524.

21 (A) THIS SECTION SHALL BE KNOWN AS THE MARYLAND USE OF FORCE
22 STATUTE.

23 (B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
24 INDICATED.

25 (2) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN §
26 3-201 OF THIS TITLE.

27 (3) "POLICE OFFICER" MEANS:

28 (I) A POLICE OFFICER AS DEFINED IN § 3-201 OF THIS TITLE;
29 OR

1 (II) A SPECIAL POLICE OFFICER AS DEFINED IN § 3-301 OF THIS
2 TITLE.

3 (4) "SERIOUS PHYSICAL INJURY" HAS THE MEANING STATED IN §
4 3-201 OF THE CRIMINAL LAW ARTICLE.

5 (C) EACH POLICE OFFICER SHALL SIGN AN AFFIRMATIVE WRITTEN
6 SANCTITY OF LIFE PLEDGE TO RESPECT EVERY HUMAN LIFE AND ACT WITH
7 COMPASSION TOWARD OTHERS.

8 (D) (1) A POLICE OFFICER MAY NOT USE FORCE AGAINST A PERSON
9 UNLESS ~~A POLICE OFFICER UNDER SIMILAR CIRCUMSTANCES WOULD BELIEVE THAT,~~
10 UNDER THE TOTALITY OF THE CIRCUMSTANCES, THE FORCE IS NECESSARY AND
11 PROPORTIONAL TO:

12 (I) PREVENT AN IMMINENT THREAT OF PHYSICAL INJURY TO A
13 PERSON; OR

14 (II) EFFECTUATE A LEGITIMATE LAW ENFORCEMENT
15 OBJECTIVE.

16 (2) A POLICE OFFICER SHALL CEASE THE USE OF FORCE AS SOON AS:

17 (I) THE PERSON ON WHOM THE FORCE IS USED:

18 1. IS UNDER THE POLICE OFFICER'S CONTROL; OR

19 2. NO LONGER POSES AN IMMINENT THREAT OF
20 PHYSICAL INJURY OR DEATH TO THE POLICE OFFICER OR TO ANOTHER PERSON; OR

21 (II) THE POLICE OFFICER DETERMINES THAT FORCE WILL NO
22 LONGER ACCOMPLISH A LEGITIMATE LAW ENFORCEMENT OBJECTIVE.

23 (E) A POLICE OFFICER SHALL:

24 (1) WHEN TIME, CIRCUMSTANCES, AND SAFETY ALLOW, TAKE STEPS
25 TO GAIN COMPLIANCE AND DE-ESCALATE CONFLICT WITHOUT USING PHYSICAL
26 FORCE;

27 (2) INTERVENE TO PREVENT OR TERMINATE THE USE OF FORCE BY
28 ANOTHER POLICE OFFICER BEYOND WHAT IS AUTHORIZED UNDER SUBSECTION (D)
29 OF THIS SECTION;

1 (3) RENDER BASIC FIRST AID TO A PERSON INJURED AS A RESULT OF
2 POLICE ACTION AND PROMPTLY REQUEST APPROPRIATE MEDICAL ASSISTANCE; AND

3 (4) FULLY DOCUMENT ALL USE OF FORCE INCIDENTS THAT THE
4 OFFICER OBSERVED OR WAS INVOLVED IN.

5 (F) A POLICE SUPERVISOR SHALL:

6 (1) RESPOND TO THE SCENE OF ANY INCIDENT DURING WHICH A
7 POLICE OFFICER USED PHYSICAL FORCE AND CAUSED SERIOUS PHYSICAL INJURY;
8 AND

9 (2) GATHER AND REVIEW ALL KNOWN VIDEO RECORDINGS OF A USE OF
10 FORCE INCIDENT.

11 (G) A LAW ENFORCEMENT AGENCY SHALL:

12 (1) HAVE A WRITTEN DE-ESCALATION OF FORCE POLICY; AND

13 (2) ADOPT A WRITTEN POLICY REQUIRING SUPERVISORY AND
14 COMMAND-LEVEL REVIEW OF ALL USE OF FORCE INCIDENTS.

15 (H) A POLICE OFFICER SHALL:

16 (1) UNDERGO TRAINING ON WHEN A POLICE OFFICER MAY OR MAY
17 NOT DRAW A FIREARM OR POINT A FIREARM AT A PERSON AND ENFORCEMENT
18 OPTIONS THAT ARE LESS LIKELY TO CAUSE DEATH OR SERIOUS PHYSICAL INJURY,
19 INCLUDING SCENARIO-BASED TRAINING, DE-ESCALATION TACTICS AND
20 TECHNIQUES, AND REASONABLE ALTERNATIVES TO DECREASE PHYSICAL INJURY;
21 AND

22 (2) SIGN A TRAINING COMPLETION DOCUMENT STATING THAT THE
23 OFFICER UNDERSTANDS AND SHALL COMPLY WITH THE MARYLAND USE OF FORCE
24 STATUTE.

25 (I) (1) A POLICE OFFICER MAY NOT INTENTIONALLY VIOLATE
26 SUBSECTION (D) OF THIS SECTION, RESULTING IN SERIOUS PHYSICAL INJURY OR
27 DEATH TO A PERSON.

28 (2) A POLICE OFFICER WHO VIOLATES PARAGRAPH (1) OF THIS
29 SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO
30 IMPRISONMENT NOT EXCEEDING 10 YEARS.

SENATE BILL 600

E2

(11r1691)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senator Smith**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~Office of the Attorney General~~ Maryland Police Accountability Act of 2021 –
3 ~~Office of the State Prosecutor –~~ Surplus Military Equipment and Investigation
4 ~~and Prosecution~~ of Deaths Caused by Police Officers

5 FOR the purpose of prohibiting a law enforcement agency from receiving certain equipment
6 from a certain surplus program; requiring a ~~certain law enforcement agency to notify~~
7 ~~the Office of the Attorney General of a certain incident involving the death of a~~
8 ~~person caused by a police officer at a certain time~~; requiring the Attorney General to
9 investigate certain incidents involving the death of a person caused by a police
10 officer; requiring the Attorney General to transmit a certain report to a certain
11 State's Attorney at a certain time; requiring a certain State's Attorney to notify the
12 Attorney General whether the State's Attorney intends to prosecute a certain case
13 at a certain time under certain circumstances; requiring the Attorney General to
14 prosecute a certain police officer under certain circumstances certain State's
15 Attorney to provide a certain investigatory file and certain information to the Office

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



~~of the State Prosecutor under certain circumstances; authorizing the State
 Prosecutor to prosecute a certain law enforcement officer for certain offenses under
 certain circumstances; authorizing a certain prosecution to include certain crimes
 under certain circumstances; establishing the Task Force on Independent
 Investigations Involving Deaths Caused by Law Enforcement Officers; providing for
 the composition, chair, and staffing of the Task Force; prohibiting a member of the
 Task Force from receiving certain compensation, but authorizing the reimbursement
 of certain expenses; requiring the Task Force to develop a certain blueprint for
 independent investigation of certain incidents and make certain recommendations;
 requiring the Task Force to report its findings and recommendations to the Governor
 and the General Assembly on or before a certain date; defining a certain term;
 providing for the termination of certain law enforcement agency to notify the
 Independent Investigative Unit within the Office of the Attorney General of a certain
 incident involving the death of a person caused by a police officer police-involved
 death of a civilian at a certain time; requiring a law enforcement agency to cooperate
 with the Independent Investigative Unit in connection with a certain investigation;
 establishing the Independent Investigative Unit within the Office of the Attorney
 General; requiring the Independent Investigative Unit to investigate certain incidents
 involving the death of a person caused by a police officer police-involved deaths of
 civilians; authorizing the Independent Investigative Unit to investigate certain crimes
 related to police misconduct; providing that the Independent Investigative Unit shall
 have the authority to act in a certain manner when conducting a certain investigation;
 requiring the Independent Investigative Unit to transmit a certain report to a certain
 State's Attorney at a certain time; requiring, subject to a certain exception, that a
 certain report remain confidential through the adjudication of a certain criminal
 case; authorizing the Independent Investigative Unit to detail certain police officers
 and employ certain personnel for a certain purpose; requiring the Governor to
 annually include certain funding in the State budget; providing that certain funds
 shall supplement and may not supplant certain other funding; defining certain terms
 a certain provision; and generally relating to the Office of the Attorney General State
 Prosecutor, surplus military equipment and investigation of deaths caused by police
 officers.~~

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 3-521

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

BY adding to

Article – Public Safety

Section 3-523

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

~~BY adding to~~

~~Article – Public Safety~~

~~Section 3-523~~
~~Annotated Code of Maryland~~
~~(2018 Replacement Volume and 2020 Supplement)~~

BY adding to
 Article – State Government
 Section 6-106.2
 Annotated Code of Maryland
 (2014 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

~~Article – Public Safety~~

~~3-523.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN § 3-201 OF THIS TITLE.~~

~~(3) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THIS TITLE.~~

~~(B) A LAW ENFORCEMENT AGENCY SHALL NOTIFY THE OFFICE OF THE ATTORNEY GENERAL OF ANY ALLEGED OR POTENTIAL INCIDENT INVOLVING THE DEATH OF A PERSON CAUSED BY A POLICE OFFICER AS SOON AS THE LAW ENFORCEMENT AGENCY BECOMES AWARE OF THE INCIDENT.~~

Article – Public Safety

3-521.

(a) (1) In this section the following words have the meanings indicated.

(2) “DESTRUCTIVE DEVICE” HAS THE MEANING STATED IN § 4-501 OF THE CRIMINAL LAW ARTICLE.

(3) “FIREARM SILENCER” HAS THE MEANING STATED IN § 5-621 OF THE CRIMINAL LAW ARTICLE.

[(2)] (4) “Law enforcement agency” has the meaning stated in § 3-201 of this title.

1 ~~[(3)]~~ **(5)** “Surplus program” means a program operated by the federal
 2 government for the transfer of surplus military equipment to a law enforcement agency.

3 **(b)** On or before February 1 each year, the Department of State Police shall submit
 4 a report on the acquisition of equipment by law enforcement agencies through surplus
 5 programs within the preceding calendar year to the Governor and, in accordance with §
 6 2-1257 of the State Government Article, the General Assembly.

7 **(c)** The Department of State Police shall include in a prominent location on its
 8 public website a link to the Defense Logistics Agency’s report listing excess Department of
 9 Defense property transfers to law enforcement agencies through the Law Enforcement
 10 Support Office.

11 **(D)** A LAW ENFORCEMENT AGENCY MAY NOT RECEIVE THE FOLLOWING
 12 EQUIPMENT FROM A SURPLUS PROGRAM:

13 **(1)** A WEAPONIZED;

14 **(I)** AIRCRAFT;

15 **(II)** DRONE; OR

16 **(III)** VEHICLE;

17 **(2)** A DESTRUCTIVE DEVICE;

18 **(3)** A FIREARM SILENCER; OR

19 **(4)** A GRENADE LAUNCHER.

20 **3-523.**

21 **(A)** **(1)** IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 22 INDICATED.

23 **(2)** “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §
 24 3-201 OF THIS TITLE.

25 **(3)** “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THIS
 26 TITLE.

27 **(B)** A LAW ENFORCEMENT AGENCY SHALL NOTIFY THE INDEPENDENT
 28 INVESTIGATIVE UNIT WITHIN THE OFFICE OF THE ATTORNEY GENERAL OF ANY

1 ~~ALLEGED OR POTENTIAL INCIDENT INVOLVING THE DEATH OF A PERSON CAUSED BY~~
 2 ~~A POLICE OFFICER POLICE-INVOLVED DEATH OF A CIVILIAN AS SOON AS THE LAW~~
 3 ~~ENFORCEMENT AGENCY BECOMES AWARE OF THE INCIDENT.~~

4 (C) A LAW ENFORCEMENT AGENCY SHALL COOPERATE WITH THE
 5 INDEPENDENT INVESTIGATIVE UNIT IN CONNECTION WITH THE INVESTIGATION OF
 6 AN A INCIDENT INVOLVING THE DEATH OF A PERSON CAUSED BY A POLICE OFFICER
 7 POLICE-INVOLVED DEATH OF A CIVILIAN.

8 Article – State Government

9 6-106.2.

10 (A) IN THIS SECTION, “POLICE OFFICER” HAS THE MEANING STATED IN §
 11 3-201 OF THE PUBLIC SAFETY ARTICLE.

12 ~~(B) THE ATTORNEY GENERAL SHALL INVESTIGATE ALL ALLEGED OR~~
 13 ~~POTENTIAL INCIDENTS INVOLVING THE DEATH OF A PERSON CAUSED BY A POLICE~~
 14 ~~OFFICER.~~

15 ~~(C) (1) WITHIN 15 DAYS AFTER COMPLETING AN INVESTIGATION~~
 16 ~~REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE ATTORNEY GENERAL~~
 17 ~~SHALL TRANSMIT A CONFIDENTIAL REPORT TO THE STATE’S ATTORNEY OF THE~~
 18 ~~COUNTY THAT HAS JURISDICTION TO PROSECUTE THE MATTER THAT:~~

19 ~~(I) CONTAINS DETAILED INVESTIGATIVE FINDINGS; AND~~

20 ~~(II) INDICATES THAT:~~

21 ~~1. THE ATTORNEY GENERAL FINDS THAT A CRIME HAS~~
 22 ~~OCCURRED AND THAT PROSECUTION OF THE MATTER IS RECOMMENDED;~~

23 ~~2. THE ATTORNEY GENERAL FINDS THAT A CRIME HAS~~
 24 ~~NOT OCCURRED; OR~~

25 ~~3. THE ATTORNEY GENERAL DOES NOT RECOMMEND~~
 26 ~~PROSECUTION.~~

27 (B) THERE IS AN INDEPENDENT INVESTIGATIVE UNIT WITHIN THE OFFICE
 28 OF THE ATTORNEY GENERAL.

1 WITH THE POLICY PUBLISHED BY THE MARYLAND POLICE TRAINING AND
 2 STANDARDS COMMISSION UNDER SUBSECTION (B) OF THIS SECTION FOR THE USE
 3 OF BODY-WORN CAMERAS.

4 (2) A POLICY DEVELOPED AND MAINTAINED UNDER PARAGRAPH (1)
 5 OF THIS SUBSECTION SHALL SPECIFY WHICH LAW ENFORCEMENT OFFICERS
 6 EMPLOYED BY THE LAW ENFORCEMENT AGENCY ARE REQUIRED TO USE
 7 BODY-WORN CAMERAS.

8 ~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

9 ~~(a) There is a Task Force on Statewide Body-Camera Implementation.~~

10 ~~(b) The Task Force consists of the following members:~~

11 ~~(1) one member of the Senate of Maryland, appointed by the President of~~
 12 ~~the Senate;~~

13 ~~(2) one member of the House of Delegates, appointed by the Speaker of the~~
 14 ~~House;~~

15 ~~(3) the Secretary of Information Technology, or the Secretary's designee;~~

16 ~~(4) the Secretary of Budget and Management, or the Secretary's designee;~~

17 ~~(5) the Secretary of General Services, or the Secretary's designee; and~~

18 ~~(6) the following members, appointed by the Governor:~~

19 ~~(i) one representative of the Maryland Municipal League;~~

20 ~~(ii) one representative of the Maryland Association of Counties;~~

21 ~~(iii) one representative of the Maryland Chiefs of Police Association;~~

22 ~~(iv) one representative of the Maryland Sheriffs' Association;~~

23 ~~(v) one representative of the Governor's Office of Homeland~~
 24 ~~Security; and~~

25 ~~(vi) one representative of the Governor's Office of Crime Prevention,~~
 26 ~~Youth, and Victim Services.~~

27 ~~(c) The Governor shall designate the chair of the Task Force.~~

1 ~~(d) The Governor's Office of Crime Prevention, Youth, and Victim Services shall~~
2 ~~provide staff for the Task Force.~~

3 ~~(e) A member of the Task Force:~~

4 ~~(1) may not receive compensation as a member of the Task Force; but~~

5 ~~(2) is entitled to reimbursement for expenses under the Standard State~~
6 ~~Travel Regulations, as provided in the State budget.~~

7 ~~(f) The Task Force shall:~~

8 ~~(1) study and make findings on the implementation and feasibility of~~
9 ~~requiring the use of body-worn cameras by law enforcement officers in counties and~~
10 ~~municipalities throughout the State, consistent with the requirements of Section 1 of this~~
11 ~~Act; and~~

12 ~~(2) make recommendations regarding requiring the use of body-worn~~
13 ~~cameras by counties and municipalities based on its findings.~~

14 ~~(g) On or before July 1, 2022, the Task Force shall report its findings and~~
15 ~~recommendations to the Governor and, in accordance with § 2-1257 of the State~~
16 ~~Government Article, the General Assembly.~~

17 ~~SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
18 ~~October June 1, 2021. Section 2 of this Act shall remain effective for a period of 1 year and~~
19 ~~6 months and, at the end of December 31, 2022, Section 2 of this Act, with no further action~~
20 ~~required by the General Assembly, shall be abrogated and of no further force and effect.~~

21 ~~***(E) A BODY-WORN CAMERA THAT POSSESSES THE REQUISITE***~~
22 ~~***TECHNOLOGICAL CAPABILITY SHALL AUTOMATICALLY RECORD AND SAVE AT LEAST***~~
23 ~~***60 SECONDS OF VIDEO FOOTAGE IMMEDIATELY PRIOR TO THE OFFICER ACTIVATING***~~
24 ~~***THE RECORD BUTTON ON THE DEVICE.***~~

25 ~~***(F) A LAW ENFORCEMENT AGENCY MAY NOT NEGATE OR ALTER ANY OF THE***~~
26 ~~***REQUIREMENTS OR POLICIES ESTABLISHED IN ACCORDANCE WITH THIS SECTION***~~
27 ~~***THROUGH COLLECTIVE BARGAINING.***~~

28 ~~3-516.~~

29 ~~*(a) Each law enforcement agency shall establish a confidential and nonpunitive*~~
30 ~~*early intervention [policy for counseling officers who receive three or more citizen complaints*~~
31 ~~*within a 12-month period] ***SYSTEM TO IDENTIFY POLICE OFFICERS WHO ARE AT RISK****~~
32 ~~***OF ENGAGING IN THE USE OF EXCESSIVE FORCE AND TO PROVIDE THE OFFICERS***~~
33 ~~***WITH TRAINING, BEHAVIORAL INTERVENTIONS, REASSIGNMENTS, OR OTHER***~~
34 ~~***APPROPRIATE RESPONSES TO REDUCE THE RISK OF THE USE OF EXCESSIVE FORCE.***~~

1 ~~(a) There is a Task Force on Independent Investigations Involving Deaths Caused~~
2 ~~by Law Enforcement Officers.~~

3 ~~(b) The Task Force consists of the following members:~~

4 ~~(1) one member of the Senate of Maryland, appointed by the President of~~
5 ~~the Senate;~~

6 ~~(2) one member of the House of Delegates, appointed by the Speaker of the~~
7 ~~House;~~

8 ~~(3) the Attorney General, or the Attorney General's designee;~~

9 ~~(4) the State Prosecutor, or the State Prosecutor's designee;~~

10 ~~(5) the President of the Maryland State's Attorneys' Association, or the~~
11 ~~President's designee; and~~

12 ~~(6) the Superintendent of State Police, or the Superintendent's designee.~~

13 ~~(c) The Task Force shall elect the chair of the Task Force.~~

14 ~~(d) The Governor's Office of Crime Prevention, Youth, and Victim Services shall~~
15 ~~provide staff for the Task Force.~~

16 ~~(e) A member of the Task Force:~~

17 ~~(1) may not receive compensation as a member of the Task Force; but~~

18 ~~(2) is entitled to reimbursement for expenses under the Standard State~~
19 ~~Travel Regulations, as provided in the State budget.~~

20 ~~(f) The Task Force shall:~~

21 ~~(1) develop a blueprint for the independent investigation of potential~~
22 ~~incidents involving the death of a person caused by a police officer; and~~

23 ~~(2) make recommendations regarding the establishment of an independent~~
24 ~~agency responsible for investigating incidents involving the death of a person caused by a~~
25 ~~police officer in the State.~~

26 ~~(g) On or before December 31, 2021, the Task Force shall report its findings and~~
27 ~~recommendations to the Governor and, in accordance with § 2-1257 of the State~~
28 ~~Government Article, the General Assembly.~~

29 ~~SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
30 ~~October June 1, 2021. Section 2 of this Act shall remain effective for a period of 1 year and~~

1 ~~1 month and, at the end of June 30, 2022, Section 2 of this Act, with no further action~~
2 ~~required by the General Assembly, shall be abrogated and of no further force and effect.~~

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.

SENATE BILL 178

P3, E4

(11r1057)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senator Carter**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~Public Information Act – Personnel Records – Investigations of Law~~

3 ~~Enforcement Officers~~

4 ~~(Anton’s Law)~~

5 Maryland Police Accountability Act of 2021 – Personnel Records –

6 Investigations of Law Enforcement Officers

7 (Anton’s Law)

8 *Search Warrants and Inspection of Records Relating to Police Misconduct*

9 *(Anton’s Law)*

10 FOR the purpose of ~~establishing that a certain record relating to an administrative or~~
11 ~~criminal investigation of misconduct by a law enforcement officer is not a personnel~~
12 ~~record for purposes of certain provisions of the Public Information Act; authorizing~~
13 ~~a custodian to deny inspection of records relating to an administrative or criminal~~
14 ~~investigation of misconduct by a law enforcement officer; *requiring that an*~~
15 ~~*application for a certain no-knock search warrant be approved in writing by a police*~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 supervisor and the State's Attorney; repealing a certain ground for issuance of a
 2 certain no-knock search warrant; requiring that an application for a certain
 3 no-knock search warrant contain certain items; requiring that a certain no-knock
 4 search warrant be executed between certain times under certain circumstances;
 5 altering the number of days within which a certain search and seizure shall be made;
 6 imposing certain restrictions on a police officer when executing a search warrant;
 7 requiring a certain custodian to allow inspection of certain records by the United
 8 States Attorney, the Attorney General, the State Prosecutor, and a certain State's
 9 Attorney; providing that a certain record is not a personnel record for a certain
 10 purpose, with a certain exception; authorizing a certain custodian to deny inspection
 11 of certain records; requiring a certain custodian to ~~deny inspection of~~ redact a certain
 12 record in a certain manner under certain circumstances; authorizing a custodian to
 13 redact a certain record in a certain manner under certain circumstances; requiring a
 14 custodian to notify a certain person in interest when a certain record is inspected;
 15 prohibiting a certain custodian from disclosing the identity of a certain requestor to
 16 a certain person in interest; requiring a law enforcement agency that maintains a
 17 SWAT team to report certain information to the Governor's Office of Crime
 18 Prevention, Youth, and Victim Services using a certain format; requiring the
 19 Maryland Police Training and Standards Commission, in consultation with the
 20 Office, to develop a standardized format that certain law enforcement agencies shall
 21 use in reporting certain data relating to the activation and deployment of certain
 22 SWAT teams to the Office; requiring a law enforcement agency to compile certain
 23 information as a report in a certain format and to submit the report to the Office not
 24 later than a certain date following the period that is the subject of the report; requiring
 25 the Office to analyze and summarize certain reports of law enforcement agencies and
 26 to submit a report of the analyses and summaries to the Governor, the General
 27 Assembly, and each law enforcement agency before a certain date each year and
 28 publish the report on its website; providing that, if a law enforcement agency fails to
 29 comply with certain reporting requirements, the Office shall report the noncompliance
 30 to the Commission; providing that the Commission shall contact a certain law
 31 enforcement agency and request that the agency comply with certain reporting
 32 requirements under certain circumstances; providing that, if a certain law
 33 enforcement agency fails to comply with certain reporting requirements within a
 34 certain period after being contacted by the Commission, the Office and the
 35 Commission jointly shall make a certain report to the Governor and the Legislative
 36 Policy Committee of the General Assembly; defining certain terms; providing for the
 37 application of this Act; and generally relating to ~~personnel records and the Public~~
 38 ~~Information Act~~ search warrants and inspection of records relating to police
 39 misconduct.

40 ~~BY renumbering~~

41 ~~Article — General Provisions~~

42 ~~Section 4 — 101(e) through (j), respectively~~

43 ~~to be Section 4 — 101(f) through (k), respectively~~

44 ~~Annotated Code of Maryland~~

45 ~~(2019 Replacement Volume and 2020 Supplement)~~

1 ~~BY repealing and reenacting, without amendments,~~
2 ~~Article – General Provisions~~
3 ~~Section 4–101(a)~~
4 ~~Annotated Code of Maryland~~
5 ~~(2019 Replacement Volume and 2020 Supplement)~~

6 ~~BY adding to~~
7 ~~Article – General Provisions~~
8 ~~Section 4–101(c) and (d)~~
9 ~~Annotated Code of Maryland~~
10 ~~(2019 Replacement Volume and 2020 Supplement)~~

11 ~~BY repealing and reenacting, with amendments,~~
12 ~~Article – General Provisions~~
13 ~~Section 4–311 and 4–351~~
14 ~~Annotated Code of Maryland~~
15 ~~(2019 Replacement Volume and 2020 Supplement)~~

16 BY repealing and reenacting, with amendments,
17 Article – Criminal Procedure
18 Section 1–203(a)
19 Annotated Code of Maryland
20 (2018 Replacement Volume and 2020 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – General Provisions
23 Section 4–101(a) and (c)
24 Annotated Code of Maryland
25 (2019 Replacement Volume and 2020 Supplement)

26 BY adding to
27 Article – General Provisions
28 Section 4–101(i) and (l)
29 Annotated Code of Maryland
30 (2019 Replacement Volume and 2020 Supplement)

31 BY repealing and reenacting, with amendments,
32 Article – General Provisions
33 Section 4–101(i) and (j), 4–311, and 4–351
34 Annotated Code of Maryland
35 (2019 Replacement Volume and 2020 Supplement)

36 BY adding to
37 Article – Public Safety
38 Section 3–523
39 Annotated Code of Maryland
40 (2018 Replacement Volume and 2020 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 2 ~~That Section(s) 4-101(e) through (j), respectively, of Article – General Provisions of the~~
 3 ~~Annotated Code of Maryland be renumbered to be Section(s) 4-101(f) through (k),~~
 4 ~~respectively.~~

5 ~~SECTION 2. AND BE IT FURTHER ENACTED,~~ That the Laws of Maryland read
 6 as follows:

7 *Article – Criminal Procedure*

8 *1-203.*

9 (a) (1) *IN THIS SUBSECTION, “NO-KNOCK SEARCH WARRANT” MEANS A*
 10 *SEARCH WARRANT THAT AUTHORIZES THE EXECUTING LAW ENFORCEMENT OFFICER*
 11 *TO ENTER A BUILDING, APARTMENT, PREMISES, PLACE, OR THING TO BE SEARCHED*
 12 *WITHOUT GIVING NOTICE OF THE OFFICER’S AUTHORITY OR PURPOSE.*

13 (2) *A circuit court judge or District Court judge may issue forthwith a search*
 14 *warrant whenever it is made to appear to the judge, by application as described in*
 15 *paragraph [(2)] (3) of this subsection, that there is probable cause to believe that:*

16 (i) *a misdemeanor or felony is being committed by a person or in a*
 17 *building, apartment, premises, place, or thing within the territorial jurisdiction of the judge;*
 18 *or*

19 (ii) *property subject to seizure under the criminal laws of the State is*
 20 *on the person or in or on the building, apartment, premises, place, or thing.*

21 [(2)] (3) (i) *An application for a search warrant shall be:*

22 1. *in writing;*

23 2. *signed, dated, and sworn to by the applicant; and*

24 3. *accompanied by an affidavit that:*

25 A. *sets forth the basis for probable cause as described in*
 26 *paragraph (1) of this subsection; and*

27 B. *contains facts within the personal knowledge of the affiant*
 28 *that there is probable cause.*

29 (ii) *An application for a search warrant may be submitted to a judge:*

1 1. by in-person delivery of the application, the affidavit, and
2 a proposed search warrant;

3 2. by secure fax, if a complete and printable image of the
4 application, the affidavit, and a proposed search warrant are submitted; or

5 3. by secure electronic mail, if a complete and printable image
6 of the application, the affidavit, and a proposed search warrant are submitted.

7 (iii) The applicant and the judge may converse about the search
8 warrant application:

9 1. in person;

10 2. via telephone; or

11 3. via video.

12 (iv) The judge may issue the search warrant:

13 1. by signing the search warrant, indicating the date and time
14 of issuance on the search warrant, and physically delivering the signed and dated search
15 warrant, the application, and the affidavit to the applicant;

16 2. by signing the search warrant, writing the date and time of
17 issuance on the search warrant, and sending complete and printable images of the signed
18 and dated search warrant, the application, and the affidavit to the applicant by secure fax;
19 or

20 3. by signing the search warrant, either electronically or in
21 writing, indicating the date and time of issuance on the search warrant, and sending
22 complete and printable images of the signed and dated search warrant, the application, and
23 the affidavit to the applicant by secure electronic mail.

24 (v) The judge shall file a copy of the signed and dated search
25 warrant, the application, and the affidavit with the court.

26 (vi) 1. [An] IF APPROVED IN WRITING BY A POLICE
27 SUPERVISOR AND THE STATE'S ATTORNEY, AN application for a search warrant may
28 contain a request that the search warrant [authorize the executing law enforcement officer
29 to enter the building, apartment, premises, place, or thing to be searched without giving
30 notice of the officer's authority or purpose] BE A NO-KNOCK SEARCH WARRANT, on the
31 [grounds] GROUND that there is reasonable suspicion to believe that, without the
32 authorization[:]

1 1. the property subject to seizure may be destroyed, disposed
 2 of, or secreted; or

3 2.] the life or safety of the executing officer or another person
 4 may be endangered.

5 **2. AN APPLICATION FOR A NO-KNOCK SEARCH WARRANT**
 6 **UNDER THIS SUBPARAGRAPH SHALL CONTAIN:**

7 **A. A DESCRIPTION OF THE EVIDENCE IN SUPPORT OF**
 8 **THE APPLICATION;**

9 **B. AN EXPLANATION OF THE INVESTIGATIVE ACTIVITIES**
 10 **THAT HAVE BEEN UNDERTAKEN AND THE INFORMATION THAT HAS BEEN GATHERED**
 11 **TO SUPPORT THE REQUEST FOR A NO-KNOCK SEARCH WARRANT;**

12 **C. AN EXPLANATION OF WHY THE AFFIANT IS UNABLE TO**
 13 **DETAIN THE SUSPECT OR SEARCH THE PREMISES USING OTHER, LESS INVASIVE**
 14 **METHODS;**

15 **D. ACKNOWLEDGMENT THAT ANY POLICE OFFICERS WHO**
 16 **WILL EXECUTE THE SEARCH WARRANT HAVE SUCCESSFULLY COMPLETED THE SAME**
 17 **TRAINING IN BREACH AND CALL-OUT ENTRY PROCEDURES AS SWAT TEAM**
 18 **MEMBERS;**

19 **E. A STATEMENT AS TO WHETHER THE SEARCH WARRANT**
 20 **CAN EFFECTIVELY BE EXECUTED DURING DAYLIGHT HOURS AND, IF NOT, WHAT**
 21 **FACTS OR CIRCUMSTANCES PRECLUDE EFFECTIVE EXECUTION IN DAYLIGHT HOURS;**
 22 **AND**

23 **F. A LIST OF ANY ADDITIONAL OCCUPANTS OF THE**
 24 **PREMISES BY AGE AND GENDER, AS WELL AS AN INDICATION AS TO WHETHER ANY**
 25 **INDIVIDUALS WITH COGNITIVE OR PHYSICAL DISABILITIES OR PETS RESIDE AT THE**
 26 **PREMISES, IF KNOWN.**

27 **3. A NO-KNOCK SEARCH WARRANT SHALL BE EXECUTED**
 28 **BETWEEN 8:00 A.M. AND 7:00 P.M., ABSENT EXIGENT CIRCUMSTANCES.**

29 ~~[(3)]~~ (4) The search warrant shall:

30 (i) be directed to a duly constituted police officer, the State Fire
 31 Marshal, or a full-time investigative and inspection assistant of the Office of the State Fire
 32 Marshal and authorize the police officer, the State Fire Marshal, or a full-time investigative
 33 and inspection assistant of the Office of the State Fire Marshal to search the suspected

1 person, building, apartment, premises, place, or thing and to seize any property found
2 subject to seizure under the criminal laws of the State;

3 (ii) name or describe, with reasonable particularity:

4 1. the person, building, apartment, premises, place, or thing
5 to be searched;

6 2. the grounds for the search; and

7 3. the name of the applicant on whose application the search
8 warrant was issued; and

9 (iii) if warranted by application as described in paragraph [(2)] (3)
10 of this subsection, authorize the executing law enforcement officer to enter the building,
11 apartment, premises, place, or thing to be searched without giving notice of the officer's
12 authority or purpose.

13 ~~[(4)] (5)~~ (i) The search and seizure under the authority of a search
14 warrant shall be made within [15] 10 calendar days after the day that the search warrant
15 is issued.

16 (ii) After the expiration of the [15-day] 10-DAY period, the search
17 warrant is void.

18 ~~[(5)] (6)~~ The executing law enforcement officer shall give a copy of the
19 search warrant, the application, and the affidavit to an authorized occupant of the premises
20 searched or leave a copy of the search warrant, the application, and the affidavit at the
21 premises searched.

22 ~~[(6)] (7)~~ (i) The executing law enforcement officer shall prepare a
23 detailed search warrant return which shall include the date and time of the execution of the
24 search warrant.

25 (ii) The executing law enforcement officer shall:

26 1. give a copy of the search warrant return to an authorized
27 occupant of the premises searched or leave a copy of the return at the premises searched; and

28 2. file a copy of the search warrant return with the court in
29 person, by secure fax, or by secure electronic mail.

30 (8) (I) IN THIS PARAGRAPH, "EXIGENT CIRCUMSTANCES" RETAINS
31 ITS JUDICIALLY DETERMINED MEANING.

1 (II) WHILE EXECUTING A SEARCH WARRANT, A POLICE OFFICER
 2 SHALL BE CLEARLY RECOGNIZABLE AND IDENTIFIABLE AS A POLICE OFFICER,
 3 WEARING A UNIFORM, BADGE, AND TAG BEARING THE NAME AND IDENTIFICATION
 4 NUMBER OF THE POLICE OFFICER.

5 (III) 1. THIS SUBPARAGRAPH APPLIES TO A POLICE OFFICER
 6 WHOSE LAW ENFORCEMENT AGENCY REQUIRES THE USE OF BODY-WORN CAMERAS.

7 2. A POLICE OFFICER EXECUTING A SEARCH WARRANT
 8 SHALL USE A BODY-WORN CAMERA DURING THE COURSE OF THE SEARCH IN
 9 ACCORDANCE WITH THE POLICIES ESTABLISHED BY THE POLICE OFFICER'S LAW
 10 ENFORCEMENT AGENCY.

11 (IV) UNLESS EXECUTING A NO-KNOCK SEARCH WARRANT, A
 12 POLICE OFFICER SHALL ALLOW A MINIMUM OF 20 SECONDS FOR THE OCCUPANTS OF
 13 A RESIDENCE TO RESPOND AND OPEN THE DOOR BEFORE THE POLICE OFFICER
 14 ATTEMPTS TO ENTER THE RESIDENCE, ABSENT EXIGENT CIRCUMSTANCES.

15 (V) A POLICE OFFICER MAY NOT USE FLASHBANG, STUN,
 16 DISTRACTION, OR OTHER SIMILAR MILITARY-STYLE DEVICES WHEN EXECUTING A
 17 SEARCH WARRANT, ABSENT EXIGENT CIRCUMSTANCES.

18 Article – General Provisions

19 ~~4-101.~~

20 ~~(a) In this title the following words have the meanings indicated.~~

21 ~~(E) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN § 3-101~~
 22 ~~OF THE PUBLIC SAFETY ARTICLE.~~

23 ~~(L) "TECHNICAL INFRACTION" MEANS A MINOR RULE VIOLATION BY AN~~
 24 ~~INDIVIDUAL SOLELY RELATED TO THE ENFORCEMENT OF ADMINISTRATIVE RULES~~
 25 ~~THAT:~~

26 ~~(1) DOES NOT INVOLVE AN INTERACTION BETWEEN A MEMBER OF~~
 27 ~~THE PUBLIC AND THE INDIVIDUAL;~~

28 ~~(2) DOES NOT RELATE TO THE INDIVIDUAL'S INVESTIGATIVE,~~
 29 ~~ENFORCEMENT, TRAINING, SUPERVISION, OR REPORTING RESPONSIBILITIES; AND~~

30 ~~(3) IS NOT OTHERWISE A MATTER OF PUBLIC CONCERN.~~

31 ~~4-311.~~

1 ~~(a) Subject to subsection (b) of this section, a custodian shall deny inspection of a~~
 2 ~~personnel record of an individual, including an application, a performance rating, or~~
 3 ~~scholastic achievement information.~~

4 ~~(b) A custodian shall allow inspection by:~~

5 ~~(1) the person in interest;~~

6 ~~(2) an elected or appointed official who supervises the work of the~~
 7 ~~individual; or~~

8 ~~(3) an employee organization described in Title 6 of the Education Article~~
 9 ~~of the portion of the personnel record that contains the individual's:~~

10 ~~(i) home address;~~

11 ~~(ii) home telephone number; and~~

12 ~~(iii) personal cell phone number.~~

13 ~~(c) (1) A EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~
 14 ~~A RECORD RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF~~
 15 ~~MISCONDUCT BY A LAW ENFORCEMENT OFFICER, INCLUDING AN INTERNAL AFFAIRS~~
 16 ~~INVESTIGATORY RECORD, A HEARING RECORD, AND RECORDS RELATING TO A~~
 17 ~~DISCIPLINARY DECISION, IS NOT A PERSONNEL RECORD FOR PURPOSES OF THIS~~
 18 ~~SECTION.~~

19 ~~(2) A RECORD OF A TECHNICAL INFRACTION IS A PERSONNEL~~
 20 ~~RECORD FOR THE PURPOSES OF THIS SECTION.~~

21 ~~4-351.~~

22 ~~(a) Subject to subsection (b) of this section, a custodian may deny inspection of:~~

23 ~~(1) records of investigations conducted by the Attorney General, a State's~~
 24 ~~Attorney, a municipal or county attorney, a police department, or a sheriff;~~

25 ~~(2) an investigatory file compiled for any other law enforcement, judicial,~~
 26 ~~correctional, or prosecution purpose; ~~or~~~~

27 ~~(3) records that contain intelligence information or security procedures of~~
 28 ~~the Attorney General, a State's Attorney, a municipal or county attorney, a police~~
 29 ~~department, a State or local correctional facility, or a sheriff; **OR**~~

~~(4) RECORDS, OTHER THAN A RECORD OF A TECHNICAL INFRACTION, RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF MISCONDUCT BY A LAW ENFORCEMENT OFFICER, INCLUDING AN INTERNAL AFFAIRS INVESTIGATORY RECORD, A HEARING RECORD, AND RECORDS RELATING TO A DISCIPLINARY DECISION.~~

~~(b) A custodian may deny inspection by a person in interest only to the extent that the inspection would:~~

~~(1) interfere with a valid and proper law enforcement proceeding;~~

~~(2) deprive another person of a right to a fair trial or an impartial adjudication;~~

~~(3) constitute an unwarranted invasion of personal privacy;~~

~~(4) disclose the identity of a confidential source;~~

~~(5) disclose an investigative technique or procedure;~~

~~(6) prejudice an investigation; or~~

~~(7) endanger the life or physical safety of an individual.~~

4-101.

(a) In this title the following words have the meanings indicated.

(c) "Board" means the State Public Information Act Compliance Board.

(I) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THE PUBLIC SAFETY ARTICLE.

[(i)] (J) "Political subdivision" means:

(1) a county;

(2) a municipal corporation;

(3) an unincorporated town;

(4) a school district; or

(5) a special district.

1 **(j)(K)** (1) “Public record” means the original or any copy of any
2 documentary material that:

3 (i) is made by a unit or an instrumentality of the State or of a
4 political subdivision or received by the unit or instrumentality in connection with the
5 transaction of public business; and

6 (ii) is in any form, including:

7 1. a card;

8 2. a computerized record;

9 3. correspondence;

10 4. a drawing;

11 5. film or microfilm;

12 6. a form;

13 7. a map;

14 8. a photograph or photostat;

15 9. a recording; or

16 10. a tape.

17 (2) “Public record” includes a document that lists the salary of an employee
18 of a unit or an instrumentality of the State or of a political subdivision.

19 (3) “Public record” does not include a digital photographic image or
20 signature of an individual, or the actual stored data of the image or signature, recorded by
21 the Motor Vehicle Administration.

22 **(L) “TECHNICAL INFRACTION” MEANS A MINOR RULE VIOLATION BY AN**
23 **INDIVIDUAL SOLELY RELATED TO THE ENFORCEMENT OF ADMINISTRATIVE RULES**
24 **THAT:**

25 **(1) DOES NOT INVOLVE AN INTERACTION BETWEEN A MEMBER OF THE**
26 **PUBLIC AND THE INDIVIDUAL;**

27 **(2) DOES NOT RELATE TO THE INDIVIDUAL’S INVESTIGATIVE,**
28 **ENFORCEMENT, TRAINING, SUPERVISION, OR REPORTING RESPONSIBILITIES; AND**

1 **(3) IS NOT OTHERWISE A MATTER OF PUBLIC CONCERN.**

2 4-311.

3 (a) Subject to subsection (b) of this section, a custodian shall deny inspection of a
4 personnel record of an individual, including an application, a performance rating, or
5 scholastic achievement information.

6 (b) A custodian shall allow inspection by:

7 (1) the person in interest;

8 (2) an elected or appointed official who supervises the work of the
9 individual; or

10 (3) an employee organization described in Title 6 of the Education Article of
11 the portion of the personnel record that contains the individual's:

12 (i) home address;

13 (ii) home telephone number; and

14 (iii) personal cell phone number.

15 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
16 **RECORD RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF**
17 **MISCONDUCT BY A POLICE OFFICER, INCLUDING AN INTERNAL AFFAIRS**
18 **INVESTIGATORY RECORD, A HEARING RECORD, AND RECORDS RELATING TO A**
19 **DISCIPLINARY DECISION, IS NOT A PERSONNEL RECORD FOR PURPOSES OF THIS**
20 **SECTION.**

21 **(2) A RECORD OF A TECHNICAL INFRACTION IS A PERSONNEL RECORD**
22 **FOR THE PURPOSES OF THIS SECTION.**

23 4-351.

24 (a) Subject to [subsection (b)] SUBSECTIONS (B), (C), AND (D) of this section, a
25 custodian may deny inspection of:

26 (1) records of investigations conducted by the Attorney General, a State's
27 Attorney, a municipal or county attorney, a police department, or a sheriff;

28 (2) an investigatory file compiled for any other law enforcement, judicial,
29 correctional, or prosecution purpose; [or]

1 (3) records that contain intelligence information or security procedures of
 2 the Attorney General, a State's Attorney, a municipal or county attorney, a police
 3 department, a State or local correctional facility, or a sheriff; OR

4 (4) **RECORDS, OTHER THAN A RECORD OF A TECHNICAL INFRACTION,**
 5 **RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF MISCONDUCT**
 6 **BY A POLICE OFFICER, INCLUDING AN INTERNAL AFFAIRS INVESTIGATORY RECORD,**
 7 **A HEARING RECORD, AND RECORDS RELATING TO A DISCIPLINARY DECISION.**

8 (b) A custodian may deny inspection by a person in interest only to the extent that
 9 the inspection would:

10 (1) interfere with a valid and proper law enforcement proceeding;

11 (2) deprive another person of a right to a fair trial or an impartial
 12 adjudication;

13 (3) constitute an unwarranted invasion of personal privacy;

14 (4) disclose the identity of a confidential source;

15 (5) disclose an investigative technique or procedure;

16 (6) prejudice an investigation; or

17 (7) endanger the life or physical safety of an individual.

18 (C) **A CUSTODIAN SHALL ALLOW INSPECTION OF A RECORD DESCRIBED IN**
 19 **SUBSECTION (A)(4) OF THIS SECTION BY:**

20 (1) **THE UNITED STATES ATTORNEY;**

21 (2) **THE ATTORNEY GENERAL;**

22 (3) **THE STATE PROSECUTOR; OR**

23 (4) **THE STATE'S ATTORNEY FOR THE JURISDICTION RELEVANT TO**
 24 **THE RECORD.**

25 ~~(D) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A~~
 26 ~~CUSTODIAN SHALL DENY INSPECTION OF A RECORD DESCRIBED IN SUBSECTION~~
 27 ~~(A)(4) OF THIS SECTION;~~

28 ~~(1) IF THE RECORD RELATES TO AN ACTIVE INVESTIGATION; OR~~

1 ~~(2) TO THE EXTENT THAT THE RECORD REFLECTS:~~

2 ~~(I) MEDICAL INFORMATION;~~

3 ~~(II) PERSONAL CONTACT INFORMATION OF THE PERSON IN~~
4 ~~INTEREST;~~

5 ~~(III) INFORMATION RELATING TO THE FAMILY OF THE PERSON IN~~
6 ~~INTEREST; OR~~

7 ~~(IV) WITNESS INFORMATION.~~

8 (D) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
9 CUSTODIAN:

10 (1) SHALL REDACT THE PORTIONS OF A RECORD DESCRIBED IN
11 SUBSECTION (A)(4) OF THIS SECTION TO THE EXTENT THAT THE RECORD REFLECTS:

12 (I) MEDICAL INFORMATION OF THE PERSON IN INTEREST;

13 (II) PERSONAL CONTACT INFORMATION OF THE PERSON IN
14 INTEREST OR A WITNESS; OR

15 (III) INFORMATION RELATING TO THE FAMILY OF THE PERSON IN
16 INTEREST; AND

17 (2) MAY REDACT THE PORTION OF A RECORD DESCRIBED IN
18 SUBSECTION (A)(4) OF THIS SECTION TO THE EXTENT THAT THE RECORD REFLECTS
19 WITNESS INFORMATION OTHER THAN PERSONAL CONTACT INFORMATION.

20 (E) A CUSTODIAN SHALL NOTIFY THE PERSON IN INTEREST OF A RECORD
21 DESCRIBED IN SUBSECTION (A)(4) OF THIS SECTION WHEN THE RECORD IS
22 INSPECTED, BUT MAY NOT DISCLOSE THE IDENTITY OF THE REQUESTOR TO THE
23 PERSON IN INTEREST.

24 Article – Public Safety

25 3-523.

26 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
27 INDICATED.

28 (2) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §
29 3-201 OF THIS TITLE.

1 (3) “NO-KNOCK SEARCH WARRANT” MEANS A SEARCH WARRANT
2 AUTHORIZING ENTRY INTO A BUILDING, AN APARTMENT, A PREMISES, A PLACE, OR A
3 THING TO BE SEARCHED WITHOUT GIVING NOTICE OF THE OFFICER’S AUTHORITY OR
4 PURPOSE.

5 (4) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THIS
6 TITLE.

7 (5) “SWAT TEAM” MEANS A SPECIAL UNIT COMPOSED OF TWO OR
8 MORE POLICE OFFICERS WITHIN A LAW ENFORCEMENT AGENCY TRAINED TO DEAL
9 WITH UNUSUALLY DANGEROUS OR VIOLENT SITUATIONS AND HAVING SPECIAL
10 EQUIPMENT AND WEAPONS, INCLUDING RIFLES MORE POWERFUL THAN THOSE
11 CARRIED BY REGULAR POLICE OFFICERS.

12 (B) A LAW ENFORCEMENT AGENCY SHALL REPORT THE FOLLOWING
13 INFORMATION RELATING TO SEARCH WARRANTS EXECUTED BY THE LAW
14 ENFORCEMENT AGENCY DURING THE PRIOR CALENDAR YEAR TO THE GOVERNOR’S
15 OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES USING THE FORMAT
16 DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION:

17 (1) THE NUMBER OF TIMES A NO-KNOCK SEARCH WARRANT WAS
18 EXECUTED IN THE PREVIOUS YEAR;

19 (2) THE NAME OF THE COUNTY AND MUNICIPAL CORPORATION AND
20 THE ZIP CODE OF THE LOCATION WHERE EACH NO-KNOCK SEARCH WARRANT WAS
21 EXECUTED;

22 (3) FOR EACH SEARCH WARRANT EXECUTED, THE NUMBER OF DAYS
23 FROM THE ISSUANCE UNTIL THE EXECUTION OF THE SEARCH WARRANT,
24 DISAGGREGATED BY WHETHER THE SEARCH WARRANT WAS A NO-KNOCK SEARCH
25 WARRANT;

26 (4) THE LEGAL BASIS FOR EACH NO-KNOCK SEARCH WARRANT
27 ISSUED;

28 (5) THE NUMBER OF TIMES A SEARCH WARRANT WAS EXECUTED
29 UNDER CIRCUMSTANCES IN WHICH A POLICE OFFICER MADE FORCIBLE ENTRY INTO
30 THE BUILDING, APARTMENT, PREMISES, PLACE, OR THING TO BE SEARCHED
31 SPECIFIED IN THE WARRANT;

32 (6) THE NUMBER OF TIMES A SWAT TEAM WAS DEPLOYED TO
33 EXECUTE A SEARCH WARRANT;

1 **(7) THE NUMBER OF ARRESTS MADE, IF ANY, DURING THE EXECUTION**
2 **OF A SEARCH WARRANT;**

3 **(8) THE NUMBER OF TIMES PROPERTY WAS SEIZED DURING THE**
4 **EXECUTION OF A SEARCH WARRANT;**

5 **(9) THE NUMBER OF TIMES A WEAPON WAS DISCHARGED BY A POLICE**
6 **OFFICER DURING THE EXECUTION OF A SEARCH WARRANT; AND**

7 **(10) THE NUMBER OF TIMES A PERSON OR DOMESTIC ANIMAL WAS**
8 **INJURED OR KILLED DURING THE EXECUTION OF A SEARCH WARRANT,**
9 **DISAGGREGATED BY WHETHER THE PERSON OR ANIMAL WAS INJURED OR KILLED BY**
10 **A POLICE OFFICER.**

11 **(C) THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION, IN**
12 **CONSULTATION WITH THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH,**
13 **AND VICTIM SERVICES, SHALL DEVELOP A STANDARDIZED FORMAT FOR EACH LAW**
14 **ENFORCEMENT AGENCY TO USE IN REPORTING DATA TO THE GOVERNOR'S OFFICE**
15 **OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES UNDER SUBSECTION (B) OF**
16 **THIS SECTION.**

17 **(D) A LAW ENFORCEMENT AGENCY SHALL:**

18 **(1) COMPILE THE DATA DESCRIBED IN SUBSECTION (B) OF THIS**
19 **SECTION FOR EACH 1-YEAR PERIOD AS A REPORT IN THE FORMAT REQUIRED UNDER**
20 **SUBSECTION (C) OF THIS SECTION; AND**

21 **(2) NOT LATER THAN JANUARY 15 EACH YEAR, SUBMIT THE REPORT**
22 **TO:**

23 **(I) THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH,**
24 **AND VICTIM SERVICES; AND**

25 **(II) 1. THE LOCAL GOVERNING BODY OF THE JURISDICTION**
26 **SERVED BY THE LAW ENFORCEMENT AGENCY THAT IS THE SUBJECT OF THE REPORT;**
27 **OR**

28 **2. IF THE JURISDICTION SERVED BY THE LAW**
29 **ENFORCEMENT AGENCY IS A MUNICIPAL CORPORATION, THE CHIEF EXECUTIVE**
30 **OFFICER OF THE JURISDICTION.**

31 **(E) (1) THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND**
32 **VICTIM SERVICES SHALL ANALYZE AND SUMMARIZE THE REPORTS OF LAW**
33 **ENFORCEMENT AGENCIES SUBMITTED UNDER SUBSECTION (D) OF THIS SECTION.**

1 **(2) BEFORE SEPTEMBER 1 EACH YEAR, THE GOVERNOR'S OFFICE OF**
2 **CRIME PREVENTION, YOUTH, AND VICTIM SERVICES SHALL:**

3 **(I) SUBMIT A REPORT OF THE ANALYSES AND SUMMARIES OF**
4 **THE REPORTS OF LAW ENFORCEMENT AGENCIES DESCRIBED IN PARAGRAPH (1) OF**
5 **THIS SUBSECTION TO THE GOVERNOR, EACH LAW ENFORCEMENT AGENCY, AND, IN**
6 **ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL**
7 **ASSEMBLY; AND**

8 **(II) PUBLISH THE REPORT ON ITS WEBSITE.**

9 **(F) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE**
10 **REPORTING PROVISIONS OF THIS SECTION, THE GOVERNOR'S OFFICE OF CRIME**
11 **PREVENTION, YOUTH, AND VICTIM SERVICES SHALL REPORT THE NONCOMPLIANCE**
12 **TO THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.**

13 **(2) ON RECEIPT OF A REPORT OF NONCOMPLIANCE, THE MARYLAND**
14 **POLICE TRAINING AND STANDARDS COMMISSION SHALL CONTACT THE LAW**
15 **ENFORCEMENT AGENCY AND REQUEST THAT THE AGENCY COMPLY WITH THE**
16 **REQUIRED REPORTING PROVISIONS.**

17 **(3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE**
18 **REQUIRED REPORTING PROVISIONS OF THIS SECTION WITHIN 30 DAYS AFTER BEING**
19 **CONTACTED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION**
20 **WITH A REQUEST TO COMPLY, THE GOVERNOR'S OFFICE OF CRIME PREVENTION,**
21 **YOUTH, AND VICTIM SERVICES AND THE MARYLAND POLICE TRAINING AND**
22 **STANDARDS COMMISSION JOINTLY SHALL REPORT THE NONCOMPLIANCE TO THE**
23 **GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL**
24 **ASSEMBLY.**

25 SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall be construed
26 to apply prospectively to any Public Information Act request made on or after the effective
27 date of this Act regardless of when the record requested to be produced was created.

28 SECTION ~~4~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2021.



AN ACT ESTABLISHING STANDARDS AND LIMITS FOR LOCAL LAW ENFORCEMENT ACQUISITION AND USE OF CERTAIN EQUIPMENT; AND REQUIRING A LOCAL LAW ENFORCEMENT AGENCY TO PROVIDE PUBLIC NOTIFICATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Limitations on excess property provided to local law enforcement -- definitions. (1) A law enforcement agency may not receive the following property from a military equipment surplus program operated by the federal government:

- (a) drones that are armored, weaponized, or both;
- (b) aircraft that are combat configured or combat coded;
- (c) grenades or similar explosives and grenade launchers;
- (d) silencers; or
- (e) militarized armored vehicles.

(2) If a law enforcement agency purchases property from a military equipment surplus program operated by the federal government, the law enforcement agency may only use state or local funds for the purchase. Funds obtained from the federal government may not be used to purchase property from a military equipment surplus program.

(3) For purposes of this section, "law enforcement agency" means a law enforcement service provided by a local government as authorized in Title 7, chapter 32.

Section 2. Public notification. If a law enforcement agency requests property from a military equipment surplus program, the law enforcement agency shall publish a notice of the request on a publicly accessible website within 14 days after the request.

Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part

of Title 7, chapter 32, and the provisions of Title 7, chapter 32, apply to [sections 1 and 2].

- END -

I hereby certify that the within bill,
HB 0330, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2015.

President of the Senate

Signed this _____ day
of _____, 2015.

HOUSE BILL NO. 330

INTRODUCED BY N. SCHWADERER

AN ACT ESTABLISHING STANDARDS AND LIMITS FOR LOCAL LAW ENFORCEMENT ACQUISITION AND USE OF CERTAIN EQUIPMENT; AND REQUIRING A LOCAL LAW ENFORCEMENT AGENCY TO PROVIDE PUBLIC NOTIFICATION.

CITY OF SOMERVILLE
ORDINANCE NUMBER 2019-16
IN CITY COUNCIL: June 27, 2019

BAN ON FACIAL RECOGNITION TECHNOLOGY

Be it ordained by the City Council, in session assembled, that Chapter 9 of the Code of Ordinances of the City of Somerville, is hereby amended by adding to the existing Article III a new Section 9-25 as follows.

Section 9-25. Banning the usage of facial recognition surveillance technology.

(a) Definitions.

- (1) *Face surveillance* shall mean an automated or semi-automated process that assists in identifying or verifying an individual, based on the physical characteristics of an individual's face.
- (2) *Face surveillance system* shall mean any computer software or application that performs face surveillance.
- (3) *Somerville* shall mean any department, agency, bureau, and/or subordinate division of the City of Somerville.
- (4) *Somerville official* shall mean any person or entity acting on behalf of the City of Somerville, including any officer, employee, agent, contractor, subcontractor, or vendor.

(b) Ban on Government Use of Face Surveillance.

It shall be unlawful for Somerville or any Somerville official to obtain, retain, access, or use:

- (1) Any face surveillance system; or
- (2) Any information obtained from a face surveillance system.

(c) Enforcement.

- (1) *Suppression*: No data collected or derived from any use of face surveillance in violation of this ordinance and no evidence derived therefrom may be received in evidence in any proceeding in or before any department, officer, agency, regulatory body, legislative committee, or other authority subject to the jurisdiction of the City of Somerville.
- (2) *Cause of Action*: Any violation of this Ordinance constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce this Ordinance. An action instituted under this paragraph shall be brought against the City and, if necessary to effectuate compliance with this Ordinance, any other governmental agency with possession, custody, or control of data subject to this Ordinance.
- (3) The City will address alleged violations of this ordinance in accordance with its usual practices, applicable law and contractual obligations.

- (4) Nothing in this section shall be construed to limit any individual's rights under State or Federal law.

Approved:

President, City Council

Support the work of the National Urban League as we continue to advance policies and programs to empower African American and other urban communities.

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**National
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